

**MINUTES**  
**South Carolina Board of Registration for Professional Engineers and Surveyors**  
**9:30 a.m., July 11, 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; Stacey Hewson, Esq., Office of Advice Counsel; Kenesha Wilson, Administrative Coordinator; Chris Elliott, Esq., Casey Smith, Esq., and Sonya Morse, Office of Disciplinary Counsel; Donnell Jennings, and James Kemfort, Office of Investigations and Enforcement; Victoria Eskridge, and Dowan Sulton, Division of Operations Technology and Security; and Johnnie Rose, Program Manager.

Others participating included: Calvin Brackin (attorney), Allison King, Adam Jones, Richard Cottingham, Fred Osman, Stephen Matzura, and Jamie Barrs (Creel Court Reporting).

The Board observed a moment of silence in memory of former board member, William “Al” Whitworth, Sr.

**Approval of Meeting Minutes**

The board reviewed the minutes from the May 23, 2023 meeting.

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

**Approval of Excused Absences**

All members were present.

**Review and Approval of Agenda**

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

## **Reports**

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

James Kemfort, Chief Investigator, presented the OIE report. As of July 11, 2023: 49 complaints received, 16 active investigations, 17 closed cases. The average age of active investigations is 126 business days. Donnell Jennings, Chief of the Office of Investigations and Enforcement, provided an update on the reorganization of OIE. The new Division of Legal Services now includes OIE, Advice Counsel, and Disciplinary Counsel. Instead of five chief investigators, there will be ten lead investigators. The changes will enhance efficiency.

### **Investigative Review Conference Report**

Mr. Kemfort presented the IRC report. The IRC was held on June 27, 2023 with the following recommendations: Letter of Caution for case 2021-93 and Formal Complaint for case 2022-106.

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

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

Mr. Elliott presented the ODC report. As of July 10, 2023, there were 16 open cases, two pending hearings and agreements, one appeal, 22 cases closed since the last report, and 40 cases closed since January 1<sup>st</sup>.

### **Administrative and Financial Reports**

Mrs. Miles presented the Administrative and Financial reports. As of June 27<sup>th</sup>, there were 19,502 engineers, 893 surveyors, and 103 dual licensees current through 2024. Firm renewals opened on January 9<sup>th</sup> and 3,583 firms had renewed. C&D notices were mailed on July 6, 2023 to 143 firms that did not renew. 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 162 FE, eight FS, 74 PE and five PS exams. The Board has received 2,481 Early PE exam applications and 1,655 have passed the exam. There have been 25 Early PS applications and nine have passed. The May cash balance was \$4,960,166.94 and the Education and Research Fund balance was \$619,243.22.

Rickborn requested a report showing the number of yearly FE, FS, PE, and PS exams from the last five years.

Mr. Dinkins requested a chart or graph to show the yearly total of Early PE exam applicants instead of the current report.

### **Disciplinary Hearings:**

- a. Fred Osman appeared, via WebEx videoconference, for a MOA hearing in case 2023-13 in the matter of Osman Environmental Solutions. He was represented by attorney Calvin Brackin. Attorney Stephen Matzura was also present by WebEx. 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. Cleveland made a motion to enter executive session for legal advice. Mr. Dinkins seconded the motion which carried unanimously.

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

Mr. Elliott noted the State neglected to officially move to have the MOA placed into record as State's exhibit one. There were no objections.

**MOTION:** Mr. Cleveland made a motion the jurisdiction in both personal and subject matter is proper and that the statute and regulations referred to in the MOA are applicable and controlling in this matter. Despite the willingness of the respondent company to sign, seal and issue documents and the possible indication of offering engineering services prior to a COA being issued, and due to the fact that BSM was the party offering services in South Carolina, the work performed by Osman Environmental Solutions could be construed as consulting and not engineering services. Issue a non-disciplinary Letter of Caution. Mr. Strub seconded the motion. Rickborn and Kelly opposed. The motion carried.

The Board recessed for lunch from 1:20 p.m. until 1:50 p.m.

#### **NCEES Institution Reports – Executive Session**

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

#### **Unfinished Business**

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

The Board reviewed the action items from the May 23, 2023 meeting.

Expert Scope of Review – Mr. Rickborn has completed the structural engineering questions. Other members need to provide questions for other engineering disciplines and surveying.

Education and Research Fund Spending – Dr. Peeples has spoken with the three department heads at The Citadel regarding exam reimbursement/coupon code. Mr. Chao will discuss the spending options with Director Farr.

Revised FAQ's for Seals - Mr. Chao and Ms. Hewson revised the Frequently Asked Questions related to seals. It was noted during discussion that CAD drawings with seals should not be sent electronically.

**MOTION:** Mr. Rickborn made a motion to accept the revisions as presented. Mr. Strub seconded the motion which carried unanimously.

Firm Licensure Resident Professional Affidavit – Ms. Hewson presented the revised document for review. Minor changes were recommended.

**MOTION:** Mr. Rickborn made a motion to accept the revised affidavit with changes discussed. Mr. Dingle seconded the motion which carried unanimously.

Legislative Update on H3605 (Engine Reform Act) – Ms. Hewson, along with Donnell Jennings, briefed the board on the new legislation relating to investigations, disciplinary action proceedings, and prior criminal convictions of applicants.

**MOTION:** Mr. Rickborn made a motion to enter executive session for legal advice, with Donnell Jennings, and Lenora Miles participating. Mr. Kelly seconded the motion which carried unanimously.

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

CE Audit Procedures – Mr. Rickborn will work with staff and counsel to update the procedures.

### **New Business**

#### **ST Engineering North America Inc. (STENA) – Request for Approval to Use Engineering in Company Name**

The Board received an email request from Scott S. Thomas, General Counsel and Corporate Secretary of ST Engineering, asking the Board for a waiver to use the word “engineering” in the company name. The letter indicates the entity does not have a licensed P.E. on staff and engages in the performance of non-technical management activities.

**MOTION:** Mr. Cleveland made a motion to deny the waiver without prejudice. The company is encouraged to submit more information to clear up conflicting information in their request, and answer questions regarding what they actually do and how they operate. They are encouraged to attend a meeting. Mr. Dinkins seconded the motion which carried unanimously.

#### **Revised Complaint Form**

Ms. Hewson presented revisions to the Board’s complaint form for review. This item will be discussed at the September meeting.

#### **2023 NCEES Annual Meeting Action Items and Conference Reports**

The action items and reports will be voted on at the NCEES Annual Meeting.

#### **NCEES Harassment and Discrimination Policy**

Richard Cottingham appeared before the board to discuss the current NCEES policy.

**MOTION:** Mr. Rickborn made a motion to discuss this matter in closed session due to privacy issues. Mr. Dinkins seconded the motion which carried unanimously.

**MOTION:** Mr. Dinkins made a motion to contact NCEES regarding submitting a Southern Zone motion to have a committee review the current policy and make recommendations for amendments. Mr. Dingle seconded the motion which carried unanimously.

The meeting returned to open session.

**Other Business**

Ms. Miles asked the Board for guidance regarding NCEES MLE records that indicate four or more years of work experience under the supervision of a licensed engineer, but the verifier has not known the applicant for the entire four years. These applications cannot be processed as submitted. Applicants will need to provide documentation of four years of experience under the supervision of a licensed PE for Board review.

Geodetic Surveying was removed from the regulations as a specific discipline of land surveying. Geodetic surveying falls under land surveying. If a firm indicates they offer geodetic surveying, the license file should reflect that discipline.

**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, September 26, 2023 with September 27<sup>th</sup> reserved for disciplinary hearings if needed.

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

The meeting adjourned at 4:23 p.m.

Respectfully Submitted,

Kenesha Wilson  
Administrative Coordinator