

MINUTES
South Carolina Board of Registration for Professional Engineers and Surveyors
9:30 a.m., March 8, 2022
Synergy Business Park, Kingstree Building
110 Centerview Drive, Conference Room 108
Columbia, SC

Call to Order

Chairperson Chao called the meeting to order at 9:37 a.m.

Statement of Public Notice

Chairperson Chao 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 Jimmy Chao, PE, Chairperson; Baker Cleveland, Vice-Chairperson; Henry Dingle, Jr., PLS, Secretary; Gene L. Dinkins, PE, PLS; Timothy Rickborn, PE; D. Mack Kelly, Jr., PE, PLS; and Dr. Johnston Peeples, Ph.D., PE.

Staff members participating included: Lenora Addison-Miles, Administrator; Stacey Hewson, Esq., Office of Advice Counsel; Chris Elliott, Esq., Alice Douglas, and Sonya Morse, Office of Disciplinary Counsel; Doc Smith, and Kathy Meadows, Office of Investigations and Enforcement; Shari Waters and Xavier Keitt, Division of Operations Technology and Security.

Others participating included: Adam Jones, William B. Allen Jr., James Michael O'Keefe, Kyle Jefferys, John P. Reed, Diane Reed, Steven Waidelich and Katherine Boone (Creel Court Reporting).

Approval of Meeting Minutes

The board reviewed the minutes from the January 18, 2022 meeting.

MOTION: To approve minutes. Dinkins/Kelly/approved.

Approval of Excused Absences

All members present. Member Rickborn participated by WebEx videoconference.

Review and Approval of Agenda

MOTION: To approve agenda. Peeples/Dinkins/approved.

Reports

Office of Investigations and Enforcement

Mr. Smith, OIE Investigator, presented the OIE report. From January 1, 2021 through December 31, 2021: 81 complaints received, three active investigations, 36 closed cases. The average age of active

investigations is 81 business days. From January 1, 2022 through March 7, 2022: 18 complaints received, five active investigations, one closed case. The average age of active investigations is seven business days.

Investigative Review Committee Report

Mr. Smith presented the IRC report. The committee met on February 24, 2022 with the following recommendations: Dismiss cases: 2021-86, 2021-90, 2021-78, 2021-58, 2020-25. Formal complaint for cases: 2021-92 and 2021-68. Letter of Caution for case 2021-88.

MOTION: To approve the IRC report. Dinkins/Dingle/approved.

Office of Disciplinary Counsel Report

Mr. Elliott presented the ODC report. As of March 2nd there were 45 open cases. Seven cases were closed since the last report (January 11, 2022).

Administrative and Financial Reports

Mrs. Miles presented the Administrative and Financial reports. Mrs. Miles noted as of February 14, 2022, 19,307 engineers, 931 surveyors, and 114 dual licensees registered through June 30, 2022. There are 3,582 firms and 1,194 branch offices current through March 2023. Historical license numbers, for engineers and surveyors, from FY16 thru FY21 were also included. Meeting materials also contain information regarding the number of in state and out-of-state early PE and PS exam candidates by year. Online renewals for individual licensees opened on March 1. Email and paper renewal notices have been sent. The NCEES CBT Summary for the current testing window (January - March) shows 176 FE, nine FS, 35 PE, and one PS exams. We have received 2,268 Early PE exam applications and 1,492 have passed the exam. There have been 14 Early PS applications and six have passed. The January cash balance was \$3,979,822.19. The Education and Research Fund balance was \$490,028.22. Members were reminded to file their 2022 Statement of Economic Interest forms electronically with the State Ethics Commission.

Disciplinary Hearings:

- a. Envision Photography, LLC was not present for case 2019-108. 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 Envision Photography, LLC and the hearing for this case will move forward in the absence of the respondent. Cleveland/Peeples/approved.

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

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

MOTION: Statute violation, offering and practicing surveying without a license. Issue a \$1,000 fine plus the cost of investigation, and issue a cease and desist. Dinkins/Dingle/approved.

- b. Michael L. Crews and Crews Land Surveying, LLC were not present for cases 2020-62 and 2021-84. 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 Michael L. Crews and Crews Land Surveying, LLC and the hearings for these cases will move forward in the absence of the respondents. Dinkins/Dingle/approved.

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

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

MOTION: Statute violations. Issue a cease and desist, and \$1000 fine plus investigative costs to firm. The board moves to suspend the license of Michael L. Crews. Dinkins/Kelly/approved.

Funding Request

Adam Jones, ACEC-SC/SCSPE, presented a request for \$9,000 for the winter meeting that was held February 16, 2022 at Seawell's in Columbia, and available virtually on February 18th.

MOTION: To approve funding request. Peeples/Dingle/approved.

The Board recessed for lunch from 12:20 p.m. until 1:00 p.m.

Application Hearings:

- a. William B. Allen Jr. appeared before the board seeking licensure by exam. Mr. Allen was not represented by counsel. James Michael O'Keefe 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. Peeples/Cleveland/approved.

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

MOTION: To approve the applicant for licensure based on testimony given. Rickborn/Kelly/approved.

- b. Kyle Jefferys appeared before the board seeking licensure by comity. Mr. Jefferys 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. Peeples/Rickborn/approved.

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

MOTION: To deny licensure by comity based application and testimony provided. Rickborn/Kelly/approved.

- c. John P. Reed, of Ohlin and Reed Consulting Engineers, Inc., appeared before the board, by videoconference, seeking a COA license. Mr. Reed was not represented by counsel. Diane Reed 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. Rickborn/Peeples/approved.

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

MOTION: To take no action at this time. Refer the case to ODC for investigation prior to taking any action. Cleveland/Kelly/approved.

- d. Steven Waidelich appeared before the board for an application review. Mr. Waidelich 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. Peeples/Dingle/approved.

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

MOTION: To waive the FE exam based on experience. Approve Mr. Waidelich to take the Fire Protection PE exam. He must pass the exam, and go through the portfolio review process for licensure consideration before December 31, 2024. Dinkins/Peeples/approved.

Portfolio Review Committee Recommendations

- a. The Board reviewed the February 23, 2022 electrical committee recommendations.

MOTION: To accept the recommendation to approve licensure for Charles B. Cobb, Michael Wahba, and Thomas Neal Williams.

Unfinished Business

Review of Action Items

The Board reviewed the action items from the January 18, 2022 meeting.

Board staff should develop a form for surveying-specific course preapproval that requires applicants to provide the institution, name of course and syllabus. Applicants must provide all 12-hour courses for consideration. Once approved, applicants will have three years to complete the courses.

Dr. Johnston Peeples will contact SC institutions that offer engineering programs that have recently been accredited or are pending EAC/ABET accreditation.

Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, May 24, 2022.

MOTION: To adjourn. Rickborn/Cleveland/approved.

The meeting adjourned at 3:28 p.m.

Respectfully Submitted,

Grace Tuttle
Program Assistant