

**MINUTES**  
**South Carolina Board of Registration for Professional Engineers and Surveyors**  
**9:30 a.m., September 21, 2021**  
**Synergy Business Park, Kingstree Building**  
**110 Centerview Drive, Conference Room 105**  
**Columbia, SC**

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**Call to Order**

Chairperson Peeples called the meeting to order at 9:33 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., Chris Elliott, Esq., and Tracey Solet, Office of Disciplinary Counsel; Rodney Pigford, and Kathy Meadows, Office of Investigations and Enforcement; Johnathan Rabon and Victoria Eskridge, Division of Operations Technology and Security.

Others participating included: James Huggins, Terry Walker, George W. Hitt, Monica Bubacz, and Travis McLeod (Creel Court Reporting).

**Approval of Meeting Minutes**

The board reviewed the minutes from the July 20, 2021 meeting.

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

The board reviewed the minutes from the August 31<sup>st</sup> Regulations meeting.

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

**Approval of Excused Absences**

All members present.

**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: 62 complaints received, 18 active investigations, 8 closed cases. The average age of active investigations is 53 business days.

### **Investigative Review Committee Report**

Mr. Pigford presented the IRC report. The committee met on September 9, 2021 with the following recommendations: Dismiss cases: 2021-21, 2020-16, 2021-8, 2021-37. Reconsideration for Dismissal: 2019-3, 2019-28, 2018-5. Formal complaint case: 2021-49. Letter of Caution for cases 2021-41, 2021-40, 2021-34, 2021-28.

**MOTION:** To approve September 9<sup>th</sup> IRC report. Fallon/Chao/approved. Dinkins abstained.

### **Office of Disciplinary Counsel Report**

Mr. Elliott presented the ODC report. As of September 1<sup>st</sup>, there were 55 open cases. Forty-two cases were closed since January 1, 2021, and 15 cases closed since the last report (June 30, 2021).

### **Administrative and Financial Reports**

Mrs. Miles presented the Administrative and Financial reports. Mrs. Miles noted as of September 8, 2021, 18,836 engineers, 927 surveyors, and 113 dual licensees registered through June 30, 2022. There are 3,480 firms and 1,160 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 143 FE, eight FS, 18 PE, and two PS exams. We have received 2,192 Early PE exam applications and 1,416 have passed the exam. There have been 13 Early PS applications and six have passed. The July cash balance was \$4,189,216.14. The Education and Research Fund balance was \$500,028.22.

### **Review of S.C. Code of Regulations, Chapter 49**

The board met on August 31<sup>st</sup> to review changes to the regulations. Advice Counsel Hewson presented the proposed changes for final review and approval.

**MOTION:** To approve changes to regulations. Dingle/Chao/approved.

### **Issues Regarding Survey Plats – Ben Christensen**

The board reviewed a letter from Mr. Christensen regarding improper property monument markings.

**MOTION:** To approve additional language to be included in the regulations. “Monuments shall be placed at all property corners where there is a change in direction of a property line.” Dinkins/Dingle/approved.

**Disciplinary Hearings:**

- a. Mr. James Huggins appeared before the Board for a motion to reconsider case 2018-45. 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 deny request for reconsideration. Kelly/Cleveland/approved.

- b. Southwind Engineering, LLC was not present for reconsideration of cases 2017-85 and 2018-20. They were not represented by counsel. This matter was recorded by a court reporter to provide a verbatim script should one be necessary.

**MOTION:** To deny request for reconsideration because there is no representative present and to enter evidence of this into the record. Cleveland/Chao/approved.

- c. Oceanside Builders, LLC was not present for a disciplinary hearing in case 2019-37. They were not represented by counsel. This matter was recorded by a court reporter to provide a verbatim script should one be necessary.

**MOTION:** Proper notice of hearing was given to Oceanside Builders, LLC. Dinkins/Rickborn/approved.

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

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

**MOTION:** Issue a non-disciplinary Letter of Caution not to infer or offer any engineering services outside of residential services. Cleveland/Dinkins/approved. Rickborn opposed.

Mr. Dingle left the meeting at 12:15 pm.

- d. Hemphill Engineering Group, LLC was not present for a disciplinary hearing in case 2019-82. They were not represented by counsel. This matter was recorded by a court reporter to provide a verbatim script should one be necessary.

**MOTION:** Proper notice of hearing was given to Hemphill Engineering, LLC. Dinkins/Rickborn/approved.

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

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

**MOTION:** Issue a non-disciplinary Letter of Caution not to use the name engineering. Dinkins/Rickborn/approved.

- e. Daniel Morgan was not present for a disciplinary hearing in case 2018-65. 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 of hearing was given to Daniel Morgan and the Board has jurisdiction in this matter. Cleveland/Rickborn/approved.

**MOTION:** The State has proven its case of unlicensed practice. Issue a \$500 fine, plus investigative costs, and a public reprimand. Rickborn/Dinkins/approved.

The Board recessed for lunch from 1:35 p.m. until 2:15 p.m.

#### **Application Hearings:**

- a. Terry Walker appeared before the board seeking approval to take the PE exam. Mr. Walker 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 approve applicant to take the PE exam. Fallon/Rickborn/approved.

- b. Alberto Roman did not appear before the board. Mr. Roman was not represented by counsel. This matter was recorded by a court reporter to provide a verbatim script should one be necessary.

**MOTION:** To deny application for comity. Dinkins/Cleveland/approved.

- c. George W. Hitt appeared before the board seeking certification as an Engineer-in-Training. Mr. Hitt 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. Dr. Peeples was recused from this matter.

**MOTION:** To approve EIT certification. Education is also approved for the PE exam. Dinkins/Fallon/approved. Kelly opposed.

#### **Funding Request**

Professor Monica Bubacz presented a request, for \$10,000, for The Citadel 2022 ASEE-SE Annual Conference, to be held March 13-15, 2022. Ms. Bubacz participated via conference call. Peeples and Fallon were recused.

**MOTION:** To approve request. Dinkins/Rickborn/approved.

#### **Portfolio Review Committee Recommendations**

- a. The Board reviewed the July 30, 2021 civil committee recommendations.

**MOTION:** To accept the recommendation to approve licensure for Andrew Langenderfer, Kenneth Kornegay, and Christopher Kamar. Fallon/Rickborn/approved.

b. The Board reviewed the September 17, 2021 electrical committee recommendations.

**MOTION:** To accept the recommendation and approve licensure for Freddy Galarraga, Robert Chrachol, and James Fleming. To deny licensure for Michael Wahba, but allow him to resubmit new projects within 60 days. Rickborn/Dinkins/approved.

### **Unfinished Business**

#### **Review of Action Items**

The Board reviewed the action items from the July 20, 2021 meeting.

The Board approved the revisions to the Certificate of Study form. The Board determined that early PE exam applicants may only attempt the exam three times. After three failed attempts, applicants must have the required four years of work experience, and submit an Application for Licensure by Exam packet along with a certificate of study.

#### **Expungement Policy**

The Board requested the proposed expungement procedure/policy be placed on the November meeting agenda.

#### **Notice of Next Meeting**

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, November 9, 2021.

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

The meeting adjourned at 3:51 p.m.

Respectfully Submitted,

Grace Tuttle  
Program Assistant