

MINUTES
South Carolina Board of Registration for Professional Engineers and Surveyors
9:30 a.m., January 23, 2024
Synergy Business Park, Kingstree Building
110 Centerview Drive, Midlands Conference Room
Columbia, SC

Call to Order

Chairperson Chao called the meeting to order at 9:49 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; D. Mack Kelly, Jr., PE, PLS; and Dr. Johnston Peeples, Ph.D., PE. Peter Strub, PE, participated via WebEx videoconference.

Staff members participating included: Lenora Addison-Miles, Board Executive; Ely Grote, Esq., and Mary League, Esq., Office of Advice Counsel; Kenesha Wilson, Administrative Coordinator; Donnell Jennings, Office of Investigations and Enforcement; Chris Elliott, Esq., and Alice Douglas, Office of Disciplinary Counsel; Wattie Wharton and Charles Turkal, Office of Investigations and Enforcement; Ashlynn Brown, Administrative Coordinator; Meredith Buttler, Program Director; Victoria Eskridge and Allen Gay, Division of Operations Technology and Security.

Others participating included: Thompson Mefford, Butch Bowers, Esq., Russell Mease, L. G. Lewis Jr, Theodore Padgett, Bill Scott, Allison King, and Kathy Boone (Creel Court Reporting).

Approval of Meeting Minutes

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

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

Approval of Excused Absences

Member Rickborn previously advised he would not be able to attend.

MOTION: Mr. Dinkins made a motion to excuse the absence. Mr. Cleveland seconded the motion which carried unanimously.

Review and Approval of Agenda

MOTION: Dr. Peeples made a motion to move agenda item 10 after item 13. Mr. Dinkins seconded the motion which carried unanimously.

Reports

Office of Investigations and Enforcement & Reorganization

Donnell Jennings, Chief of the Office of Investigations and Enforcement, presented the OIE report. From January 2, 2023 until January 17, 2024: 99 complaints received, five active investigations, and 42 closed cases. Mr. Jennings provided an update on the reorganization of OIE. He recommends only allowing OIE staff to attend national conferences that consist of law enforcement for one day instead of a week. The changes will enhance efficiency.

Investigative Review Conference Report

Mr. Jennings presented the IRC report. The IRC was held on January 9, 2024 with the following recommendations: Formal Complaint for case 2023-37, and Letters of Caution for cases 2023-53 and 2023-80.

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

Office of Disciplinary Counsel Report

Mr. Elliott presented the ODC report. As of January 17, 2024, there were 16 open cases, two pending hearings, one appeal, eight cases closed since the last report, and five cases closed since January 1st.

Administrative and Financial Reports

Mrs. Miles presented the Administrative and Financial reports. As of January 4, 2024, there were 20,140 engineers, 902 surveyors, and 104 dual licensees current through 2024. There were 3,749 firms and 1,259 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 January thru March testing window, there were a total (including scheduled and delivered) of 158 FE, four FS, 83 PE and four PS exams. The Board has received 2,587 Early PE exam applications and 1,721 have passed the exam. There have been 32 Early PS applications and 12 have passed. The December cash balance was \$4,575,963.64 and the Education and Research Fund balance was \$552,623.22.

Clemson University College of Engineering – Dr. Thompson Mefford, Associate Dean

Clemson University Associate Dean, Dr. Thompson Mefford presented an overview of undergraduate programs that are ABET accredited, which consist of eleven programs plus one master's program. He discussed the new minor in engineering leadership and the Order of the Engineer ceremony to increase exam interest as an effort to promote licensure. He suggested members of the board participate in the ceremony.

Mr. Chao encouraged Dr. Mefford to request the NCEES Honor Chords for students who pass the FE exam.

S.C. Administrative Law Court Order of Remand (Case 2019-72) – Executive Sessions for Legal Advice

The board will schedule a special meeting to discuss this item.

Disciplinary Hearings

- a. Russell T. Mease was present for hearings in Case 2019-98 and Case 2019-101. He was represented by Butch Bowers, Esq. L. G. Lewis Jr., Theodore Padgett, and Bill Scott appeared as witnesses for the State. These cases were presented together. This matter was recorded by a court reporter 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. Dingle made a motion to exit executive session. Mr. Kelly seconded the motion which carried unanimously.

MOTION: Mr. Dinkins made a motion in case 2019-98 and case 2019-101. Case 2019-98 the board finds item one overly broad and cumulatively covered in items two and three. Concerning item two, the board finds the State has met the burden of proof and has proven the facts alleged in the complaint. Case 2019-101, item one, the board finds it is overly broad and cumulatively covered in items two and three. The board finds the State has proven the facts alleged in the complaint and met the burden of proof for items two and three. Issue a public reprimand, \$1,000 fine, per occurrence (three occurrences) plus expenses. The motion was amended to require 30-day payment of fines and costs and the Board does not find that the State has met the burden of proof in item three of Case 2019-98. Mr. Dingle seconded the motion which carried unanimously.

The Board recessed for lunch from 12:35 p.m. until 1:05 p.m.

Funding Request

The board reviewed a funding request for the ACEC-SC/SCSPE Winter Meeting to be held February 15, 2024 in Columbia, SC. Allison King provided details regarding the event.

MOTION: Dr. Peeples made a motion to approve the \$12,000 request. Mr. Dingle seconded the motion which carried unanimously.

Application Hearings

- a. Elijah Adkins appeared before the board seeking licensure by examination. He was not represented by counsel. Steven Strickland served as a witness via WebEx videoconference. This matter was recorded by a court reporter in order to provide a verbatim script should one be necessary. Mr. Dinkins was recused from the hearing.

MOTION: Dr. Peeples made a motion, based on the testimony provided, to grant licensure. Mr. Strub seconded the motion. Messrs. Dingle and Kelly opposed. The motion carried.

- b. Julian Battle appeared before the board seeking a waiver of the FE exam and approval to take the PE examination for licensure. 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: Dr. Peeples made a motion to enter executive session for legal advice. Mr. Dinkins seconded the motion which carried unanimously.

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

MOTION: Mr. Kelly made a motion, based on the testimony provided, to deny request for waiver of the FE since the indirect experience was not clearly verified or explained. Mr. Cleveland seconded the motion which carried unanimously. Mr. Dinkins opposed.

- c. Jake Wastler appeared before the board seeking licensure by examination. He was not represented by counsel. Joshua Lilly 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. Dingle made a motion to enter executive session for legal advice. Dr. Peeples seconded the motion which carried unanimously.

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

MOTION: Mr. Kelly made a motion, based on the testimony provided, to deny licensure since work experience one is more of a technician in nature. Mr. Dingle seconded the motion which carried unanimously.

Mr. Chao left the meeting at 4:30 p.m. Mr. Cleveland served as the chair.

MOTION: Mr. Kelly made a motion to table the remaining items on the agenda. Dr. Peeples seconded the motion which carried unanimously.

Unfinished Business

Tabled until the March meeting.

New Business

Tabled until the March meeting.

Other Business

No other business was discussed.

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, March 12, 2024.

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

The meeting adjourned at 7:02 p.m.

Respectfully Submitted,

Kenesha Wilson
Administrative Coordinator I