

MINUTES
South Carolina Board of Registration for Professional Engineers and Surveyors
9:30 a.m., January 7, 2020
Synergy Business Park, Kingstree Building
110 Centerview Drive, Conference Room 108
Columbia, SC

Call to Order

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

Statement of Public Notice

Chairperson Peeples 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 Dr. Johnston Peeples, Ph.D., PE, Chairperson; Jimmy Chao, PE, Vice-Chairperson; Henry Dingle, Jr., PLS, Secretary; Gene L. Dinkins, PE, PLS; Dr. Dennis J. Fallon, Ph.D., PE; Timothy Rickborn, PE; D. Mack Kelly, Jr., PE, PLS; and Baker Cleveland.

Staff members present included: Lenora Addison-Miles, Administrator; Janene Grantham, Program Assistant; Stacey Hewson, Esq., Advice Counsel; Donnell Jennings, Esq., Office of Disciplinary Counsel and Rodney Pigford, Office of Investigations and Enforcement.

Others present included: Adam Jones, Allison King, Brian Bonds, George Greene, Donald Nothdurft, Sam Phillips, and Sean Cary (Creel Court Reporting).

Approval of Meeting Minutes

The board reviewed the minutes from the November 12, 2019 meeting.

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

Review and Approval of Agenda

Mr. Jennings noted agenda item 10b., Mount Valley Foundation Services Inc., disciplinary hearing would be continued until the March meeting.

MOTION: To approve agenda as amended. Fallon/Rickborn/approved.

Reports

- a. Mr. Pigford presented the OIE report. From January 1, 2019 through December 31, 2019, 22 cases are active investigations, 109 cases have been closed, and a total of 207 complaints received. The average age of investigations is 140 business days.
- b. Mr. Pigford presented the IRC report. The committee met on December 16, 2019 with the following recommendations: Dismiss cases 2019-27, 2019-34, 2019-38, 2019-39, 2019-45

and 2019-100; Formal Complaints for cases 2019-42, 2019-73, 2019-74; Letter of Caution for case 2019-30; Reconsideration to Dismiss case 2018-9.

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

- c. Mr. Jennings presented the ODC report. Since the November 12, 2019 meeting there are currently 27 open cases, and 7 cases have been closed. The oldest case, 2017-85, is still pending further information.
- d. Mrs. Miles presented the Administrative and Financial reports. Mrs. Miles noted as of January 2, 2020, there were a total of 18,313 engineers, 982 surveyors, 126 dual licensees, and 10 associate PE's current through June 30, 2020. There are 3,374 firms and 1,053 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 January 2, 2020, the NCEES CBT Summary for the current testing window, shows 131 FE, two FS, two PE, and five PS exams scheduled. We received 1,888 Early PE exam applications and 1,218 have passed the exam. There have been ten Early PS applications and five have passed. There were nine candidates for the November State-Specific exam, and four passed. The January cash balance was \$3,403,916.82. The Education and Research Fund balance was \$431,458.22. Members were reminded to file Statement of Economic Interest forms electronically with the State Ethics Commission by March 30, 2020. Individual travel reimbursement totals will be emailed once we receive the information from finance.

Funding Request

- a. Adam Jones presented information regarding the ACEC-SC and SCSPE Winter meeting to be held February 11, 2020. Mr. Jones is requesting funding in the amount of \$9,000.

MOTION: To fund winter meeting as requested. Dinkins/Rickborn/approved.

Disciplinary Hearings

- a. Mr. Donald Nothdurft (Case 2018-53) appeared before the board for reconsideration of the board's decision to revoke his license. Mr. Nothdurft was represented by counsel, Sam Phillips. 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/Cleveland/approved.

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

MOTION: To deny licensee's motion to reconsider. To deny the alternate motion for rehearing and that the final order dated November 21, 2019 stands. Cleveland/Dingle/approved.

- b. Mount Valley Foundation Services Inc. (Case 2018-5) continued at March 17, 2020 meeting.
- c. Mr. George C. Greene, III, with Water Mission International, appeared before the board for a disciplinary hearing in case 2018-55. Mr. Greene 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. Rickborn was recused from the hearing.

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

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

MOTION: To issue a non-disciplinary letter of caution and to grant COA.
Dingle/Cleveland/approved.

Unfinished Business

- a. The Board reviewed the action items from the November 12, 2019 meeting. Members agreed to start work on the regulation review. Dr. Fallon and Mr. Kelly will work with advice counsel. Counsel will identify inconsistencies between the statute and regulations. Members should email counsel any issues they have with the regulations. All agreed to have a preview ready for the May meeting.

Mr. Rickborn distributed proposed revisions to the Guidelines for Successor Engineer/Surveyor. Discussion ensued. Members agreed successor information should be added to the regulations.

Dr. Fallon will contact Sayle Lewis regarding the digital models and electronic data statement.

- b. The Board reviewed CV's for Matthew Velkovich and Edward J. Owens to serve as expert reviewers for storm water management complaint cases. Mr. Jennings noted he still needs proposed questions from the board pertaining to the expert witness scope of review.

MOTION: To approve Mr. Velkovich and Mr. Owens as expert reviewers. Dinkins/Kelly/approved.

New Business

- a. NCEES Interim Zone Meeting will be held in Houston, Texas, April 23-25, 2020. NCEES will fund the administrator and three delegates (Peeples, Chao, Dingle). Rickborn and Dinkins are also funded. The board would like to fund travel for three additional members and advice counsel.

MOTION: Request funding from LLR, above the GSA rate, for advice counsel and three members, and travel approval. Dinkins/Rickborn/approved.

- b. Mrs. Miles discussed an email staff received in November concerning the SC State-Specific Surveyor exam reference material which was unavailable or out of print. The book in

question is *South Carolina Boundary Law Compendium*. Stacey Hewson will contact the SC Bar for assistance.

- c. Mr. Chao indicated he will not seek the NCEES Treasurer position and regrettably withdraws his nomination.

Other

The Board previously discussed the NCEES Draft Resolution of Cooperation which is intended to facilitate interstate licensure for engineers and surveyors. The final version of the ROC will be presented at the NCEES Annual Meeting.

MOTION: To adopt resolution. Dinkins/Fallon/approved.

Public Comments

Allison King addressed the Board regarding the 2020 SCSPS Convention to be held February 27-28, 2020. The Board will attempt to schedule a conference call, prior to the convention, to discuss and vote on funding for this event.

Adam Jones addressed the board regarding legislation (proposed and/or being considered) which would affect the engineering/surveying professions.

Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, March 17th 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.

MOTION: To adjourn. Dingle/Kelly/approved.

The meeting adjourned at 12:00 p.m.

Respectfully Submitted,

Janene Grantham
Program Assistant