

**MINUTES**  
**South Carolina Board of Registration for Professional Engineers and Surveyors**  
**9:30 a.m., May 23, 2023**  
**Synergy Business Park, Kingstree Building**  
**110 Centerview Drive, Conference Room 108**  
**Columbia, SC**

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**Call to Order**

Chairperson Chao called the meeting to order at 9:31 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, PLS, Secretary; Gene L. Dinkins, PE, PLS; Timothy Rickborn, PE; D. Mack Kelly, Jr., PE, PLS; Peter Strub, PE; and Dr. Johnston Peeples, Ph.D., PE.

Staff members participating included: Lenora Addison-Miles, Administrator; Hardwick Stuart, Esq., Office of Advice Counsel; Kenesha Wilson, Administrative Coordinator; Chris Elliott, Esq., and Alice Douglas, Office of Disciplinary Counsel; James Kemfort, Office of Investigations and Enforcement; and Xavier Keitt, Division of Operations Technology and Security.

Others participating included: Allison King, Adam Jones, Jenny Painter, Wesley Peel (attorney), Kevin O’Shaughnessy, William Martin, Jerry Ellington, Amanda Gill, Michael Walsh, Michael Ping, and Travis McLeod (Creel Court Reporting).

**Approval of Meeting Minutes**

The board reviewed the minutes from the March 14, 2023 meeting.

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

**Approval of Excused Absences**

All members were present.

**Review and Approval of Agenda**

**MOTION:** Mr. Peeples made a motion to approve the agenda. Mr. Dinkins 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 May 17, 2023: 18 complaints received, four active investigations, 11 closed cases. The average age of active investigations is 45 business days.

### **Investigative Review Conference Report**

Mr. Kemfort presented the IRC report. The IRC was held on May 8, 2023 with the following recommendations: Letters of Caution for cases 2021-6 and 2021-25.

**MOTION:** Mr. Dinkins made a motion to approve the IRC report. Mr. Strub seconded the motion which carried.

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

Mr. Elliott presented the ODC report. As of May 22, 2023, there were 21 open cases, 15 cases closed since the last report, and 34 cases closed since January 1<sup>st</sup>.

### **Administrative and Financial Reports**

Mrs. Miles presented the Administrative and Financial reports. As of May 9<sup>th</sup>, there were 19,373 engineers, 893 surveyors, and 103 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 April thru June testing window, there were a total (including scheduled and delivered) of 160 FE, seven FS, 84 PE and five PS exams. The Board has received 2,460 Early PE exam applications and 1,634 have passed the exam. There have been 23 Early PS applications and nine have passed. Nineteen (19) candidates took the May 5<sup>th</sup> State Specific Surveying exam, with eight passing. The March cash balance was \$5,013,642.70 and the Education and Research Fund balance was \$616,993.22.

### **Presentation of the NCEES FE Exam Honor Chord**

The Board presented the NCEES FE Exam Honor Chord to USC graduate, Jenny Painter. Ms. Painter was instrumental in the initiative to create a graduate honor chord to recognize students who pass the NCEES Fundamentals Examinations. As a result, NCEES has implemented the honor chord for all graduates nationwide who pass the FE or FS exam.

### **2023 SC Engineering Conference & Trade Show Funding Request (ACEC-SC, SCSPE, ASCE-SC)**

Allison King presented a funding request, for \$45,000, for the annual conference to be held in Charleston, SC, June 15 – 17, 2023. The Board will serve on a panel discussion Thursday, June 15<sup>th</sup>.

**MOTION:** Mr. Strub made a motion to approve the funding request. Mr. Kelly seconded the motion which carried.

### **Disciplinary Hearings:**

- a. Kevin O'Shaughnessy appeared for a hearing in Case 2023-16. He was represented by attorney Wesley Peel. Jerry Ellington served as a witness. 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. Rickborn made a motion to exit executive session. Mr. Strub seconded the motion which carried unanimously.

**MOTION:** Mr. Cleveland made a motion to accept the MOA. Statute violation of 40-22-30. Due to the facts of the case, issue a Letter of Caution. Mr. Strub seconded the motion which carried. Members Rickborn and Kelly opposed.

- b. William Michael Martin appeared for a hearing in case 2023-30. 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. Dinkins made a motion to enter executive session for legal advice. Mr. Dingle seconded the motion which carried unanimously.

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

**MOTION:** Mr. Dinkins made a motion to accept the MOA, issue a public reprimand and \$500 fine. Mr. Dingle seconded the motion which carried. Cleveland opposed.

- c. Marcus Googer was not present for his motion to reconsider case 2020-23. 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. Dinkins made a motion to deny the request since no additional information was provided. Mr. Dingle seconded the motion. Discussion ensued and the motion was withdrawn.

**MOTION:** Mr. Dinkins made a motion to enter executive session for legal advice. Mr. Dingle 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 to deny request for reconsideration. Respondent has eight days to comply with the original order or the license will be suspended. Mr. Dinkins seconded the motion which carried unanimously.

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

### **Application Hearings**

- a. Amanda Gill appeared for an application hearing, requesting to take the early PE examination. She was not represented by counsel. She 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. Peeples made a motion to enter executive session for legal advice. Mr. Strub seconded the motion which carried unanimously.

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

**MOTION:** Mr. Dinkins made a motion to allow applicant to take the early PE exam. Applicant needs four years of experience. Mr. Kelly seconded the motion which carried unanimously.

- b. Michael Walsh appeared before the board for an application hearing, requesting to retake the PE exam. 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. Dinkins made a motion for approval to take the PE exam. Mr. Kelly seconded the motion which carried unanimously.

- c. Alberto Roman was not present for 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.

**MOTION:** Mr. Dinkins made a motion to table the matter. Notify the applicant that meetings are held in person and he can notify our office when he can attend. Mr. Peeples seconded the motion which carried unanimously.

- d. Michael Ping appeared before the board for an application hearing, requesting reinstatement of his PE license. 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. Dinkins made a motion to deny request until proper documentation of CE is submitted. Mr. Kelly seconded the motion which carried unanimously.

### **Unfinished Business**

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

The Board reviewed the action items from the March 14, 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 – Dr. Peeples provided an update on the status of the Adhoc Committee. The Board discussed this matter at length. The Board would like a representative from LLR to attend a board meeting to advise on procurement restrictions for spending the money.

**MOTION:** Mr. Peeples made a motion to enter executive session for legal advice, with staff participating. Mr. Dinkins seconded the motion which carried unanimously.

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

Revised FAQ's for Seals - Mr. Chao and Ms. Hewson will work on revising the Frequently Asked Questions related to seals.

Firm Licensure Resident Professional Guidance – Ms. Hewson will work on revisions to the form for the July meeting.

USC-SCSU Joint Curriculum – The Board reviewed information pertaining to the previous agreement.

### **New Business**

#### **CE Audit Process**

The Board reviewed by CE audit notices and process. Mr. Rickborn will work with staff and counsel on revising the notice. Staff will consult with advice counsel on the process for non-compliance with CE audit requests, specifically when a licensee fails to respond to audit requests, what can staff do, and when can disciplinary action be taken.

#### **NCEES Southern Zone Meeting Summary Report**

Mr. Chao provided a brief summary of the Southern Zone meeting. He was elected as NCEES Southern Zone VP.

**MOTION:** Mr. Dinkins made a motion to support Mr. Rickborn if he decides to run for NCEES office. Mr. Peeples seconded the motion which carried. Mr. Rickborn abstained from voting.

### **Other Business**

No other business was discussed.

### **Public Comments**

Adam Jones updated the Board on legislation that passed. He requested that advice counsel review the Residential Builders Practice Act that passed and advise if this will affect engineers and surveyors.

### **Notice of Next Meeting**

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, July 11, 2023.

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

The meeting adjourned at 3:33 p.m.

Respectfully Submitted,

Kenesha Wilson  
Administrative Coordinator