

**MINUTES**  
**South Carolina Board of Registration for Professional Engineers and Surveyors**  
**9:30 a.m., March 14, 2023**  
**Synergy Business Park, Kingtree Building**  
**110 Centerview Drive, Conference Room 108**  
**Columbia, SC**

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**Call to Order**

Chairperson Chao called the meeting to order at 9:33 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, Kingtree 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, PLS, Secretary; Gene L. Dinkins, PE, PLS; Timothy Rickborn, PE; D. Mack Kelly, Jr., PE, PLS; Peter Strub, PE; and Dr. Johnston Peoples, Ph.D., PE.

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, Office of Investigations and Enforcement; Sherri Moorer, Administrative Coordinator; Katie Phillips, Director of Governmental Affairs; Joe Epting, Office of Advice Counsel; and Xavier Keitt, Division of Operations Technology and Security.

Others participating included: Allison King, Adam Jones, Michael Shulse, Tracey Perlman (attorney), Paul Lawson, Anna Lawson, John Thorpe, Lance Brewington, Jason Goff, Chris Fincham, Alex James, David Vaughn, and Creel Court Reporting.

**Approval of Meeting Minutes**

The board reviewed the minutes from the January 24, 2023 meeting.

**MOTION:** Mr. Dinkins made a motion to approve minutes. Mr. Rickborn seconded the motion which carried unanimously.

**Approval of Excused Absences**

All members were present. Dr. Peoples joined the meeting at 9:45 a.m.

**Review and Approval of Agenda**

**MOTION:** Mr. Rickborn made a motion to add a joint session with the Soil Classifiers Advisory Panel, and the USC/SC State University coursework to item 11a. Mr. Kelly seconded the motion which carried unanimously.

## Reports

### **Office of Investigations and Enforcement**

James Kemfort, Chief Investigator, presented the OIE report. From January 1, 2023 through March 7, 2023: 18 complaints received, four active investigations, 5 closed cases. The average age of active investigations is 135 business days.

### **Investigative Review Committee Report**

Mr. Kemfort presented the IRC report. The committee met on March 1, 2023 with the following recommendations: Letters of Caution for cases 2022-75, 2022-91, 2022-92, 2021-7; Formal complaints for cases 2022-56, 2022-85, 2022-47. Dinkins was recused from case 2022-56.

**MOTION:** Mr. Rickborn made a motion to approve the IRC report. Mr. Kelly seconded the motion which carried. Mr. Dinkins abstained from voting.

### **Office of Disciplinary Counsel Report**

Mr. Elliott presented the ODC report. As of March 7, 2023, there were 28 open cases, 17 cases closed since the last report, and 19 cases closed since January 1<sup>st</sup>.

### **Administrative and Financial Reports**

Alice DeBorde presented the Administrative and Financial reports. Ms. DeBorde noted as of March 14<sup>th</sup> 19,156 engineers, 888 surveyors, and 102 dual licensees current through 2024. Firm renewals opened on January 9<sup>th</sup> and 2,034 firms had renewed. 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 a total (including scheduled and delivered) of 171 FE, eight FS, 50 PE and three PS exams. The Board has received 2,429 Early PE exam applications and 1,616 have passed the exam. There have been 20 Early PS applications and nine have passed. The January cash balance was \$5,034,602.98. The Education and Research Fund balance was \$595,943.22. Members were reminded to file their Statement of Economic Interest forms by March 30<sup>th</sup>. Travel reimbursement totals were emailed to members on February 2<sup>nd</sup>. A total of 100 individuals were audited for CE compliance; four were denied (had to make up the hours), one never responded and five were sent for disciplinary action.

### **Disciplinary Hearings:**

- a. Michael S. Shulse, appeared for a hearing in Case 2022-58 and a Motion to Reconsider Case 2022-57. He was represented by attorney Tracey Perlman. This hearing was closed to the public in accordance with SC Code of Laws, Section 40-22-190. This matter was recorded by a court reporter in order to provide a verbatim script should one be necessary.

**MOTION:** Mr. Dinkins made a motion to enter executive session for legal advice. Mr. Peoples seconded the motion which carried unanimously.

**MOTION:** Mr. Rickborn made a motion to exit executive session. Mr. Dingle seconded the motion which carried unanimously.

**MOTION:** Mr. Cleveland made a motion in case 2022-57, reconsider the consent agreement. All terms of the consent agreement will stand, except the fine. The fine is reduced to \$20,000 from \$60,000. The public reprimand and investigative costs stand. Case 2022-58, respondent did aid and abet an unlicensed firm. Issue a non-disciplinary letter of caution. Mr. Rickborn seconded the motion which carried unanimously.

- b. Peter Demos appeared for a MOA hearing in case 2022-110. 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.

**MOTION:** Mr. Rickborn made a motion to enter executive session for legal advice. Mr. Dingle seconded the motion, which carried unanimously.

**MOTION:** Mr. Dinkins made a motion to exit executive session. Mr. Kelly seconded the motion which carried unanimously.

**MOTION:** Mr. Rickborn made a motion to issue a letter of caution and accept the MOA. Mr. Dinkins seconded the motion which carried unanimously.

- c. Paul C. Lawson appeared for a MOA hearing in case 2022-39. 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.

**MOTION:** Mr. Strub made a motion to enter executive session for legal advice. Mr. Rickborn seconded the motion which carried unanimously.

**MOTION:** Mr. Rickborn made a motion to exit executive session. Mr. Dingle seconded the motion which carried unanimously.

**MOTION:** Mr. Dinkins made a motion noting this is respondent's third offense, to accept the MOA, issue a public reprimand, and \$1000 fine. Mr. Kelly seconded the motion which carried unanimously.

- d. GRS Group, LLC was not present for a hearing in case 2019-99. They were not represented by counsel. Alice Douglas and James Kemfort served as witnesses for the State. Dingle was recused from the hearing. This matter was recorded by a court reporter in order to provide a verbatim script should one be necessary.

**MOTION:** Mr. Dinkins made a motion that proper notice of hearing was given and the state will proceed with the case. Mr. Rickborn seconded the motion which carried unanimously.

**MOTION:** Mr. Dinkins made a motion to enter executive session for legal advice. Mr. Rickborn seconded the motion which carried unanimously.

**MOTION:** Dr. Peebles made a motion to exit executive session. Mr. Strub seconded the motion which carried unanimously.

**MOTION:** Mr. Dinkins made a motion to issue a public reprimand, \$18,500 fine plus \$120 expenses for offering to practice surveying without a license, and issue a cease and desist. Mr. Rickborn seconded the motion which carried unanimously.

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

### **Unfinished Business**

#### **Review of Action Items**

The Board reviewed the action items from the January 24, 2023 meeting.

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 – Mr. Rickborn provided an email detailing his contact with NCEES regarding utilizing a coupon code to pay for the FE and FS exams. NCEES has their IT department working on enhancements to their system to accommodate the coupon code. The Board wants Director Farr to attend the May meeting to commit to the funding for the coupon code and determine how the process will be handled administratively.

The Board would like to invite university deans and department chairs to a board meeting to make them aware of the FE exam fee funding.

Dinkins added that he met with the USC Civil Engineering Department head and the College of Engineering dean. The department head recommends the Board pay for study materials to help examinees prepare for the FE instead of paying for the exam.

Firm Licensure Resident Professional Guidance – Ms. Hewson presented a draft affidavit in which the designated resident professional would be required to file the affidavit verifying he/she is supervising the services provided by the firm, before the firm license can be issued. A new affidavit will be required for initial and amended applications. Each firm should only designate one resident professional for each service offered (engineer or surveyor). Ms. Hewson will work on additional revisions to the form.

### **New Business**

#### **Joint Session with the SC Soil Classifiers Advisory Council / SC Home Builders Association**

Members of the Soil Classifiers Advisory Council appeared to discuss a current issue regarding the potential overlap of practicing soil classifying by professional engineers. There is pressure in the home building industry, where homes require septic permits, which must be preceded by a soil suitability evaluation. A vast majority are being handled by SCDHEC staff. Private soil classifiers are also qualified to conduct the evaluations as well as specialized or detailed soil studies that do not qualify for conventional DHEC systems, also known as specialized engineered systems. The Soil Classifiers Advisory Council has been asked to allow professional engineers to perform duties as soil classifiers.

Alex James indicated the SC Home Builders Association is experiencing an increase in houses in areas that require septic tanks in order for the houses to be occupied. A new DHEC regulation moved some of the burden of the soil studies from DHEC to the private sector. There are only nine licensed soil

classifiers located in South Carolina, which results in significant wait times for the septic permits. The SCHBA is requesting the board allow professional engineers to perform the soil analysis for the basic septic systems, not the advanced engineered systems.

It was later noted that while there are only nine licensed soil classifiers located in South Carolina, other soil classifiers are coming into the state and working. Of all the septic permit applications that come into DHEC per year, less than ten percent are specialized engineered systems. A vast majority are conventional systems that can be served by a simple basic soil evaluation. Because of the SCDHEC backlog it falls back to the soil classifiers.

Soil Classification does not fall under the scope or definition of the practice of engineering. If DHEC wants to offer training to ensure engineers are qualified to perform this work, the Board would not be against it. However, the Board is unable to say if an engineer can or cannot perform the work.

#### **Clarification Regarding Regulation 49-207 Electronic Seals and Signatures**

The board reviewed an email inquiry requesting clarification. AutoCAD documents should have the seal removed and insert the language from Regulation 49-207C.(5) because anyone can alter the document. Electronic media such as a PDF document may contain the seal and signature if the information is protected and the parties agree to transact business by electronic means. Advice counsel and chairman Chao will revise the Frequently Asked Questions.

#### **NCEES Annual Meeting Funded Delegate Selection**

The NCEES Annual Meeting will be held in Boston, MA, August 15-18, 2023. NCEES will fund three delegates (Chao, Cleveland, Dingle) and the administrator. Gene Dinkins and Peter Strub will also be funded by NCEES.

**MOTION:** Mr. Cleveland made a motion to request LLR funding for Peebles, Rickborn, Hewson (OAC), Kemfort OIE), and Elliott (ODC), above the GSA rate. Mr. Dingle seconded the motion which carried unanimously.

#### **USC/SC State University**

Dinkins indicated he met with a dean at USC College of Engineering. Promoting licensure was among the topics discussed. Mr. Dinkins would like staff to research the previous USC/SC State joint curriculum agreement for discussion at the next meeting. The intent of the agreement was to allow SC State University technology degree students to take supplemental courses at USC that would qualify them for professional engineer licensure.

#### **Other Business**

Chao informed the Board that the NCEES honor chord used to recognize individuals who have passed the FE and FS has been developed. The Honor Chord will be red and white with a button to designate the specific exam passed.

Chao reminded the board that Rickborn is running for NCEES President-elect and he is running for Southern Zone assistant vice president.

Rickborn notified the board that he received an email from Dr. Tim Mays (Citadel) regarding the upcoming Carolinas Conference in April. The Board is an event sponsor and the Citadel would like to have the Board seal, and NCEES logo on the advertisement. There is also an option to set up a

promotional table to hand out items and encourage students to pursue licensure by taking the FE/FS exams.

Allison King informed the board that the SCSPE Conference will be held in Charleston, June 15, 16, & 17. The Board is asked to give an hour presentation.

**Public Comments**

No public comments.

**Notice of Next Meeting**

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, May 23, 2023.

**MOTION:** Mr. Rickborn made a motion to adjourn. Mr. Dingle seconded the motion which carried unanimously.

The meeting adjourned at 2:50 p.m.

Respectfully Submitted,

Lenora Addison-Miles, CPM, MBA  
Administrator