

**MINUTES**  
**South Carolina Board of Registration for Professional Engineers and Surveyors**  
**9:30 a.m., July 21, 2020**  
***Videoconference Meeting***

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**Call to Order**

Chairperson Peeples called the meeting to order at 9:30 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 participating 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 participating included: Lenora Addison-Miles, Administrator; Stacey Hewson, Esq., and Robert Elam, Office of Advice Counsel; Donnell Jennings, Esq., and Tracey Solet, Office of Disciplinary Counsel; and Rodney Pigford, Office of Investigations and Enforcement.

Others participating included: Allison King, Adam Jones, Joshua Hancox, Sean Ferrell, Tyrone Lee, Jesse Burke, James Robinson, Brian Connolly, Judson Greer, David Cooke, Scott Lundeen, Charles Musick and Travis McLeod (Creel Court Reporting).

**Approval of Meeting Minutes**

The board reviewed the minutes from the May 12<sup>th</sup> meeting.

**MOTION:** To approve minutes. Rickborn/Fallon/approved.

**Approval of Excused Absences**

All members present.

**Review and Approval of Agenda**

No changes were made to the agenda.

**MOTION:** To approve agenda. Chao/Fallon/approved.

**Reports**

- a. Mr. Pigford presented the OIE report. From January 1, 2020 through July 19, 2020: 54 complaints received, 26 active investigations, 3 cases closed. The average age of investigations is 89 business days.

- b. Mr. Pigford presented the IRC reports. The committee met on July 8, 2020 with the following recommendations: Dismiss cases 2019-76, 2019-110, 2020-6, 2020-28, 2020-29; Formal Complaints for cases 2019-72, 2019-104, 2019-107, 2019-108, 2020-1, 2020-21, 2020-23, 2020-36; Letters of Caution for cases 2019-55, 2019-92 and 2019-93.

**MOTION:** To accept July 8<sup>th</sup> IRC report. Fallon/Cleveland/approved.

- c. Mr. Jennings presented the ODC report. As of July 9, 2020, there are 36 open cases, three cases have been closed, 17 cases are pending actions, 16 cases are pending CA/MOA, and four cases are pending hearing.
- d. Mrs. Miles presented the Administrative and Financial reports. Mrs. Miles noted as of July 9, 2020, a total of 10,655 engineers, 440 surveyors, and 58 dual licensees registered through June 30, 2022. There are 3,481 firms and 1,088 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. The NCEES CBT Summary for the current testing window (July - September), shows 148 FE, nine FS, 16 PE, and three PS exams scheduled. We received 1,987 Early PE exam applications and 1,225 have passed the exam. There have been 11 Early PS applications and five have passed. The May cash balance was \$3,548,451.94. The Education and Research Fund balance was \$441,448.22.

**Funding Request**

- a. Allison King presented information regarding a \$25,000 request for the annual SC Engineering Conference and Trade Show which will be completely virtual this year. The event is reduced to two days to keep the cost as low as possible. The goal is to have a minimum of 100 people.

**MOTION:** To approve funding request. Dinkins/Chao/approved.

**Application Hearings:**

- a. Sean Ferrell appeared before the board for an application hearing. Mr. Ferrell 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. Dinkins/Rickborn/approved.

**MOTION:** To exit executive session. Chao/Fallon/approved.

**MOTION:** To deny application. Dinkins/Fallon/approved.

- b. Alexander Hiatt failed to appear for the scheduled hearing. The Board took no action.
- c. Benny T. Lee appeared before the board for an application hearing. Mr. Lee was not represented by counsel. James Robinson and Joshua Hancox served as witnesses. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

**MOTION:** To approve request for FE waiver based on experience. Dinkins/Chao/approved.  
Rickborn opposed.

- d. Brian Connolly appeared before the board for an application hearing. Mr. Connolly was not represented by counsel. Judson Greer served as a witness. 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. Chao/Rickborn/approved.

**MOTION:** To exit executive session. Fallon/Rickborn/approved.

**MOTION:** To accept work experience and approve application. Fallon/Dingle/approved. Rickborn and Kelly opposed.

- e. David C. Cooke appeared before the board for an application hearing. Mr. Cooke was not represented by counsel. Charles Musick served as a witness. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

**MOTION:** To approve for exam. Dinkins/Fallon/approved.

### **Unfinished Business**

- a. The Board reviewed the action items from the May 12, 2020 meeting. Members should email counsel any issues or changes needed in the regulations.
- b. Dr. Peebles will provide revisions to the Surveyor Education Guidelines for review during the September meeting.
- c. LLR's Office of Communications and Governmental Affairs is asking each board to identify a designated spokesperson to speak on behalf of the Board in the event the media requests a position/statement from the Board (not LLR). Members are asked not to speak with the media but there are occasions when the media may request a statement from the Board or the Board's position on a particular issue. The board determined the chairman will serve as the spokesperson.

### **New Business**

- a. Donnell Jennings, addressed the board regarding the need for guidance in handling cases/complaints involving engineers providing forensic affidavits. Members Rickborn, Cleveland, and Dinkins, will serve on a committee with counsels Jennings and Hewson.
- b. Donnell Jennings asked the board to consider appointing hearing officers to hear MOA cases, during the pandemic, to resolve the disciplinary matters. Kelly and Dinkins volunteered to serve. Rickborn will serve as an alternate.
- c. Mr. Jennings discussed the current affidavit in support of initial complaint and suggested the form be modified. He will present a revised version during the September meeting.
- d. Donnell Jennings discussed using the hearing officer/panel format to resolve pending MOA cases. Kelly and Dinkins will serve. Rickborn will be an alternate.

- e. The Board reviewed the 2020 NCEES Annual Meeting Action Items, Conference Reports, and Motions.

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

**MOTION:** To exit executive session. Chao/Dingle/approved.

- f. Mrs. Miles asked the board to consider accepting the NCEES Record for Initial Licensure. The record contains all required information except a license.

**Other**

The Board requested scheduling a conference call to consider a funding request from SEASC.

**Public Comments**

No public comments.

**Notice of Next Meeting**

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, September 22<sup>nd</sup> at 9:30 a.m. The meeting format to be determined based on the current health crisis.

**MOTION:** To adjourn. Rickborn/Dingle/approved.

The meeting adjourned at 2:15 p.m.

Respectfully Submitted,

Lenora Addison-Miles, CPM, MBA  
Administrator