

MINUTES
South Carolina Board of Registration for Professional Engineers and Surveyors
9:30 a.m., July 20, 2021
Synergy Business Park, Kingstree Building
110 Centerview Drive, Conference Room 108
Columbia, SC

Call to Order

Chairperson Peeples called the meeting to order at 9:30 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; 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., Chris Elliott, Esq., and Tracey Solet, Office of Disciplinary Counsel; Rodney Pigford, Kathy Meadows, and Christa Bell, Office of Investigations and Enforcement; and Johnathan Rabon, Division of Operations Technology and Security.

Others participating included: Walter Gross, Edward O'Malley, Allen West (attorney), Jesse Burke, and Cortney Glover (Creel Court Reporting).

Approval of Meeting Minutes

The board reviewed the minutes from the May 11, 2021 meeting.

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

Approval of Excused Absences

Member Fallon previously advised he would not be able to attend.

MOTION: To excuse absence. Dinkins/Kelly/approved.

Review and Approval of Agenda

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

Reports

Office of Investigations and Enforcement

Mr. Pigford, OIE Chief Investigator, presented the OIE report. From January 1, 2021 through July 19, 2021: 48 complaints received, 16 active investigations, five closed cases. The average age of active investigations is 36 business days.

Investigative Review Committee Report

Mr. Pigford presented the IRC report. The committee met on July 8, 2021 with the following recommendations: Dismiss cases: 2020-32, 2020-37, 2020-79, 2021-2, 2021-16, 2018-32, 2020-70. Formal complaint cases: 2020-78, 2021-6, 2021-7, 2021-13, 2021-14, 2021-22, 2021-24, 2021-25, 2021-26. Letter of Caution for case 2020-76.

MOTION: To approve July 8th IRC report. Rickborn/Chao/approved.

Reconsideration of case 2018-66 and issue a Letter of Caution.

MOTION: To approve Letter of Caution. Kelly/Cleveland/approved. Rickborn was recused from voting in this matter.

Office of Disciplinary Counsel Report

Mr. Elliott presented the ODC report. As of June 30, 2021, there were 52 open cases. Twenty-seven cases were closed since January 1, 2021, and 20 cases closed since the last report (March 2, 2021).

Administrative and Financial Reports

Mrs. Miles presented the Administrative and Financial reports. Mrs. Miles noted as of July 6, 2021, a total of 18,595 engineers, 925 surveyors, and 113 dual licensees registered through June 30, 2022. There are 3,437 firms and 1,154 branch offices current through March 2023. 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 125 FE, five FS, 21 PE, and two PS exams. We have received 2,171 Early PE exam applications and 1,413 have passed the exam. There have been 13 Early PS applications and five have passed. The April PE (paper) exam results were also provided. The May cash balance was \$4,296,003.41. The Education and Research Fund balance was \$504,738.22.

ABET will be conducting virtual accreditation reviews this fall. Benedict College (EAC) and Coastal Carolina (ETAC) will be seeking initial accreditation. Dr. Peebles will contact the institutions and extend an invitation for representatives to attend a board meeting to discuss their programs.

Disciplinary Hearings:

- a. Mr. Edward O'Malley appeared before the Board for a disciplinary hearing in case 2021-18 (GeoStructures Inc.). Attorney Allen L. West represented Mr. O'Malley. He did not have any witnesses. This matter was recorded by a court reporter to provide a verbatim script should one be necessary. The hearing was closed to the public.

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

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

MOTION: Violation of the practice act. Accept MOA, issue a \$500 fine. COA may be issued upon payment of fine. Dinkins/Chao/approved.

- b. The matter of Mount Valley Foundation Services, Inc. (Case 2018-5) will be continued until the September 2021 meeting, in order to properly serve notice upon the respondent.
- c. Southwind Engineering Inc. was not present for disciplinary hearings in cases 2017-85 and 2018-20. The firm was not represented by counsel. This matter was recorded by a court reporter to provide a verbatim script should one be necessary.
- d. Rodney Cameron was not present for a disciplinary hearing in case 2018-29. He was not represented by counsel. This matter was recorded by a court reporter to provide a verbatim script should one be necessary.

MOTION: Proper notice was given to Rodney Cameron, and the Board has jurisdiction in this matter. Cleveland/Rickborn/approved.

- e. James Huggins was not present for a disciplinary hearing in case 2018-45. He was not represented by counsel. This matter was recorded by a court reported to provide a verbatim script should one be necessary.

MOTION: Proper notice was given to James Huggins. Cleveland/Rickborn/approved.

The cases for Southwind Engineering, Rodney Cameron, and James Huggins were consolidated into one case trial.

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

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

MOTION: In the matter of Southwind Engineering: Permanently revoke the lapsed COA, issue \$1,000 fine for each violation, for a total fine of \$5,000, plus investigative costs. Cleveland/Dingle/approved.

MOTION: In the matter of James Huggins: Permanently revoke his engineer license, issue \$1,000 fine for each violation for a total fine of \$5,000, plus investigative costs. Cleveland/Dingle/approved.

MOTION: In the matter of Rodney Cameron: The Board does have jurisdiction. Issue a Cease and Desist Order, \$1,000 fine for each violation, for a total fine of \$4,000, plus investigative costs. Cleveland/Dingle/approved.

Application Hearing:

Walter Gross appeared before the board seeking licensure by comity. Mr. Gross 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/Chao/approved.

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

MOTION: To deny application pursuant to S.C. Code 40-1-110(1)(f), 40-22-140, and 40-1-140. Cleveland/Dinkins/approved.

Funding Request

The Board reviewed a request from SEASC for the annual conference and trade show, to be held in-person, July 29, 2021 at the Columbia Metropolitan Convention Center.

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

Civil Portfolio Review Committee Recommendations

a. The Board reviewed the April 21, 2021 civil committee recommendations.

MOTION: To accept the recommendation to deny licensure to Kevin Kreipe. Rickborn/Chao/approved.

MOTION: To accept the recommendation to deny licensure to Terry Swygert. Rickborn/Kelly/approved.

b. The Board reviewed the June 7, 2021 mechanical committee recommendations.

MOTION: To accept the June 7th recommendation and approve licensure for Jason Moody, Michael Senuta, Phillip Henry and Douglas Sales. Dinkins/Rickborn/approved.

c. The Board reviewed the July 16, 2021 civil committee recommendations.

MOTION: To accept the July 16th recommendation and approve licensure for John Farmer, Andrew Cornell, and Ronald Myers. Rickborn/Dinkins/approved.

Mr. Chao left the meeting at 3:00 p.m.

Unfinished Business

Review of Action Items

The Board reviewed the action items from the May 11, 2021 meeting.

The Board requested a special meeting to review the regulations, prior to the September meeting. Advice Counsel Hewson will work with Chris Elliott and Donnell Jennings regarding the Affidavit for Initial Complaints. Advice Counsel Hewson will make changes to the draft expungement policy for review at the September meeting. Mr. Rickborn will make recommended changes to the Certificate of Study for Re-examination for final review at the September meeting.

New Business

NCEES Resolution of Cooperation

NCEES is asking each member board to sign the non-binding Resolution of Cooperation to facilitate interstate licensure for engineers and surveyors in recognition of the NCEES 100th anniversary celebration.

MOTION: To approve the resolution of cooperation. Rickborn/Dinkins/approved.

2022 Proposed Board Meeting Dates

The Board reviewed the following dates: January 18, March 8, May 24, July 19 & 20, September 20 & 21, and November 1.

Other Business

Mr. Rickborn won the NCEES Distinguished Service Award. He thanked the Board for their support.

Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, September 21, with September 22, 2021 also scheduled as a second meeting date if needed.

MOTION: To adjourn. Rickborn/Dinkins/approved.

The meeting adjourned at 4:07 p.m.

Respectfully Submitted,



Lenora Addison-Miles, CPM, MBA
Administrator