

MINUTES
South Carolina Board of Registration for Professional Engineers and Surveyors
9:30 a.m., September 26, 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 9:32 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; 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., Office of Disciplinary Counsel; Wattie Wharton, and Todd Bonds, Office of Investigations and Enforcement; and Allen Gay, Division of Operations Technology and Security.

Others participating included: Dr. Jeff Davis, Dr. Mark McKinney, Dr. Kevin Skenes, Brandon Shaw, Jeremy Jones, Floyd Banks (attorney), Ernesto Garcia Teran, David Penalva, Allison King, Adam Jones, and Cortney Glover (Creel Court Reporting).

Approval of Meeting Minutes

The board reviewed the minutes from the July 11, 2023 meeting.

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

Approval of Excused Absences

All members were present.

Review and Approval of Agenda

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

Reports

Office of Investigations and Enforcement

Wattie Wharton, Investigator, presented the OIE report. From January 2nd until September 25th: 50 complaints received, 15 active investigations, 9 closed cases, 19 do not open cases, and three pending review.

Investigative Review Conference Report

Mr. Wharton presented the IRC report. The IRC was held on September 12, 2023 with the following recommendations: Formal Complaint for case 2022-87, and Dismissal for case 2023-33.

MOTION: Mr. Dingle 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 September 25, 2023, there were 16 open cases, one appeal, 15 cases closed since the last report, and 55 cases closed since January 1st.

Administrative and Financial Reports

Mrs. Miles presented the Administrative and Financial reports. As of September 13, 2023, there were 19,773 engineers, 891 surveyors, and 104 dual licensees current through 2024. There were 3,670 firms and 1,245 branch offices current through March 2025. Meeting materials also contain information regarding the number of in state and out-of-state early PE/PS exam candidates each year. According to the NCEES CBT Summary for the July thru September testing window, there were a total (including scheduled and delivered) of 159 FE, seven FS, 59 PE and six PS exams. The Board has received 2,518 Early PE exam applications and 1,678 have passed the exam. There have been 26 Early PS applications and 11 have passed. The Board was also provided NCEES exam totals from 2018 to August 2023. The August cash balance was \$4,761,194.65 and the Education and Research Fund balance was \$564,623.22.

The Citadel School of Engineering FE Exam Profile

The Citadel School of Engineering department heads, Drs. Jeff Davis, Kevin Skenes, and Mark McKinney, addressed the Board regarding their FE exam preparations, practice exams and review materials used. The civil, construction engineering, and mechanical departments require students to attempt the FE. It would be helpful if the institutions were able to obtain hardcopies of the NCEES FE formula book for each student.

It was noted that institutions do not receive data from NCEES regarding second-time test takers. Mr. Chao will contact NCEES regarding this issue.

It was suggested that the Board sponsor a statewide best practices symposium for all institutions to discuss best practices for increasing exam interest as an effort to promote licensure.

The Board will ask NCEES to investigate modifications to the Honor Chord to incorporate something for military institutions (ribbon, or button) that can be worn as part of their official uniform. Mr. Chao encouraged the department heads to request the NCEES Honor Chords for their students, even though they cannot be worn as part of their official graduation uniform.

Application Hearings

- a. Brandon Shaw appeared before the board seeking licensure by examination. He was represented by attorney Floyd D. Banks, and Jeremy Jones 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. Dinkins made a motion, based on the testimony provided, to grant licensure. Dr. Peeples seconded the motion. Mr. Kelly opposed. The motion carried.

- b. Ernesto Garcia Teran appeared before the board seeking a waiver of the FE exam for comity licensure. He was not represented by counsel. David Penalva served as a witness. This matter was recorded by a court reporter in order to provide a verbatim script should one be necessary. Mr. Strub was recused from the hearing.

MOTION: Mr. Dinkins made a motion, based upon the testimony, the applicant does not qualify for a waiver of the FE based on Regulation 49-200C.(1)(b)(2). Deny request for waiver of FE and licensure by comity. Mr. Rickborn seconded the motion which carried unanimously.

The Board recessed for lunch from 12:00 until 12:30 p.m.

Unfinished Business

Review of Action Items

The Board reviewed the action items from the July 11, 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. Mr. Rickborn will share his questions/checkpoints with other members for reference.

Education and Research Fund Spending – Mr. Chao updated the board on his meeting with Director Farr, Ms. Hammond (LLR Finance), Stacey Hewson, and Lenora Miles. Ms. Hewson’s notes from the meeting were provided in the meeting materials. Director Farr would like to see some type of data to support funding of the FE/FS exams will increase licensure. There are also concerns regarding depleting the funds, and any conflicts of interests for board members that may be serving as officers of NCEES.

NCEES will have an arrangement with each SC institution that has EAC/ABET accredited engineering programs. The Board will determine a percentage of examinees for each institution. LLR/Board will purchase the coupon codes, which will be distributed to each institution. The intuitions will determine how the coupons will be distributed to students. The exam funding will be a pilot program that will be monitored to determine the value/effect on the number of examinees and licensure. The rough estimate would be \$100,000 to \$150,000 each year for all students. The board would like to offer the coupon codes for two years.

Mr. Rickborn inquired about the board’s previous Request for Proposals Education Grant to fund undergraduate program research. The amount of each proposal/request was limited to \$10,000. The board has only received one request for funding. Clemson has a new structures lab that could use funding.

Mr. Kelly and Dr. Peeples will continue to work with the study group to determine other ways to utilize the education and research fund.

Mr. Chao will contact the USC College of Engineering department heads and ask them to attend the November meeting. Mr. Kelly and Mr. Rickborn will reach out to Clemson University regarding the January meeting.

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

Revised Complaint Form - Donnell Jennings was working on additional information regarding the complaint form and affidavit. This matter will be discussed at the November meeting.

New Business

2024 Proposed Meeting Dates

The Board reviewed the proposed dates for 2024: January 23, March 12, May 14, July 9, September 24, September 25 and November 12. Mr. Strub will not be able to attend the January and March meetings in person and would like to participate by WebEx if possible.

MOTION: Mr. Rickborn made a motion to approve the meeting dates. Mr. Kelly seconded the motion which carried unanimously.

Guidelines Regarding Minor Survey Activities

The surveyor members drafted proposed guidelines for minor survey activities as a result of an inquiry to board staff, regarding what constitutes minor survey work. Members should provide feedback to Mr. Dinkins and the board will review this matter at the November meeting.

Regulation 49-201 Revision

Ms. Hewson advised the board of a minor scrivener's error in Regulation 49-201 that will require legislative action to correct. The change is non-substantive.

MOTION: Mr. Rickborn made a motion to correct the regulations. Dr. Peeples seconded the motion which carried unanimously.

Other Business

Mr. Chao is officially the Assistant Vice President of the NCEES Southern Zone.

The NCEES Foundation is now being funded, due to a \$7 million transfer from the organization's reserves. A separate board of directors will focus on supporting programs that will fulfill the NCEES mission to advance engineering and surveying licensure.

MOTION: Dr. Peeples made a motion to send a letter to NCEES in support of Gene Dinkins being on the NCEES Foundation Board. Mr. Dingle seconded the motion which carried. Mr. Dinkins abstained.

Mr. Chao informed the board that the NCEES Harassment and Discrimination Policy was instituted for NCEES staff and not the board members. The SC Board would like due process and will not interfere with the NCEES process but feels that any sanctions should be commensurate with the violation. NCEES will develop a separate policy for board members.

Mr. Rickborn addressed concerns regarding the NCEES Credentials Evaluation and the acceptance of non-degree CLEP exams to fulfill courses. According to the NCEES evaluation criteria, NCEES will provide credit for advanced coursework earned prior to college enrollment that is deemed appropriate for college-level academic credit. CLEP provides no indication that coursework was taken. It is simply a basic general knowledge exam. The Board requested clarification from NCEES.

Public Comments

Adam Jones advised the Board that NCEES has given each ACEC member organization a \$5,000 scholarship.

Notice of Next Meeting

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

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

The meeting adjourned at 1:54 p.m.

Respectfully Submitted,

Lenora Addison-Miles, CPM, MBA
Board Executive