

MINUTES
South Carolina Board of Registration for Professional Engineers and Surveyors
9:30 a.m., September 20, 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 9:39 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; James Kemfort, 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: Harvey Crouch, Bryan Kelley, Esq., Joseph Killian, Joshua Funderburk, William Risko, Alexander Zuentd, Robert A . Scott, Bill Young, Daniel Wilson, Allison King, Adam Jones, Peter Strub and Kathy Boone (Creel Court Reporting).

Approval of Meeting Minutes

The board reviewed the minutes from the July 12, 2022 meeting.

MOTION: To approve minutes with noted correction. Rickborn/ Dingle/approved.

Approval of Excused Absences

All members present.

Review and Approval of Agenda

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

Reports

Office of Investigations and Enforcement

James Kemfort, Investigator, presented the OIE report. From January 1, 2022 through September 13, 2022: 84 complaints received, eight active investigations, 28 closed cases. The average age of active investigations is 44 business days.

Investigative Review Committee Report

Mr. Kemfort presented the IRC report. The committee met on September 9, 2022 with the following recommendations: Dismiss cases 2021-35, 2021-94, 2022-10, 2022-27, 2022-28, 2022-36; Letter of Caution for case 2022-44, and a Formal Complaints for cases 2022-39, 2022-66, 2022-57.

MOTION: To approve the IRC report with cases 2022-27 and 2022-28 continued until the next meeting for a better explanation regarding the issues.
Rickborn/Dinkins/approved.

Office of Disciplinary Counsel Report

Mr. Elliott presented the ODC report. As of September 15th, there were 35 open cases, 5 cases closed since the last report, and 35 cases closed since January 1st. Mr. Elliott provided an update regarding the older complaint cases. On June 30, 2021, the last report before the Board returned to in-person meetings and hearings, there were 52 open cases. Twenty-nine of the cases were from 2017, 2018 and 2019. As of today, there are five aged cases. Director Farr indicated the agency is hoping two new ODC attorneys will begin work within the next few weeks, which will help with the caseload.

Administrative and Financial Reports

Mrs. Miles presented the Administrative and Financial reports. Mrs. Miles noted as of September 7, 2022, 18,465 engineers, 873 surveyors, and 100 dual licensees current. There were 3,684 firms and 1,230 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 September 15th the NCEES CBT Summary for the July – September testing window showed 99 FE, four FS, 68 PE, and four PS exams. The Board has received 2,351 Early PE exam applications and 1,562 have passed the exam. There have been 17 Early PS applications and seven have passed. The August cash balance was \$5,084,639.76. The Education and Research Fund balance was \$620,933.22.

Projection of Board Finances (Emily Farr and Patrick Jarvis)

Director Farr presented the financial overview of current and projected financials. She is recommending a 20% reduction of individual license fees. Discussion ensued.

MOTION: To approve 20% fee reduction as proposed. Cleveland/Peeples/approved.

Disciplinary Hearings:

- a. Harvey Crouch, President of Crouch Engineering Inc. was present for case 2019-72 in the matter of Crouch Engineering, Inc. He was represented by Bryan Kelley, Esq. He did not have any witnesses. This matter was recorded by a court reporter in order to provide a verbatim script should one be necessary.

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

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

MOTION: Based upon the totality of the evidence provided, surveying services provided were not minor and therefore constitutes the unlicensed practice of surveying. Issue a public reprimand, \$3000 fine plus investigative costs associated with the case. Dinkins/Dingle/approved.

- b. Joseph Killian appeared via WebEx videoconference for case 2022-77. He was not represented by counsel. He did not have any witnesses. This matter was recorded by a court reporter in order to provide a verbatim script should one be necessary. Mr. Rickborn was recused from this matter.

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

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

MOTION: Issue a public reprimand and \$500 fine, due to the fact that he offered to provide engineering services prior to obtaining the appropriate license. Dinkins/Dingle/approved.

The Board recessed for lunch until 1:10 p.m.

- c. Joshua Funderburk appeared for a hybrid disciplinary case 2022-12 and an application hearing. He was not represented by counsel. He did not have any witnesses. This matter was recorded by a court reporter in order to provide a verbatim script should one be necessary. Mr. Rickborn was recused from this matter.

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

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

MOTION: Accept the MOA. Issue a non-disciplinary letter of caution. Deny application for licensure by exam. He may reapply after one year from the date of the order, and completion of the Texas Tech Murdough Center for Engineering Professionals intermediate level course in engineering ethics, and pass the board's legal ethics exam with a score of 80% prior to reapplication. Cleveland/Peeples/approved.

Legal Advice Regarding Disposition of Aiding and Abetting Cases – Executive Session

MOTION: To enter executive session for legal advice with Chris Elliott and Mrs. Miles participating. Peeples/Dinkins/approved.

No motions were made or votes taken during executive session.

Application Hearings

- a. William Risko appeared via WebEx videoconference seeking licensure by comity. Mr. Risko 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. Dinkins/Rickborn/approved.

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

MOTION: Deny application due to conviction that is a felony and crime of moral turpitude. Cleveland/Rickborn/approved.

- b. Alexander Zuentd appeared before the board seeking renewal of his engineer license. Mr. Zuentd 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. Dinkins/Rickborn/approved.

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

MOTION: Grant renewal subject to applicant providing proof of prior completion of the EPD engineering program from Auburn University, take and score at least 80% on the SC board legal ethics exams within 30 days from the date of the final order, issue a non-disciplinary letter of caution, and applicant shall refrain from the practice of engineering during pending period and prior to completion of the conditions. Cleveland/Peeples/approved.

- c. Robert A. Scott appeared before the board seeking licensure by examination. He was not represented by counsel. Bill Young served as a witness. This matter was recorded by a court reporter to provide a verbatim script should one be necessary.

MOTION: To grant license based on testimony given. Dinkins/Kelly/approved.

- d. Daniel Wilson appeared before the board seeing licensure by comity. 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 grant license. Rickborn/Dinkins/approved.

Funding Requests

- a. The board reviewed a funding request for The Citadel/ASCE 2023 Carolina's Student Symposium to be held April 13-15, 2023. Dr. Timothy Mays provided details regarding the event.

MOTION: To approve \$20,000 request. Dinkins/Rickborn/approved.

- b. The board reviewed a funding request for the SCSPLS October Convention to be held October 14-16, 2022 at Sea Island Inn in Beaufort, SC.

MOTION: To approve \$5,000 request. Dingle/Peeples/approved.

- c. The board reviewed a funding request for the SCSPE Fall Symposium to be held November 7, 9, 29 & 30, 2022 in Greenville, Rock Hill, and virtually.

MOTION: To approve \$12,000 request. Rickborn/Dinkins/approved.

Unfinished Business

Review of Action Items

The Board reviewed the action items from the July 12, 2022 meeting.

Expert Scope of Review – Mr. Rickborn is working on structural engineering questions. Other members need to provide questions for other engineering disciplines.

Affidavit for Initial Complaints – The board reviewed a document revised by Mrs. Hewson and Mr. Rickborn.

MOTION: To approve document as submitted. Peeples/Dingle/approved.

Recognition of Students Who Pass the FE/FS Exams – Mr. Chao reported that NCEES will implement this program. The colors will be red and white with a button that distinguishes the designated exam passed.

Mr. Chao left the meeting at 4:30 p.m.

Continuing Education/PDH Frequently Asked Questions (FAQ's) were updated to include the board's decision that purchasing technical materials from a provider, reading the articles, answering workbook questions and returning to the provider for grading is not acceptable.

New Business

CE Exemption Request

The board reviewed a request for an exemption based on physical disability, in which the licensee is continuing to work part time but indicated inability to complete CE requirements due to an injury.

MOTION: To deny request. Dinkins/Kelly/approved.

Proposed Changes to State Class Specifications for Engineering Services

The board reviewed an email from Kevin Paul, Assistant Director with the Division of State Human Resources, regarding the proposed change to the special requirement for registration as a professional engineer for the Director of Engineering I and Director of Engineering II state classifications. SCDOT requested to amend the special requirements to indicate that some positions may require registration as a SC professional engineer. Individuals licensed as professional engineers would utilize Director of Engineering and those who are not licensed would use the Engineering Associate Director. The board does not have any issues with the new classifications and because this is not within the board's jurisdiction, no formal action was taken.

2022 NCEES Annual Meeting Summary Report

Ms. Hewson informed the board of legal action against the North Carolina board regarding a retired engineer expressing his opinions on engineering and a separate issue regarding individuals providing drone services. All individual members of the Board and the executive director are named in the lawsuit.

Changes to the PS examination modules are currently on hold until additional feedback is obtained.

The Western Zone presented a resolution regarding comity licensure, to amend the Model Law, where anyone licensed in a jurisdiction for 10 years with no disciplinary actions and no suspension or revocations could be licensed in any jurisdiction without further examination with the exception of a state law exam.

The Western Zone also presented a motion to allow public members to serve as president of the board of directors.

Other Business

Mrs. Miles informed the board of concerns the education consultants expressed regarding the education requirements of Regulation 49-200A. where the Master of Engineering or Master of Science in Engineering in a program accredited by EAC/ABET at the baccalaureate or master's level is acceptable for fulfilling the education requirement. When the undergraduate degree is in a non-engineering field, such as physics or chemistry, the individual could enroll in the environmental engineering MS program and take coursework in environmental chemistry areas (water qualify, air pollution, risk assessment, environmental chemistry) and miss the fundamentals of an engineering education. The Board will monitor this situation to determine if action is needed.

Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, November 1, 2022.

MOTION: To adjourn.
Rickborn/Peeples/approved.

The meeting adjourned at 4:50 p.m.

Respectfully Submitted,

Lenora Addison-Miles, CPM, MBA
Administrator