

**MINUTES**  
**SOUTH CAROLINA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS**  
**9:30 a.m.; SEPTEMBER 24, 2013**  
**SYNERGY BUSINESS PARK, KINGSTREE BUILDING**  
**110 CENTERVIEW DRIVE, ROOM 108**  
**COLUMBIA, SC**

---

**Call to Order**

Chairperson Hodge called the meeting to order at 9:30 a.m.

**Statement of Public Notice**

Chairperson Hodge stated that public notice of this meeting was properly posted at the South Carolina Board of Registration for Professional Engineers and Surveyors office, Synergy Business Park, Kingstree Building, 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 present included Theresa Hodge, PE, Chairperson; Timothy W. Rickborn, PE, Vice-Chairman; Dennis J. Fallon, Ph.D, PE, Secretary; Gene L. Dinkins, PE, PLS; John P. Johnson, PE, PLS; Miller L. Love, Jr., PE; and Nancy W. Cottingham.

Staff members present included Holly Pisarik, Agency Director; Charlie Ido, Assistant Deputy Director; Lenora Addison-Miles, Administrator; Sherri Moorer, Program Assistant; Sara McCartha, Esq., Advice Counsel; Erin Baldwin, Esq., Office of General Counsel; and Sharon Wolfe, Office of Investigations and Enforcement.

Others present included D. Matthew Stockman; Ricky L. Wills; Lawrence C. Melton, Esq.; Scott Brown; Brian Petras; Kim Long; Ronnie Tyler, Joe Jones, Adam B. Jones; Jesse Burke; Jeff Mulliken; Kent Hudson; and Jennifer Cash (Creel Court Reporting).

**Approval of Meeting Minutes**

**MOTION:** To approve the minutes of the August 11, 2013, meeting. Johnson/Fallon/approved.

**Review of Agenda**

Chairperson Hodge asked if there were any proposed changes to the agenda for the September 24, 2013, meeting. There were none.

**MOTION:** To approve the agenda for the September 24, 2013, meeting. Johnson/Rickborn/approved.

**Director Holly Pisarik – Fee Adjustment Proposal**

Director Holly Pisarik addressed the Board with an update on the Department. The agency is trying to adjust fees so all Boards bring in sufficient revenue to cover their expenditures and operating costs, while maintaining service to the Boards and licensees.

The agency has examined the way the Board groupings work to ensure an even workload for all Board administrators. She proposes to separate the Board of Landscape Architectural Examiners and the Soil

Classifiers Advisory Council from this grouping to reduce the number of licensees and increase the level of service by focusing on the Board of Architectural Examiners and the Board of Registration for Professional Engineers and Surveyors.

The agency is implementing cycle times for processing investigations. They would like to implement a 120 day cycle time to complete investigations for the Engineering Board. Additional training is being provided for all investigators that is more industry specific for the Boards they cover. Monthly meetings will be held to go through the docket and review progress of investigations. Three new investigators have been hired to achieve the goal of meeting cycle times. The agency is working on benchmark times to complete cases through the Office of General Council. They have hired one attorney and plan to add two more attorneys to meet benchmark times.

The agency is adding social media sites for the Boards. They are working on Board specific Facebook pages that will be maintained with the help of Board Administrators. The Accountancy Board has set up a page and all Boards are welcome to consider this as an option to communicate with licensees. The Department will consider a Twitter account next. The website has also been revised in-house and will roll out this fall. A beta test will be conducted with the Board members in the coming weeks. All employees will also receive training on protecting data through a series of 12 modules they are required to attend. A third layer of protection has been added to the system that emails employees and their supervisors if an attempt is made to log into the system using their login remotely. All initial applications and complaint forms will be online by the end of the year.

Mrs. Pisarik told the Board that Section 40-1-50 gives the Director the authority to adjust fees for revenue-funded boards. She proposed reducing the license renewal fees and certificate of authorization renewal fees by \$15.00. This would provide sufficient revenue for the Board to operate and still have room for growth in the future.

Mr. Dinkins asked about continuity of staff, due to the technical nature of the profession. He also stated that NCEES provides a free resource for training of investigators, attorneys and staff through Zone and Annual meetings. He feels that the Board staff is not taking advantage of this opportunity. Mrs. Hodge agreed that the Board needs more staff and that they should take advantage of the opportunities offered through NCEES. Mr. Love also asked if there's a way to update people that file complaints on the progress of investigations.

### **Reports**

- a. Office of Investigations and Enforcement – Ms. Wolfe reported 16 active cases in the Office of Investigations and Enforcement. Four are “do not open” cases; they have closed three cases; and nine are pending Board approval on the IRC Report from September 12, 2013. They have closed 21 cases since January 1, 2013.

**MOTION:** To approve the September 12, 2013, IRC report. Fallon/Dinkins/approved.

- b. Office of General Council – Mrs. Baldwin reported 14 open cases in the Office of General Counsel. There was a schedule conflict with Sharon Cook, the investigator for the Board, so she was unable to attend the meeting. Mrs. Baldwin thanked the Board for holding the special meeting on August 12, 2013. She asked the Board if they would like to have special

meeting days designated for hearings, since their typical Board meetings have a full agenda. The Board proposed scheduling a special meeting for hearings on November 18, 2013.

- c. Mrs. Addison-Miles told the Board that licensure statistics, the financial reports for July 2013 and August 2013, the Cease and Desist log, and the Consent Agreement log were included in the meeting packets. The Board had a cash balance of \$1,935,693.38 as of August 31, 2013. The Research and Education fund had a cash balance of \$329,472.00 as of August 31, 2013. The NCEES exams will be held on October 25-26, 2013. She asked the Board members to contact her if they are interested in observing the examination.

#### **Education and Research Funding Requests**

- a. Jesse Burke with the Structural Engineers Association of South Carolina presented a funding request in the amount of \$4,500 to offset expenses of the 2013 Annual Conference held on August 1, 2013.

**MOTION:** To approve the \$4,500 funding request for Structural Engineers Association of South Carolina. Johnson/Fallon/approved.

#### **Application Hearings**

- a. Ricky L. Wills appeared before the Board for an application hearing for reinstatement of his surveying license. This matter was recorded by a court reporter in order to produce a verbatim transcript, should one be necessary.

**MOTION:** To enter executive session for legal advice. Rickborn/Fallon/approved.

**MOTION:** To exit executive session. Cottingham/Fallon/approved.

**MOTION:** To approve Mr. Wills for reinstatement contingent on licensure in a probationary status until his probation is over. His license will be returned to regular status upon his probation ending and a criminal report provided at his expense showing on further charges. If he fails to meet these terms, the license will be administratively suspended. Johnson/Fallon/opposed by Dinkins and Rickborn/motion carried.

The Board took a ten minute recess.

- b. Mr. Scott Brown appeared before the Board for an application hearing for Civil and Environmental Consultants, Inc. The firm was represented by Lawrence C. Melton, Esq., of Nexsen/Pruet in Columbia, SC. This matter was recorded by a court reporter in order to produce a verbatim transcript, should one be necessary.

**MOTION:** To enter executive session for legal advice. Dinkins/Rickborn/approve.

**MOTION:** To exit executive session. Love/Dinkins/approve.

The Board asked Mr. Brown to submit information concerning other projects/clients the firm has worked for in addition to the eight projects listed, with total contract amounts for each project, and a

copy of the temporary permit previously issued to the firm. The hearing was deferred until the information could be provided.

### Application Reviews

- a. The Board reviewed an application for Alan Matthew Matienzo. Mr. Matienzo requested a waiver of the Fundamentals of Engineering Examination.

**MOTION:** To approve Mr. Matienzo's FE waiver. Dinkins/Fallon/approved.

- b. The Board reviewed an application for licensure by comity with a waiver of the Fundamentals of Engineering Examination for Francis Joseph Gioscio, Jr.

**MOTION:** To approve Mr. Gioscio for licensure with an FE waiver. Fallon/Johnson/approved.

- c. The Board reviewed a land surveyor-in-training application for Mr. Donald Matthew Stockman. Mr. Stockman spoke to the Board regarding his application. This matter was recorded by a court reporter in order to produce a verbatim transcript, should one be necessary.

**MOTION:** To enter executive session for legal advice. Johnson/Dinkins/approved.

**MOTION:** To exit executive session. Love/Johnson/approved.

**MOTION:** To approve Mr. Stockman for LSIT Certification. If he has appropriate experience and qualifications, he can submit an application for the Professional Surveying and State Specific examinations. Dinkins/Fallon/approved.

The Board took a lunch break from 12:20 p.m. – 1:17 p.m.

### Return to Fee Adjustment Proposal

**MOTION:** To accept fees as presented. Johnson/Fallon/approved.

### Unfinished Business

- a. Statute Review – The Board considered the following comments regarding the proposed statutes:
  - Mrs. Hodge received a comment suggesting that the language in 40-22-35 be amended to read “a registered engineer or surveyor may not enter into a contract when the cost of providing those services is the only criteria.” The Board decided to maintain the wording as it reads in the current proposed statute.
  - Mrs. Cottingham suggested that 40-22-20(23) should be amended to add the teaching of advanced engineering subjects to the definition of Engineering. All other Board members opposed the change.
  - Mr. Johnson received a suggestion to amend Section 40-22-30(D) to read “Brokering or coordinating of engineering or surveying services for a fee is prohibited by a person not licensed by this chapter or by Chapter 11.” The Board discussed the proposed change and determined that they are in favor of changing the section to

indicate that it's unlawful for a third party entity to broker services. Mrs. McCartha will check with the attorneys for the Architectural and Contractors Boards to find language on the design/build contract team verbiage.

- Brian Petras asked the Board to consider inserting verbiage defining structural engineering as a specific discipline. The Board discussed the issue and agreed that while they are aware of nationwide discussions on the issue of establishing structural engineering as a separate designation, they are not in favor of addressing it in the proposed legislation.
  - Mrs. Hodge received a comment that she will forward to the Board members for review and response at the November 19 meeting.
  - Mrs. McCartha and Joe Jones will check on amendments proposed in the Senate.
  - Mr. Dinkins asked if the proposed statute can be reviewed to correct typos, spelling, and verbiage. Mrs. McCartha and Mrs. Addison-Miles will check on this.
- b. Review of Policy Manual – The Board reviewed the policy manual and made the following updates:
- Policies on the Practice of Engineering – note that this will be updated based on the pending statute changes and the NCEES Task Force Analysis, which should be completed in 2014.
  - Issuance of Commissioning Reports – add to the Policies and Practice of Engineering. Note that this will need to be corrected when the statute is updated.
  - Expert Witness Board Interpretation – this was overruled by the Supreme Court, but the Board decided to leave it in the policy manual as a guidance statement.
  - Education Evaluations Approved by the Board – this needs to be updated to reflect current Board procedures.

Mrs. Moorer will make appropriate updates to the policies and note that they were reviewed and updated at this Board meeting.

Mr. Love left the meeting at 2:46 p.m. A quorum was present.

### **New Business**

- a. Budget and Budget Procedures – this item was addressed in Mrs. Pisarik's presentation and the Administrative Report from Mrs. Addison-Miles.
- b. Investigative Review Committee – Alternate PE Member – Mrs. Addison-Miles said there are two cases the IRC is unable to review because one professional member had to recuse themselves and the other wasn't familiar with the specifics of the case. Mrs. Hodge said she spoke with Bill Knowles and he has agreed to take these cases on behalf of the Board.

**MOTION:** To appoint Bill Knowles to review the IRC cases. Dinkins/Rickborn/approved.

- c. Clarification of Master's Degree – Mrs. Hodge forwarded information provided by Dr. Castro regarding the differences between a master of science program and a master of engineering program. Dr. Castro was concerned that a candidate that comes through a non-accredited

bachelor of science program will end out with fewer engineering hours than are required if they have a master of science degree. The Board discussed the issue and determined that they will continue to consider master's degree programs that are accredited at the bachelor's level as acceptable education.

- d. Discussion of How Cases are Opened and Handled – Sharon Wolfe spoke with the Board about procedures for processing and investigating complaints that are filed with the Board. The Board asked if a procedure could be implemented to keep complainants up to date on lengthy cases. She told the Board members that they should refer individuals contacting them about complaints to her for updates, and to avoid the possibility of having to recuse themselves if the complaint proceeds to a hearing.
- e. NSPE Position Statement on Licensure of Returning Veterans – Mrs. Hodge said this gives support to veterans and makes the pathway to obtaining and maintaining licensure easier. It was voted on at the July meeting and is being distributed for informational purposes.
- f. NSPE Position Statement on Taking the PE – Mr. Dinkins proposed that the Board no longer take the position that they require individuals to complete the four year experience requirement prior to taking the PE. Removing the experience requirement from taking the examination could potentially keep more people on the path to licensure, especially in industry and faculty. Furthermore, the statute and regulations do not support requiring experience requirement to take the PE. The Board discussed the issue.

**MOTION:** That the Board adhere to existing statutes and regulations and allow persons upon graduation with an EAC degree and passing the FE examination to take the PE examination. Dinkins/Fallon. The Board discussed the issue and Mr. Dinkins withdrew the motion provided that staff prepares procedures in anticipation of a vote on this issue at the next meeting.

Dr. Fallon left the meeting at 3:48 p.m. A quorum was present.

- g. State Registration and Licensure Requirements for Federal Projects – Mr. Rickborn received an email from a federal employee concerned that they are being directed not to report potential licensure violations to state boards, which is in conflict with our statute. Mrs. McCartha and Mrs. Wolfe confirmed that the Board does not have jurisdiction over federal lands.
- h. Discussion of Qualifying PDH Credits – Mrs. Hodge received an email from a company on a program they want to implement. While there was some technical content, many of the courses focused on personnel and management techniques. The Board has approved funding for some courses in personnel and management, but there has been concern over the PDH credits being mostly in technical expertise. The Board agreed to review the requirement and set parameters for qualifying PDH credits in a policy statement at the next Board meeting.



- i. Southern Zone Meeting Status 2014 – Mrs. Hodge gave an update on planning for the 2014 Southern Zone meeting, which will be held in Charleston, SC in April 2014. The Board is getting a \$15,000 contribution from NCEES and have been in contact with Mrs. Pisarik to request \$25,000 from the Research and Education Fund. The Board agreed to using the Old Exchange as the venue for the dinner on Thursday night.
  - j. Industrial Exemption Committee – no report. Dr. Fallon left the meeting at 3:48 p.m. due to a schedule conflict.
  - k. Lexington County Issue Concerning Plats and Drainage – Mr. Dinkins said he is aware that Lexington County is asking surveyors to put drainage flows on proposed plats for new houses. There is concern that this is putting surveyors in a bad position by putting them on the design team and making them liable for services they aren't responsible for. The Board asked Mrs. McCartha to draft a letter to Lexington County about the conflict with state law on this issue.
- l. 2014 Meeting Dates – the Board deferred this discussion until the next Board meeting.

**Return to Application Hearing for Civil and Environmental Consultants, Inc.**

Mr. Melton provided the requested information to Mrs. Moorer, which was entered as evidence and distributed to the Board to continue the hearing. Mr. Melton and Mr. Brown did not appear for the conclusion of the hearing.

**MOTION:** To enter executive session for legal advice. Johnson/Dinkins/approve.

**MOTION:** To exit executive session. Cottingham/Dinkins/approved.

**MOTION:** To issue the Certificate of Authorization pending an amended application showing the disciplinary action in Kentucky and payment of an \$8,000 fine (\$1,000 per project). The Certificate of Authorization shall not be issued until both conditions are satisfied. Johnson/Dinkins/approved.

**Other Business**

Mr. Dinkins told the Board to be aware of a new requirement in Texas that requires current licensees and comity applicants to have a criminal background check performed one time. This is done at the licensees expense. This requirement is being implemented across a number of professions and has the potential to delay comity licensure by up to three months. The requirement will be implemented on the next license renewal for current licensees.

**Public Comments**

Mr. Burke told the Board that he's aware of some large construction companies that have adopted an internal policy to hire recent graduates and give them the internal title of "project engineer." These individuals are using the "PE" designation to indicate this status. He asked if the Board can send out a letter putting these companies on notice that this is a violation of State law. Mrs. McCartha asked him to send Mrs. Addison-Miles the information so they can draft a letter of response.

**Notice of Next Meeting**

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, November 19, 2013, at the SC Department of Labor, Licensing and Regulation, Synergy Business Park, Kingstree Building, 110 Centerview Drive, Room 108, Columbia, SC and will begin at 9:30 a.m.

There being no further business:

**MOTION:** To adjourn. Johnson/Dinkins/approved.

The meeting adjourned at 4:41 p.m.

Respectfully Submitted,



Sherri F. Moorer, Program Assistant