

MINUTES
South Carolina Board of Registration for Professional Engineers and Surveyors
9:30 a.m., May 24, 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 9:34 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., Erin Baldwin, Esq., Kimberly Williams and Sonya Morse, Office of Disciplinary Counsel; Rodney Pigford and Kathy Meadows, Office of Investigations and Enforcement; and Xavier Keitt, Division of Operations Technology and Security.

Others participating included: Craig White, Esq., Howard “Robbie” Boyd, Lauren Acquaviva, James Ulmer, Kevin R. Adams, J. Taylor Bell, Esq., Charles J. Witczak, III, Dr. Hasala Dharmawardena (via WebEx), Jeffery K. Shealey, Andre’ Brooks, Dr. Jeff Davis, and Travis McLeod (Creel Court Reporting).

Approval of Meeting Minutes

The board reviewed the minutes from the March 8, 2022 meeting.

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

Approval of Excused Absences

All members present.

Review and Approval of Agenda

The Board changed the order in which some agenda items were heard.

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

Reports

Office of Investigations and Enforcement

Rodney Pigford, OIE Chief Investigator, presented the OIE report. From January 1, 2022 through May 19, 2022: 38 complaints received, eight active investigations, 10 closed cases. The average age of active investigations is 70 business days.

Investigative Review Committee Report

Mr. Pigford presented the IRC report. The committee met on May 13, 2022 with the following recommendations: Dismiss cases: 2021-97, 2021-98, 2022-31, 2022-24, 2022-6, 2021-96, 2019-98, 2019-101, 2020-30, 2020-87. Formal complaint for cases: 2021-99 and 2021-93. Letter of Caution for cases 2022-29, 2022-30, 2022-33, 2022-35, 2022-2, 2022-32, 2022-34, 2018-69 .

MOTION: To approve the IRC report except for cases 2019-98 and 2019-101.
Dinkins/Rickborn/approved.

MOTION: To reject the IRC recommendation for reconsideration for cases 2019-98 and 2019-101 and bring them directly to the full Board for a hearing.
Rickborn/Dinkins/approved.

The Board requested that the IRC members attend the July 12, 2022 Board meeting.

Office of Disciplinary Counsel Report

Mr. Elliott presented the ODC report. As of May 16th there were 39 open cases, and 14 cases were closed since the last report (March 2, 2022).

Administrative and Financial Reports

Mrs. Miles presented the Administrative and Financial reports. Mrs. Miles noted as of May 5, 2022, 6,318 engineers, 274 surveyors, and 32 dual licensees have renewed their licenses. There were 3,625 firms and 1,210 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 (April - June) shows 162 FE, eight FS, 78 PE, and four PS exams. We have received 2,302 Early PE exam applications and 1,524 have passed the exam. There have been 15 Early PS applications and seven have passed. The April cash balance was \$4,259,562.14. The Education and Research Fund balance was \$534,503.22.

CE Broker – Deb Carter, Client Success Manager

The board heard a presentation from Deb Carter regarding the services provided by CE Broker. The Board received this as information only. No action was taken. It was noted that most licensees utilize NCEES for maintaining CE.

Disciplinary Hearings:

- a. Huel C. Bailey was not present for cases 2018-1 and 2018-43. He was represented by counsel, S. Craig White, Esq. Howard “Robbie” Boyd served as a witness. Lauren Acquaviva and James Ulmer appeared as witnesses for the state. 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. Rickborn/Dinkins/approved.

MOTION: In Case 2018-1 against Huel C. Bailey, the board finds the state has met its burden of proof of misconduct under the practice act and that a violation has occurred. The board moves that the respondent be fined \$1,000 plus the cost of investigation, suspend his license until he completes the Texas Tech Murdough Center for Engineering ethics course, applies to the board to retake the State-Specific surveying exam and passes this exam. In Case 2018-43 against Huel C. Bailey, the board finds the state has failed to meet the burden of proof and moves the case be dismissed. The board directs OIE to open an investigation into the circumstances of this case. Cleveland/Peeples/approved.

The board recessed for lunch from 12:20 until 1:00pm.

- b. Kevin R. Adams appeared before the board for case 2021-22. Mr. Adams 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. Rickborn/Peeples/approved.

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

MOTION: In Case 2021-22 against Kevin R. Adams, the board moves to accept the memorandum of agreement. Respondent will pay investigative costs, and the license will be suspended until he is reinstated in North Carolina. Rickborn/Kelly/approved.

- c. Carolina Septic Systems, PC signed a proposed consent agreement for board review in Case 2021-71. This matter was recorded by a court reporter to provide a verbatim script should one be necessary.

MOTION: To reject consent agreement. Rickborn/Peeples/approved.

Funding Request – 2022 SC Engineering Conference & Trade Show

Allison King presented a request, via conference call, for \$35,000 for the annual conference and trade show to be held June 9-11 at the Embassy Suites, North Charleston. Presentations will be available in person and virtually.

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

Application Hearings:

- a. Hasala Dharmawardena appeared before the board via WebEx seeking to take the early PE examination. He does not have an EAC/ABET accredited undergraduate degree. Dr. Dharmawardena 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 to take the early PE examination. Dinkins/Rickborn/approved.

- b. Jeffrey K. Shealey appeared before the board seeking licensure by examination. Mr. Shealey 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 licensure by examination. Dinkins/Peeples/approved.

- c. Charles J. Witczak, III appeared before the board seeking licensure by comity. Mr. Witczak was represented by counsel, J. Taylor Bell, Esq. 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. Cleveland/Peeples/approved.

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

MOTION: Violation. Issue a non-disciplinary letter of caution and allow application to continue through the application review process. Cleveland/Dingle/approved.

- d. Andre' Brooks appeared before the board seeking licensure by comity. Mr. Brooks 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 application by comity due to no new evidence presented to show he meets the requirements for licensure. Kelly/Dingle/approved.

Unfinished Business

Review of Action Items

The Board will review the action items at a later meeting.

New Business

The Citadel ABET Accredited Construction Engineering Program

Dr. Jeff Davis, Dept. Head, Civil & Environmental Engineering, made a presentation about the newly accredited program. Based on the course descriptions, the Board determined 10 credit hours of proposed courses in the Construction Engineering curriculum would be acceptable for surveyor education, but two additional hours are required in order to meet the 12 hours of discipline specific surveying coursework. Acceptable courses include: CIVL 101 engineering drawing (2 hrs), CIVL 205 surveying (3 hrs), CIVL 235 surveying lab (1 hr), CIVL 208 geomatics (3 hrs), CIVL 239 geomatics lab (1hr).

COA Branch Office Licensure

The Board will address this item at a later meeting.

Professional Development Hour Credit

The Board will address this item at a later meeting.

NCEES Annual Meeting

The board discussed the NCEES Annual Meeting, being held in Carlsbad CA, August 23-26. NCEES will fully fund the administrator and three delegates (Chao, Cleveland, Dingle). Dinkins and Rickborn are funded by NCEES.

MOTION: LLR to fund travel for staff members Stacey Hewson, Chris Elliott, and an investigator, above the GSA rate. Rickborn/Dinkins/approved.

Proposed PS Test Module and Fee Change

The Board will address this item at a later meeting.

Recognition of Students Who Pass the NCEES FE Exam

The Board will address this item at a later meeting.

Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, July 12, 2022.

The meeting adjourned at 6:20 p.m.

Respectfully Submitted,

Grace Tuttle
Program Assistant