

MINUTES

South Carolina Board of Registration for Professional Engineers and Surveyors

9:30 a.m., July 12, 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 9:31 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., Office of Disciplinary Counsel; Rodney Pigford and Kathy Meadows, Office of Investigations and Enforcement; Xavier Keitt, Division of Operations Technology and Security; Emily Farr, LLR Director and Patrick Jarvis, LLR Finance.

Others participating included: Pat Gambill, Kevin Krick, Dennis Johns, Brian Bonds, William McCurry, Richard Cook, and Kathy Boone (Creel Court Reporting).

Approval of Meeting Minutes

The board reviewed the minutes from the May 24, 2022 meeting.

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

Approval of Excused Absences

All members present.

Review and Approval of Agenda

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

Reports

Office of Investigations and Enforcement

Rodney Pigford, OIE Chief Investigator, presented the OIE report. From January 1, 2022 through July 11, 2022: 61 complaints received, 10 active investigations, 25 closed cases. The average age of active investigations is 58 business days.

Investigative Review Committee Report

Mr. Pigford presented the IRC report. The committee met on July 6, 2022 with the following recommendations: Dismiss case 2022-9, Letter of Caution for case 2022-13, and a Formal Complaint for case 2022-12.

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

Mr. Pigford provided a brief overview of the complaint process from receipt of initial complaint, to the IRC meeting. Mr. Jennings indicated the complaint analyst is an attorney who reviews the initial complaint to determine jurisdiction and if enough information is provided to proceed. IRC members Gambill, Krick, Johns and Bonds indicated the current process is working well. The Board thanked the members for their service. Mr. Rickborn indicated he would like to see more ODC and OIE staff participation in the NCEES Annual Meeting Law Enforcement Training.

Office of Disciplinary Counsel Report

Mr. Elliott presented the ODC report. As of July 6th there were 34 open cases, 9 cases closed since the last report, and 30 cases closed since January 1st. The Board expressed concerns regarding the age of complaint cases. Mr. Elliott indicated the pandemic contributed to some of the backlog and there is a drafting backlog in ODC. Director Farr indicated the agency is working diligently to remedy the situation by attempting to fill vacant positions.

Administrative and Financial Reports

Mrs. Miles presented the Administrative and Financial reports. Mrs. Miles noted as of June 23, 2022, 13,956 engineers, 631 surveyors, and 72 dual licensees current. There were 3,649 firms and 1,227 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. As of July 11th the NCEES CBT Summary for the July – September testing window showed 127 FE, six FS, 17 PE, and two PS exams scheduled. The Board has received 2,327 Early PE exam applications and 1,535 have passed the exam. There have been 16 Early PS applications and seven have passed. The May cash balance was \$4,492,257.57. The Education and Research Fund balance was \$570,063.22.

Mrs. Miles informed that board that due to an issue in obtaining an invoice for a funding request, LLR has advised the purchase order must be created prior to the event, and within 30 days of the event, the invoice must be received in order to process payment. The Board reiterated that funding requests must be submitted 30 days prior to the Board meeting. The request form will be updated, to reflect the new requirements, and sent to routine requestors.

Projection of Board Finances (Emily Farr and Patrick Jarvis)

Director Farr indicated the agency is required to perform a cash balance review of Boards to ensure fees are sufficient, but not excessive, to cover expenses. She recommended a 20 percent reduction in initial

licensure and renewal fees. The Board expressed concern regarding ensuring future funds are available to continue operating. This matter will be revisited during the September 20th meeting.

Disciplinary Hearing:

- a. Sharon Storey Alvarez was present for case 2020-7. She was not represented by counsel. She did not have any witnesses. William McCurry and Richard Cook 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. Rickborn/Cleveland/approved.

The board recessed for lunch until 2:20 p.m.

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

MOTION: The board finds the State has met the burden of proof in proving violations of conflict of interest and unprofessional conduct. \$1000 fine per violation and \$320 in investigative costs. Issue a public reprimand. Licensee must pass the Board's Legal/Ethics exam within 30 days of issuance of the final order with a score of 80%. Mr. Cleveland amended the motion to add if the exam is not passed within 30 days, the license is suspended until the exam is passed. Cleveland/Dinkins/approved.

Motion to Reconsider – Andre' Brooks

Mr. Brooks submitted an email request for reconsideration of his previously denied application. Specifically, the request was to have his education reevaluated. He was not present nor represented by counsel. This matter was recorded by a court reporter to provide a verbatim script should one be necessary.

MOTION: Dinkins made a motion to enter executive session for legal advice. The motion was withdrawn due to a lack of a second.

MOTION: Deny request and stand behind the board order dated June 7, 2022. Cleveland/Kelly/approved.

Unfinished Business

Review of Action Items

The Board reviewed the action items from the March 8 and May 24 meetings.

Expert Scope of Review – Mr. Jennings is seeking assistance with standard questions we should be asking the expert reviewers to consider when reviewing complaint cases. The current questions were provided for review. The Board will discuss this item during the September meeting.

Affidavit for Initial Complaints – Mrs. Hewson and Mr. Rickborn previously worked on the document. The affidavit requires the complainant to indicate the specific section of the statute or regulation for the alleged violation. Ms. Hewson will consult with ODC for feedback.

Surveyor Education (12-hour coursework) Preapproval – The draft preapproval form was reviewed by the board. The Board previously determined applicants must already have a four-year degree and must submit all of the 12-hour courses for review at one time. Once approved, the applicant will have three years to complete the courses. Pre-approval evaluations will be conducted one time. Applicants must provide the course name, number, institution and syllabus.

New Business

COA Branch Office Licensure

Mr. Kelly initiated the discussion of how technology and more people working remotely can affect the branch office license requirement.

Professional Development Hour Credit

The Board reviewed an ad, from McKissock Learning, for a 30-hour continuing education correspondence book as an option for obtaining CE credit. Licensees read course materials, answer questions and submit the answer sheet along with payment, and receive a completion certificate. This option does not provide a measurement for contact hour or length of time involved. Mr. Chao will draft language to include in the FAQ's for review during the September meeting.

Proposed PS Test Module and Fee Change

Mr. Chao indicated NCEES has placed the PS Test Module on hold.

Recognition of Students Who Pass the NCEES FE Exam

Mr. Chao advised the U of SC has implemented the use of a black honor chord for graduates who pass the FE exam and is interested in getting the Board and other instate institutions onboard to recognize graduates. Discussion ensued. NCEES has also discussed this topic. Rickborn, Cleveland, and Chao will work on a process/procedure for the Board to fund this outreach project as a means to promote licensure. The recognition will also apply to graduates who pass the FS exam.

2022 NCEES Annual Meeting Action Items and Motions

The Board reviewed the items to be voted on during the NCEES Annual Meeting, in August. NCEES is proposing fee increases for FE, FS, PE, PS and 16-hour Structural exams effective January 2024.

2023 Proposed Meeting Dates

The proposed 2023 meeting dates are January 24, March 14, May 23, July 11, September 26 – 27, November 14. The Board recommended adding an additional meeting date earlier in the year for disciplinary hearings if needed.

Regulatory Review

Mrs. Hewson advised that the LLR Engine requires boards to conduct a regulatory review every five years to ensure the health, safety and welfare of the public.

MOTION: Current regulations meet the requirements.
Peeples/Rickborn/approved.

Other Business

Donnell Jennings asked the Board to approve travel for another member of OIE to attend the NCEES annual meeting in lieu of Chris Elliott who is unable to attend.

MOTION: Approve travel for two staff members from OIE or ODC.
Rickborn/Cleveland/approved.

Mrs. Hewson briefed the board on a COA application issue in which a firm acquired three other firms and wants to offer services under any of the three d/b/a names, depending on the prospective client and type of service to be provided. She will obtain additional information regarding the legal entity and report back to the board.

Mrs. Miles asked the Board for guidance regarding education evaluations that are deficient in general education only. The general education deficiency is normally present in applicants with foreign undergraduate degrees. The Board has traditionally allowed the reviewing member to approve these applicants at their discretion. The Board agreed to continue allowing the reviewing member to make the determination.

Mrs. Miles asked the Board for guidance regarding accepting master's degrees that have combined areas, such as M.S. degree in civil and environmental engineering, as the qualifying degree in accordance with Regulation 49-200A(1). The programs are accredited individually by ABET at the B.S. level. ABET does not accredit combined program areas and there are very few master's programs accredited by ABET. The Board determined the combined master's is acceptable.

Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, September 20, 2022.

MOTION: To adjourn.
Rickborn/Dinkins.

The meeting adjourned at 4:36 p.m.

Respectfully Submitted,

Lenora Addison-Miles, CPM, MBA
Administrator