

MINUTES
South Carolina Board of Registration for Professional Engineers and Surveyors
9:30 a.m., November 1, 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 9:32 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; Henry Dingle, Jr., PLS, Secretary; Gene L. Dinkins, PE, PLS; Timothy Rickborn, PE; D. Mack Kelly, Jr., PE, PLS; Dr. Johnston Peebles, Ph.D., PE; and Peter Strub, PE.

Staff members participating included: Lenora Addison-Miles, Administrator; Stacey Hewson, Esq., Office of Advice Counsel; Daniella Filipovic, Administrative Assistant; Chris Elliott, Esq., Alice Douglas, Sherrie Butterbaugh, and Sara Morris, 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: Stephen Hoffman via WebEx videoconference, Tyson Hicks, John Plummer Jr., Allison King, Adam Jones, and Kathy Boone (Creel Court Reporting).

Approval of Meeting Minutes

The board reviewed the minutes from the September 20, 2022 meeting.

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

Approval of Excused Absences

MOTION: To approve absence of Baker Cleveland. Peebles/Dinkins/approved.

Review and Approval of Agenda

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

Reports

Office of Investigations and Enforcement

Rodney Pigford, Chief Investigator, presented the OIE report. From January 1, 2022 through October 25, 2022: 95 complaints received, 10 active investigations, 36 closed cases. The average age of active investigations is 44 business days.

Investigative Review Committee Report

Mr. Pigford presented the IRC report. The committee met on October 17, 2022 with the following recommendations: Dismiss cases 2020-86, 2022-27, 2022-46; Letter of Caution for case 2022-72, and Formal Complaints for cases 2022-58, 2022-28.

MOTION: To approve the IRC report. Strub/Rickborn/approved.

Office of Disciplinary Counsel Report

Mr. Elliott presented the ODC report. As of October 24, 2022, there were 37 open cases, 5 cases closed since the last report, and 40 cases closed since January 1st.

Administrative and Financial Reports

Mrs. Miles presented the Administrative and Financial reports. Mrs. Miles noted as of October 24, 2022, 18,725 engineers, 880 surveyors, and 101 dual licensees current. There were 3,660 firms and 1,199 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 October 31st the NCEES CBT Summary for the October thru December testing window showed 217 FE, three FS, 87 PE, and two PS exams. The Board has received 2,365 Early PE exam applications and 1,572 have passed the exam. There have been 18 Early PS applications and seven have passed. The September cash balance was \$5,046,556.42. The Education and Research Fund balance was \$621,793.22.

Ms. Miles reported she received an email from Coastal Carolina advising that their Engineering Science B.S. program was reviewed favorably by ABET and is now an EAC/ABET accredited engineering program.

Baker Cleveland joined the meeting at 9:54 a.m.

Disciplinary Hearings:

- a. Stephen Hoffman appeared via WebEx videoconference for case 2022-84 in the matter of Hoffman Engineers, LLC. Mr. Hoffman 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.

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

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

MOTION: Accept the MOA; issue a fine of \$500. Issue COA license upon payment of fine. Cleveland/Strub/approved.

- b. Tyson Hicks appeared for a MOA hearing for case 2022-95. 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. Strub was recused from this matter.

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

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

MOTION: Accept MOA, issue a public reprimand, and \$500 fine. Issue license upon payment if all requirements are met. Dinkins/Dingle/approved.

- c. Envision Photography, LLC was not present for the hearing in case 2019-108. They were not represented by counsel. They did not have any witnesses. Alice Douglas and Kathy Meadows served as witnesses for the State. This matter was recorded by a court reporter in order to provide a verbatim script should one be necessary.

MOTION: Proper notice of hearing was provided to respondent. Dinkins/Kelly/approved.

MOTION: Reiterate the March 2022 order regarding unlicensed practice. Firm is in willful non-compliance of the order. Seek relief from the Administrative Law Court for violation of the cease and desist order; authorize LLR to petition the SC Secretary of State for administrative dissolution of the firm and refer facts to SLED and the SC Attorney General or other State law enforcement agency for possible criminal penalties. Cleveland/Dinkins/approved.

- d. Roger Rearick and Southern Engineering Consulting Services, LLC were not present for hearings in cases 2020-57 and 2020-60. They were not represented by counsel. They did not have any witnesses. Alice Douglas and Kathy Meadows served as witnesses for the State. This matter was recorded by a court reporter in order to provide a verbatim script should one be necessary.

MOTION: Proper notice of hearing was provided to respondents. Cleveland/Rickborn/approved.

MOTION: Proper notice of hearing was given to respondents. Roger Rearick and Southern Engineering Consulting Services, LLC are in willful non-compliance of the board order issued in January 2022, by non-payment of the fine and costs, and failure to abide by the cease and desist. Further violation of the cease and desist order should be directed to the Administrative Law Court. Authorize LLR to petition the SC Secretary of State for administrative dissolution of the firm; and notify law enforcement for potential criminal violations. Cleveland/Rickborn/approved.

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

MOTION: To enter executive session for legal advice with Chris Elliott, Mrs. Miles and staff participating. Rickborn/Dingle/approved.

No motions were made or votes taken during executive session.

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

Application Hearing

- a. John L. Plummer, Jr. appeared before the board seeking renewal of his engineer license. 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 enter executive session for legal advice. Rickborn/Strub/approved.

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

MOTION: Reject renewal application based on North Carolina licensure issues until such time as the NC issues are resolved. Rickborn/Kelly/approved.

The Board recessed for lunch until 12:50 p.m.

Unfinished Business

Review of Action Items

The Board reviewed the action items from the September 20, 2022 meeting.

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

New Business

NCEES Call for Awards Nominations

NCEES is seeking nominations for National Service Awards. The completed nomination package is due to NCEES no later than January 31, 2023.

Inquiry Regarding NCEES DEI Policy

The board reviewed an email inquiry regarding the recent revised NCEES Position Statement 34 Diversity, Equity and Inclusion (DEI). During the 2022 NCEES Annual meeting, the 69-member licensing board delegates discussed and voted to approve the revised statement on diversity. The revised statement reads, “NCEES is committed to 1) advancing licensure in such a way as to be inclusive of all people for the betterment of engineering and surveying licensure and 2) treating its employees and volunteers of the organization in an equitable and inclusive manner with respect, dignity, and fairness that fosters participation without regard to individual differences. NCEES encourages its member boards to do the same.”

The position statement merely reflects the DEI policy of NCEES and does not change the central mission of NCEES. The policy does not affect individual state laws and regulations regarding licensure requirements.

2023 NCEES Southern Zone Officers Nominations

Mr. Chao is interested in running for the NCEES Southern Zone assistant vice president position in 2023, and is seeking the boards support.

MOTION: To support Mr. Chao’s candidacy for Southern Zone Vice president.
Dinkins/Cleveland/approved.

Education & Research Fund Spending

The Board continued the discussion of utilizing the education and research fund to attract students into the profession and promote licensure. Director Farr suggested forming a study group to brainstorm ideas of how the funds can most effectively be spent. The group would be comprised of board members, professors, students and practicing engineers.

Mr. Rickborn contacted NCEES regarding the board paying for FE/FS exams. Currently an institution pays for its students to take the exams. The students sign up with their institution/department and the institution provides NCEES with a list of students. NCEES then sends the students a coupon code to pay for the exam when they register. This process would require us to set up a mechanism for the college/university to capture the names of eligible students based on the board’s established criteria. Currently, the Board does not approve FE/FS exam candidates. The candidates apply directly with NCEES.

LLR representatives will need to contact NCEES to investigate how to administer the process. Rickborn and Dinkins will assist in this process and report to the full board. The board would like to fund the FE exam for SC residents attending a SC institution, and the FS exam for any SC resident. The funding applies to first-time exam takers only.

MOTION: To form a study group of nine people (two board members, two professors, two engineers, two students, one LLR representative). The two professors and two students need to be from different institutions.
Rickborn/Cleveland/approved.

Dr. Peebles and Mr. Kelly volunteered to form the study group.

Election of Officers

MOTION: To continue current officers. Dinkins/Kelly/approved.

Other Business

No other business was discussed.

Public Comments

Adam Jones reported he received notice from the Home Builders Association of SC regarding a potential issue with unlicensed people performing inspections of residential foundations. The individuals conduct inspections and advise the homeowner of numerous repairs needed. The Contractors Licensing Board Practice Act provides for this type of license, but consumers may be taken advantage of because the work is performed on residential property. There is no such license with the Residential Builders Commission so there is no recourse for consumers other than a civil suit. Mr. Rickborn indicated the NC Engineers & Surveyors Board has published a foundation repair guideline document and have opined

this type of work is the practice of engineering. Helical piles and other foundation repair methods are covered by the building code.

The Designer Fair Contracting Act will be pursued this legislative session, and land surveyors are looking to modernize to code that deals with fines for relocating or moving surveying monuments.

Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, January 24, 2023.

MOTION: To adjourn.
Cleveland/Rickborn/approved.

The meeting adjourned at 2:05 p.m.

Respectfully Submitted,

Lenora Addison-Miles, CPM, MBA
Administrator