

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

Call to Order

Chairperson Peeples called the meeting to order at 9:36 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; Chris Elliott, Esq., and Alice Douglas, Office of Disciplinary Counsel; Rodney Pigford, and Kathy Meadows, Office of Investigations and Enforcement; Grace Tuttle, Program Assistant; Johnnie Rose, Program Coordinator; and Andrew Coleman.

Others participating included: Kyle Sirignano, Daniel R. Dennis, III, Hong Deng, Randell Buchanan, Cory Touard, Dr. Monica Gray, Adam Jones and Cortney Glover (Creel Court Reporting).

Approval of Meeting Minutes

The board reviewed the minutes from the September 21, 2021 meeting.

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

Approval of Excused Absences

All members present.

Review and Approval of Agenda

MOTION: To approve agenda and hear Case 2021-81 first. Rickborn/Dinkins/approved.

Reports

Office of Investigations and Enforcement

Mr. Pigford, OIE Chief Investigator, presented the OIE report. From January 1, 2021 through October 29, 2021: 69 complaints received, six active investigations, 16 closed cases. The average age of active investigations is 76 business days.

Investigative Review Committee Report

Mr. Pigford presented the IRC report. The committee met on October 28, 2021 with the following recommendations: Dismiss cases: 2021-73, 2021-70, 2021-77, 2021-56, 2021-38, 2021-57, 2021-64, 2021-33. Formal complaint cases: 2021-44, 2021-45, 2021-35. Letter of Caution for cases: 2021-15, 2021-30, 2021-48.

MOTION: To approve October 28th IRC report. Dinkins/Chao/approved.

Office of Disciplinary Counsel Report

Mr. Elliott presented the ODC report. As of October 29th, there were 48 open cases. 52 cases were closed since January 1, 2021, and 13 cases closed since the last report (September 1, 2021).

Administrative and Financial Reports

Mrs. Miles presented the Administrative and Financial reports. Mrs. Miles noted as of October 27, 2021, 18,983 engineers, 926 surveyors, and 113 dual licensees registered through June 30, 2022. There are 3,515 firms and 1,175 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 (October - December) shows 195 FE, four FS, 52 PE, and two PS exams. We have received 2,204 Early PE exam applications and 1,428 have passed the exam. There have been 14 Early PS applications and six have passed. The September cash balance was \$4,130,201.75. The Education and Research Fund balance was \$500,028.22. The board requested information about the number of applications from South Carolina technology graduates. From 2008 to present, there were eight South Carolina State graduates who applied and five Clemson BSCET candidates. There were 17 candidates for the November 5th state specific exam. Seven candidates passed. The average score was 67, high score 84 and low score of 48.

Disciplinary Hearings:

- a. WR Construction & Engineering Management, LLC and William L. Rivers were not present for hearings in cases 2019-43 and 2019-44. 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 WR Construction & Engineering Management, LLC and William L. Rivers and that the hearing for these two cases will move forward in the absence of the respondents. Dinkins/Fallon/approved. Kelly opposed.

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

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

MOTION: The State provided sufficient notice to WR Construction & Engineering Management, LLC and William L. Rivers for this hearing. Allegations were proven. Issue a public reprimand to WR Construction & Engineering Management, LLC and William L. Rivers. Each fined \$1,000. Issue a second cease and desist to each entity to cease all conduct proven today. The board is very concerned by the health, safety and welfare jeopardized by both respondents, and strongly encourages ODC to pursue other remedies. Cleveland/Rickborn/approved.

- b. Kyle Sirignano of KC Soil & Septic, LLC appeared before the Board for case 2021-81. Mr. Sirignano participated via WebEx videoconference. 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 issue \$500 fine and public reprimand. Dinkins/Kelly/approved.

The Board recessed for lunch from 11:45 a.m. until 12:30 p.m.

Application Hearings:

- a. Daniel R. Dennis, III appeared before the board seeking approval to reinstate his PE and PLS licenses. Mr. Dennis 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. Fallon and Chao were recused.

MOTION: Dinkins made a motion to approve for reinstatement. The motion failed due to a lack of a second.

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

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

MOTION: To reinstate PE and PLS license based on testimony. Dinkins/Dingle/approved.

- b. Hong Deng appeared before the board seeking a waiver of the FE exam based on experience. Mr. Deng was not represented by counsel. Randell Buchanan and Cory Touard served as 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/Rickborn/approved.

MOTION: To grant a waiver of the FE exam. Fallon/Chao/approved.

Funding Request

Adam Jones, South Carolina Society of Professional Engineers, presented a request, for \$10,000, for the SCSPE Fall Symposium, to be held November 16 & 17 in Greenville, Rock Hill and virtually.

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

Coastal Carolina Engineering Science Program

Dr. Monica Gray, Director of Engineering Science at Coastal Carolina, presented information regarding the new Engineering Science Program and the recent ABET accreditation process. Dr. Gray participated via WebEx videoconference.

Portfolio Review Committee Recommendations

a. The Board reviewed the October 22, 2021 structural committee recommendation.

MOTION: To accept the recommendation to deny licensure for Austin Carter.
Fallon/Rickborn/approved.

b. The Board reviewed the October 26, 2021 mechanical committee recommendation.

MOTION: To accept the recommendation and approve licensure for Neil Friese.
Rickborn/Fallon/approved.

c. The Board reviewed the November 3, 2021 civil committee recommendations.

MOTION: To accept the recommendations and approve licensure for Barry Ledbetter,
Joshua Lloyd, Johnny Denton, Mark Cook, and Paul Filipiak.
Rickborn/Dinkins/approved.

Unfinished Business

Review of Action Items

The Board reviewed the action items from the September 21, 2021 meeting.

Digital Models and Electronic Data Statement item should be removed. The cease and desists for WR Construction and William Rivers should be added as a follow-up item. The Funding Request form should be revised to indicate that invoices must be received no later than 90 days from Board approval or prior to the end of the fiscal year, whichever comes first.

New Business

Expungement Procedures

The Board reviewed by draft provided by Counsel Hewson. The proposed rewrites to the expungement procedures/policy will be placed on the January 2022 meeting agenda.

NCEES 2022 Call for Awards Nominations

NCEES is accepting nominations for national service awards for Distinguished Service with Special Commendation, Distinguished Service, Meritorious Award, and Distinguished Examination Service Award. Nomination packets are due no later than January 31, 2022.

Portfolio Applicants Pending Second Submittal

Counsel requested guidance from the Board on how to handle portfolio applicants who missed the deadline for their second submittal. No further action will be taken on those applications.

NCEES 2022 Central/Southern Zone Funded Delegates

The Central/Southern Zone Interim meeting will be held April 21-23 in Oklahoma City, Oklahoma. NCEES will fund the administrator and three delegates at no cost to the agency. Dinkins will also be funded by NCEES as a past president.

MOTION: NCEES to fund Chao, Cleveland, and Dingle as the three funded delegates. Peeples/Dinkins/approved.

MOTION: Request LLR to fund Rickborn, Hewson, and Chris Elliott. Peeples/Dinkins/approved.

Consideration of Pre-approval of Discipline-specific Surveying Courses

The board discussed allowing surveyor applicants for the PS exam to submit proposed courses (along with the application) for review of the 12 semester hours for pre-approval prior to taking the coursework. Concerns were expressed regarding a course being pre-approved and several years passing before the course is completed. Pre-approval will be contingent on no changes to the course material. The Board will contact the education consultant to discuss the proposal. Rickborn suggested the surveyor members work with staff to develop a form for submission to the consultant. The process cannot be implemented until procedures are in place. Board members will provide a form or vehicle for administration of the pre-approval process.

MOTION: Surveyor applicants may apply for review of the 12-semester hours of surveying courses for approval prior to taking the courses. Dinkins/Chao/approved.

Election of Officers

The Board elected officers for calendar year 2022.

MOTION: To nominate Mr. Chao as chair. Peeples/Fallon/approved.

MOTION: To nominate Mr. Cleveland as vice-chair. Dinkins/Chao/approved.

MOTION: To nominate Mr. Dingle as Secretary. Peeples/Chao/approved.

Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, January 18, 2022.

The Board thanked Dr. Fallon for his years of service as his term expires December 31, 2021 and he is not seeking reappointment.

MOTION: To adjourn. Fallon/Rickborn/approved.

The meeting adjourned at 3:50 p.m.

Respectfully Submitted,

Grace Tuttle
Program Assistant