

MINUTES
South Carolina Board of Registration for Professional Engineers and Surveyors
9:30 a.m., January 19, 2021
Videoconference Meeting

Call to Order

Chairperson Peeples called the meeting to order at 9:35 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., Office of Advice Counsel; Donnell Jennings, Esq., Office of Disciplinary Counsel; Rodney Pigford, Office of Investigations and Enforcement; Courtney Clark, and Tracey Solet, Office of Disciplinary Counsel.

Others participating included: Allison King, Adam Jones, Christopher Malt, Dana Corcoran, Sarah Waldrop, Johnny Denton, James Cook, Christopher Sizemore, and Melanie Farnham (Creel Court Reporting).

Approval of Meeting Minutes

The board reviewed the minutes from the November 10, 2020 meeting. Page two, Hardwick hearing was corrected to reflect that Mr. Hardwick was not present.

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

Approval of Excused Absences

All members present.

Review and Approval of Agenda

No changes were made to the agenda.

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

Reports

- a. Mr. Pigford presented the OIE report. From January 1, 2020 through January 14, 2021: 81 complaints received, 17 active investigations, 15 cases closed. The average age of investigations is 155 business days.

- b. Mr. Pigford presented the IRC report. The committee met on January 7, 2021 with the following recommendations: Formal Complaints for cases 2020-18, 2020-22, 2020-30, 2020-38, 2020-39, 2020-42, 2020-44, 2020-45, 2020-54, 2020-55, 2020-70; Letter of Caution for case 2020-73.

MOTION: To approve January 7th IRC report. Rickborn/Dinkins/approved.

- c. Mr. Miles presented the ODC report. As of January 4, 2021, there are 43 open cases, 15 cases are pending actions, 26 cases are pending CA/MOA, and two are pending hearings.
- d. Mrs. Miles presented the Administrative and Financial reports. Mrs. Miles noted as of January 5, 2021, a total of 17,920 engineers, 907 surveyors, and 114 dual licensees registered through June 30, 2022. Firm online renewals opened January 4th. There are 3,446 firms and 1,102 branch offices active in renewal. 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 (January – March) shows 123 FE, seven FS, 31 PE, and three PS exams scheduled. We have received 2,072 Early PE exam applications and 1,330 have passed the exam. There have been 11 Early PS applications and five have passed. The November cash balance was \$4,290,012.06. The Education and Research Fund balance was \$546,148.22.

Members were reminded that Statement of Economic Interest Reports must be filed electronically with the State Ethics Commission by March 30, 2021. Filing instructions were emailed to members on January 6th and individual travel statements were emailed on January 12th.

Funding Request

The Board reviewed a funding request for the ACEC/SCSPE Winter Virtual Meeting to be held February 23rd instead of February 13th.

MOTION: To approve \$5,000 request. Dinkins/Chao/approved.

Application Hearings:

- a. Leonard Gregory was unable to attend. The Board took no action.
- b. Johnny Denton appeared before the board to request approval for the Portfolio Review process. Mr. Denton was not represented by counsel. This matter was recorded by a court reporter to provide a verbatim script should one be necessary.

MOTION: Dr. Fallon made a motion to enter executive session for legal advice. Motion failed for lack of a second.

MOTION: To approve for Portfolio Review process. Chao/Dinkins/approved.

It was noted for the record that his portfolio projects are due in four months or the board action will not stand.

- c. Christopher Malt appeared before the board for an application hearing. Mr. Malt was not represented by counsel. Dana Corcoran served as a witness. This matter was recorded by a court reporter to provide a verbatim script should one be necessary.

MOTION: Mr. Chao made a motion to enter executive session for legal advice. Motion failed for lack of a second.

MOTION: To approve for licensure based on testimony given. Fallon/Dinkins/approved.

Disciplinary Hearings:

- a. Christopher Sizemore appeared before the board for a disciplinary hearing in case 2019-90. 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. Dinkins/Dingle/approved.

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

MOTION: Accept MOA. Issue a \$1000 fine, \$60 investigative costs, and issue a public reprimand. Fine is payable within 30 days. Dinkins/Dingle/approved.

- b. Jack Cook appeared before the board for a disciplinary hearing in case 2019-50. 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. Chao/Rickborn/approved.

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

MOTION: To accept Hearing Officer Recommendation. Issue a non-disciplinary letter of caution. Cleveland/Kelly/approved. Rickborn opposed.

Unfinished Business

- a. The Board reviewed the action items from the November 10, 2020 meeting. Members were reminded to email counsel any issues or changes needed in the regulations for review at the March meeting. Fallon, Rickborn and Peebles will work on changes needed regarding engineering. Dr. Fallon will submit the NCEES Call for Awards Nomination packet.
- b. Affidavit in Support of Initial Complaints will be carried over to the March meeting.
- c. Members discussed the Early PE Exam. The Board determined the early exam option is only available to applicants with a baccalaureate degree in an EAC/ABET accredited engineering curriculum.

- d. The Board reviewed the Certificate of Study form. Mr. Rickborn will revise the form with input from the members.

New Business

- a. The Committee on Forensic Affidavits will provide a report to the full board during the March meeting.
- b. The Board reviewed an email inquiry regarding an engineer being in responsible charge of two firms located at the same address. The Board determined that pursuant to SC Code of Laws, Section 40-22-250 and previous rulings, this is not allowed. An engineer and/or surveyor may only be in responsible charge of one business entity. The Board advised Ms. Miles to notify the firms that this is not acceptable.
- c. The Board reviewed an inquiry regarding the Work Experience Verification form designated areas of practice. Mr. Rickborn previously provided general descriptions of the work experience areas. Members will review the descriptions for further discussion during the March meeting.
- d. Ms. Miles noted that two IRC member terms have expired (one PE and one PS). SCSPE and SCSPLS will share information regarding the IRC with their membership. Potential IRC applicants will be reviewed by the Board during the March meeting.
- e. Mr. Rickborn advised the Board of his interest in running for NCEES Southern Zone Vice President.

MOTION: To endorse Rickborn as Southern Zone VP. Dinkins/Kelly/approved.

Other

Adam Jones advised the board of several Bills that have been introduced, H3243, H3334, and H3474, which may directly affect the issuance of occupational licenses.

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, March 16, 2021 at 9:30 a.m. by videoconference.

MOTION: To adjourn. Rickborn/Kelly/approved.

The meeting adjourned at 1:52 p.m.

Respectfully Submitted,



Lenora Addison-Miles, CPM, MBA
Administrator