

MINUTES
South Carolina State Board of Registration for Professional Engineers and Surveyors
9:30 a.m., March 12, 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 9:38 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; Timothy Rickborn, PE; and Dr. Johnston Peeples, Ph.D., PE. Peter Strub, PE, participated via conference call.

Staff members participating included: Lenora Addison-Miles, Board Executive; Ely Grote, Esq., Office of Advice Counsel; Kenesha Wilson, Administrative Coordinator; Chris Elliott, Esq., and Casey Smith, Esq., Office of Disciplinary Counsel; Wattie Wharton and Charles Turkal, Office of Investigations and Enforcement; and Allen Gay, Division of Operations Technology and Security.

Others participating included: Jacqueline Nelson, Richard P. Sifford, Ronald Blankenship, Ross Jones, Greg Karel, Travis Dayhuff, Esq., John Bergman, Adam Jones, Allison King, and Katherine Boone (Creel Court Reporting).

Review and Approval of Agenda

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

Approval of Excused Absences

All members were present.

Approval of Meeting Minutes

The board reviewed the minutes from the January 23, 2024 meeting and conference call meeting on February 13, 2024.

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

Reports

Office of Investigations and Enforcement

Wattie Wharton, Office of Investigations and Enforcement, presented the OIE report. From January 2, 2024 until March 7, 2024: 22 complaints received, seven active investigations, and four closed cases.

Investigative Review Conference Report

Mr. Wharton presented the IRC report. The IRC was held on February 27, 2024 with the following recommendations: Dismiss cases: 2020-38, 2020-39, 2020-42, 2020-74, 2020-75, 2020-89, 2023-79. Formal Complaint cases: 2022-49, 2022-93, 2023-20, 2023-44, 2023-48, 2023-89, 2023-90. Letters of Caution for cases: 2021-92, 2022-97, 2023-12, 2021-68.

MOTION: Mr. Rickborn made a motion to approve the IRC report. Dr. Peebles seconded the motion which carried unanimously.

Office of Disciplinary Counsel Report

Mr. Elliott presented the ODC report. As of March 8, 2024, there were 20 open cases, one pending hearing, two pending closures, one appeal, two cases closed since the last report and two cases closed since January 1st.

Administrative and Financial Reports

Mrs. Miles presented the Administrative and Financial reports. As of February 29, 2024, there were 20,338 engineers, 903 surveyors, and 104 dual licensees current through 2024. Individual license renewals began on March 4, 2024. There were 3,785 firms and 1,265 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 196 FE, nine FS, 110 PE and nine PS exams. The Board has received 2,639 Early PE exam applications and 1,739 have passed the exam. There have been 35 Early PS applications and 14 have passed. The January cash balance was \$4,518,000.35 and the Education and Research Fund balance was \$552,623.22. Members are reminded to file Statement of Economic Interests reports with the SC Ethics Commission by March 30, 2024. LLR Travel Reimbursement totals were emailed to members on January 31, 2024.

USC Departments of Electrical and Mechanical Engineering – Dr. Travis Knight and Dr. Mohammad Ali

USC Department of Electrical Engineering, Professor and Chair, Dr. Mohammad Ali presented an overview of the Electrical Engineering department which consists of an undergraduate and graduate program. He indicated graduates are not required to take the FE exam but the capstone design instructor encourages students to take FE exam. Including mechanical engineering, there are prep courses for graduates to help prepare for the exam.

USC Department of Mechanical Engineering, Professor and Chair, Dr. Travis Knight presented an overview of the Mechanical, Nuclear, and Aerospace Engineering programs. He addressed the Board regarding review materials used to help with preparation for the exam.

Mr. Chao encouraged the utilization of the NCEES Honor Chords for students who pass the FE and FS exams.

Disciplinary Hearing

- a. Greg Karel was present for a hearing in Case 2024-15 (MOA). He was represented by Travis Dayhuff, Esq., and John Bergman appeared as a witness. This matter was recorded by a court reporter to provide a verbatim script should one be necessary. Messrs. Kelly and Strub were recused from the hearing.

MOTION: Mr. Dingle 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. Cleveland made a motion in case 2024-15. Accept the MOA. The Board finds the State has met the burden of proof and the respondent did violate Code Section 40-22-30.(A)(1). Issue a public reprimand, \$1,000 fine per occurrence (three occurrences) plus cost of investigation. Fine must be paid in 30 days. Mr. Dingle seconded the motion which carried unanimously.

Application Hearings

- a. Jacqueline Nelson appeared before the board seeking LSIT certification and approval of her education evaluation. 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. Dinkins made a motion, based on the testimony provided, to accept four-year degree and twelve hours of surveying courses. Mr. Dingle seconded the motion which carried unanimously.

- b. Richard P. Sifford appeared before the board seeking surveyor licensure by comity. He was not represented by counsel. Ronald Blankenship and Ross Jones served as 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, based on the testimony provided, to deny licensure since the respondent does not meet the requirements of Section 40-22-225.(C) Mr. Kelly seconded the motion which carried unanimously.

The Board recessed for lunch from 12:15 p.m. until 12:45 p.m.

Funding Request

- a. The board reviewed a funding request for the 2024 SCSPLS Convention and Technical Conference that was held February 22-23, 2024 in Columbia, SC and virtually. Allison King provided details regarding the event.

MOTION: Mr. Dinkins made a motion to approve the \$40,000 request. Dr. Peoples seconded the motion which carried unanimously.

- b. The board reviewed a funding request from the SC State University National Society of Black Engineers to attend the NSBE 50th Anniversary Convention to be held March 20-24, 2024 in Atlanta, GA. A representative from the organization was not present.

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

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

The Board indicated there were too many unanswered questions to make a ruling. This matter was tabled until additional information is received and a representative is encouraged to attend the next meeting to discuss this request.

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

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. Dingle seconded the motion which carried unanimously.

Unfinished Business

Review of Action items

The Board reviewed the action items from the November 14, 2023 and January 23, 2024 meeting.

Education and Research Fund Spending – The Statement of Work has been issued to ten institutions regarding the FE/FS Coupon Program. Benedict College, Charleston Southern University, University of South Carolina, and Francis Marion have provided signed Statements of Work. The program fiscal year will be July 1, 2024 to June 30, 2025.

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

Guidelines for Minor Survey Activities – The board reviewed the proposed draft.

MOTION: Mr. Kelly made a motion to accept the guidelines with “lesser in importance” stricken. Mr. Dingle seconded the motion which carried unanimously.

Russell Mease Disciplinary Hearing Order – Pending receipt of final order from Advice Counsel, Ely Grote.

New Business

Email Regarding Industry Trend to Offshore Engineering Design

The Board discussed the email which was taken under advisement. No response will be provided.

Requirement of FE/FS Coupon Program

The Board discussed options for tracking the candidates utilizing the coupon code to take the FE/FS exam. The Board suggested contacting NCEES to receive a list of examinees as a way to track candidates in order to provide the next steps to obtaining licensure. Mr. Chao will contact NCEES.

NCEES 2024 Proposed Bylaws

The Board discussed the NCEES 2024 Proposed Bylaws which will be voted on during the NCEES Annual Meeting.

2024 NCEES Annual Meeting Travel and Funded Delegates

The NCEES annual meeting will be held August 14-17, 2024 in Chicago, IL. NCEES will fund three delegates and the administrator at no cost to the agency/board. Members Chao and Dinkins will also be funded the NCEES.

MOTION: Mr. Rickborn made a motion to request NCEES fund Dingle, Cleveland, and Peeples. To request funding from LLR for Rickborn, Strub, Advice Counsel, and OIE Chief Investigator. Mr. Dinkins seconded the motion which carried unanimously.

Other Business

Mr. Chao recommended purchasing long sleeve board shirts for the NCEES annual meeting. Mr. Strub will gather information and report back to the board.

Public Comments

Adam Jones gave a brief legislative update regarding septic tanks and PE's being allowed to perform site inspections, and the language regarding survey and geodetic monuments descriptions and removal.

Allison King advised the members that the SC Engineering Conference will be held in Greenville, SC June 6-8, 2024. The Board is scheduled to give their annual panel discussion/presentation on Thursday at 1:00 p.m.

Notice of Next Meeting

The next meeting of the SC State Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, May 14, 2024.

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

The meeting adjourned at 3:08 p.m.

Respectfully Submitted,

Kenesha Wilson
Administrative Coordinator I