

MINUTES
South Carolina Board of Registration for Professional Engineers and Surveyors
9:30 a.m., January 24, 2023
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; Gene L. Dinkins, PE, PLS; Timothy Rickborn, PE; and Dr. Johnston Peeples, Ph.D., PE. Members D. Mack Kelly, Jr., PE, PLS; and Peter Strub, PE, participated via WebEx videoconference.

Staff members participating included: Stacey Hewson, Esq., Office of Advice Counsel; Alice DeBorde, Program Coordinator; Chris Elliott, Esq., Casey Smith, Esq., and Alice Douglas, Office of Disciplinary Counsel; James Kemfort, Kathy Meadows and Donnell Jennings, Office of Investigations and Enforcement; and Xavier Keitt, Division of Operations Technology and Security. Lenora Addison-Miles, Administrator, participated via WebEx videoconference.

Others participating included: Allison King, Rebecca Brown, Mark Smallridge, Jared Garraux (attorney), Walter Brown Jr., Michael Hobbs, Micah Miley, Clayton Moore, Harold Brucey, and Cortney Glover (Creel Court Reporting).

Approval of Meeting Minutes

The board reviewed the minutes from the November 1, 2022 meeting.

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

Approval of Excused Absences

MOTION: To approve absence of Henry Dingle. Cleveland/Peeples/approved.

Review and Approval of Agenda

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

Reports

Office of Investigations and Enforcement

James Kemfort, Chief Investigator, presented the OIE report. From January 1, 2022 through December 31, 2022: 111 complaints received, four active investigations, 66 closed cases. The average age of active investigations is 132 business days.

Investigative Review Committee Report

Mr. Kemfort presented the IRC report. The committee met on January 12, 2023 with the following recommendations: Dismiss cases 2021-45, 2022-66, 2022-63, 2022-74; Letters of Caution for cases 2022-41 and 2022-82. Members Kelly and Dinkins were recused from this matter.

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

Office of Disciplinary Counsel Report

Mr. Elliott presented the ODC report. As of January 20, 2023, there were 39 open cases, 12 cases closed since the last report, and one case closed since January 1st.

Administrative and Financial Reports

Mrs. Miles presented the Administrative and Financial reports. Mrs. Miles noted as of January 12, 2023, 18,973 engineers, 888 surveyors, and 101 dual licensees current through 2024. Online license renewals for firms opened on January 9th. Meeting materials also contain information regarding the number of in state and out-of-state early PE/PS exam candidates by year. According to the NCEES CBT Summary for the January thru March testing window, there were 137 FE, seven FS, 48 PE and one PS exam. The Board has received 2,401 Early PE exam applications and 1,603 have passed the exam. There have been 19 Early PS applications and nine have passed. The November cash balance was \$4,978,713.82. The Education and Research Fund balance was \$602,013.22.

Disciplinary Hearings:

- a. Walter Brown Jr., officer and registered owner of BAW Cad Services, LLC, appeared for a MOA hearing in Case 2020-21. Cases 2020-1 and 2020-23 were included as companion cases. The respondents were not represented by counsel and did not have any witnesses. Mr. Googer (Case 2020-23) was not present. Alice Douglas, Kathy Meadows, and Rebecca Brown 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 Marcus Googer and the case should proceed in his absence. Dinkins/Cleveland/approved.

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

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

MOTION: Case 2020-21, BAW Cad Services, LLC, accept the MOA, issue a public reprimand, \$60 investigative costs, and COA license is revoked until respondent meets requirements for COA license.

Case 2020-1, accept the MOA. Issue a public reprimand, \$1000 fine and \$60 investigative costs.

Case 2020-23 (Googer), issue a public reprimand, \$1000 fine, and respondent must complete the basic level study in Engineering Ethics course (30 hours) offered by the Texas Tech Murdough Center for Engineering Professionalism within 60 days or face suspension of license.
Rickborn/Dinkins/approved.

- b. Walter Brown appeared for a MOA hearing for case 2020-1. The case was heard in conjunction with cases 2020-21 and 2020-23.
- c. Marcus Googer was not present for the hearing in case 2020-23. He was not represented by counsel. The case was heard in conjunction with cases 2020-21, and 2020-1.
- d. Mark R. Smallridge appeared for a MOA hearing in case 2019-21. He was represented by attorney Jared Garraux. The companion case in this matter, Case 2021-99 Nigel Nixon and Partners, Inc. was resolved prior to the hearing with a consent agreement. 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. Dinkins/Cleveland/approved.

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

MOTION: Accept MOA and issue a non-disciplinary letter of caution to respondent to remind him to properly comply with all licensing laws when practicing in multiple states. Cleveland/Dinkins/approved.

- e. Nigel Nixon and Partners, Inc. case was resolved with a Consent Agreement prior to the hearing.
- f. Michael H. Hobbs appeared for a MOA hearing in case 2022-100. He was not represented by counsel. He did not have any witnesses. The hearing was closed to the public due to protected health information. The 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. Dinkins/Rickborn/approved.

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

MOTION: Accept MOA and issue a public reprimand. Dinkins/Peeples/approved.

The Board recessed for lunch from 12:40 until 1:10 p.m.

- g. Micah Miley was present for a MOA hearing in case 2022-104. He was not represented by counsel. He did not have any witnesses. The matter was recorded by a court reporter in order to provide a verbatim script should one be necessary. Mr. Kelly was recused from the hearing.

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

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

MOTION: Accept MOA and issue a public reprimand. Dinkins/Rickborn/approved.

h. GRS Group, LLC, case 2019-99 was continued until the March meeting.

Legal Advice Regarding Consent Agreements/Parameters for CE Audit Cases – Executive Session

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

No motions were made or votes taken during executive session.

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

MOTION: To modify consent agreement parameters for continuing education cases to include a public reprimand, \$500 fine, investigative costs, and 60 days to comply with CE or immediate suspension of license (after the 60 days).

Funding Request

The Board reviewed a funding request for \$12,000 for the ACEC-SC/SCSPE Winter meeting, scheduled for February 15, 2023 in Columbia.

MOTION: To approve revised amount of \$10,000. Rickborn/Peeples/approved.

Application Hearing

a. Clayton P. Moore appeared before the board seeking reinstatement of his engineer license. He was not represented by counsel. Harold Brucey 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. Dinkins/Rickborn/approved.

MOTION: To deny reinstatement and issue a public reprimand for nondisclosure of prior criminal conviction on previous renewal application. License may be reinstated within 180 days from date of the board order, if applicant completes the Advanced Level Study in Engineering Ethics course (90 hours) offered by the Murdough Center for Engineering Professionalism, and completes 30 hours of PDH units in his field of practice. Cleveland/Peeples/approved.

Unfinished Business

Review of Action Items

The Board reviewed the action items from the November 1, 2022 meeting.

NCEES Call for Awards Nominations

MOTION: Nominate Jimmy Chao for SZ Distinguished Service Award.
Dinkins/Rickborn/approved.

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

Education and Research Fund Spending - Dr. Peeples provided an update on the status of the study group and provided a handout for members to review.

MOTION: To change composition of study group. Peeples/Dinkins/approved.

New Business

NCEES Southern Zone Meeting

The NCEES Interim Zone meeting will be held in Houston, TX, April 27-29, 2023. NCEES will fund three board delegates and the administrator at no cost to LLR. The funded delegates will be Chao, Cleveland, and Rickborn. Dinkins is also funded as past president of NCEES.

MOTION: Motion was made by Cleveland for LLR to fund travel for Peeples, Dingle, Miles, and Hewson, above the GSA rate. The motion was withdrawn.

MOTION: Request funding from LLR, above the GSA rate, for Peeples, Hewson, Kelly, Strub and Dingle. Cleveland/Peeples/approved.

MOTION: To nominate Timothy Rickborn as a candidate for NCEES president elect.
Dinkins/Peeples/approved.

Firm Licensure Inquiry

The board reviewed an email inquiry regarding the resident professional requirement of SC Code of Laws, Section 40-22-250.

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

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

No motions were made or votes taken during executive session. Advice Counsel Hewson will prepare a draft document, regarding resident professional requirements, for Board review.

Other Business

No other business was discussed.

Public Comments

Allison King briefed the board regarding proposed legislation H.3605 that would amend Title 40 Chapter 1 relating to investigations of licensees, disciplinary action proceedings, and the effect of prior criminal convictions of applicants.

February 22, 2023 is Engineers Day at the State House.

Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, March 14, 2023.

MOTION: To adjourn.
Peeples/Cleveland/approved.

The meeting adjourned at 4:23 p.m.

Respectfully Submitted,

Lenora Addison-Miles, CPM, MBA
Administrator