

MINUTES
South Carolina Board for Registration of Professional Engineers and Surveyors
9:30 a.m., March 20, 2018
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 108
Columbia, SC

Call To Order

Chairperson Fallon called the meeting to order at 9:36 a.m.

Statement of Public Notice

Chairperson Fallon stated that public notice of this meeting was properly posted at the South Carolina State Board of Registration for Professional Engineers and Surveyors, 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 Dr. Dennis Fallon, Ph.D., PE, Chairperson; Dr. Johnston Peeples, Ph.D, PE, Vice-Chairman; J. Baker Cleveland, III, Esq., Secretary; Timothy Rickborn, PE; Gene L. Dinkins, PE, PLS; Mr. D. Mack Kelly, Jr., PE, PLS; and Jimmy Chao, PE. Mr. Henry Dingle, Jr., PLS, was introduced as a new board member.

Staff members present included Lenora Addison-Miles, Administrator; Britton Jenkins, Program Assistant; Stacey Hewson, Esq., Advice Counsel; Erin Baldwin, Esq., Office of Disciplinary Counsel; and Sharon Wolfe, Office of Investigations and Enforcement.

Others present included: Adam Jones, Allison King, Jesse Burke, James Barbour, Robert Hickman, Shane Godlen, Dr. Walt Castro, John Gowdy, Joe Jones, and Roderick Fitzgerald (Creel Court Reporting).

Approval of Meeting Minutes

The board reviewed minutes from the January 23, 2018.

MOTION: To approve the January 23, 2018 board meeting minutes. Chao/Rickborn/approved.

Approval of Excused Absences

There were no excused absences.

Review and Approval of Agenda

Dr. Fallon advised the board that the scheduled Disciplinary Hearings (case 2017-1 and case 2017-43) were settled with Consent Agreements. He suggested that the board discuss new business items 13a., 13b., and 13c. before executive session.

MOTION: To approve board meeting agenda with changes. Rickborn/Cleveland/approved.

Reports

- a. Mrs. Wolfe presented the OIE report. Mrs. Wolfe noted from January 1, 2018-March 15, 2018, there were thirteen incoming complaints. There are a total of sixteen active cases. Eleven cases have been closed.
- b. The board reviewed the IRC report.

MOTION: To approve the IRC report. Rickborn/Peeples/approved.

- c. Mrs. Baldwin presented the ODC report. She reported that there were six cases open as of the March 5, 2018 report. Since then, two cases have been settled and closed with a Consent Agreements. She added that one case was received after the March 5, 2018 report, but that it would be settled with a Consent Agreement by the end of the day. Mrs. Baldwin noted there would be two cases scheduled for the May board meeting.
- d. Mrs. Miles presented the Administrative and Financial report. Mrs. Miles reported that as of March 5, 2018, there were 31,553 credentials active through June 30, 2018. She added that there were a total of 17,425 engineers, 1,028 surveyors, 142 dual licensees, and 13 associate PE's were current through June 30, 2018. There are a total of 3,197 firms and 981 branches active through March 30, 2019. During the January /February/March testing window, NCEES has delivered 94 FE exams. Sixty-eight FE exams were scheduled. One FS exam has been delivered, and one is scheduled. Three Chemical PE exams have been delivered, and one is scheduled. One surveying exam is scheduled. There have been a total of 1,190 Early PE exam applications and 703 people have passed. There have been six early PS exam applications received, and four of those have passed. The January cash balance is \$2,820,461.28. The Education and Research balance is \$375,228.22. Mrs. Miles reminded the board to file their Statement of Economic Interest reports online with the State Ethics Commission by March 30th. E-blasts and online renewal notices will go out on April 2, 2018. Mrs. Miles reported the recent revisions to the Practice Act have been posted to the website. An e-blast will be sent to licensees advising them to visit the website and review the changes.

Education Requirements and Evaluations (Executive Sessions)

MOTION: To enter executive session for legal advice, with board staff and board consultants participating. Dinkins/Rickborn/approved.

MOTION: To exit executive session. Peeples/Rickborn/approved.

The board recessed for lunch from 12:42 p.m. to 1:31 p.m.

Application Hearings

- a. Mr. Robert Hickman appeared before the board for an Application Hearing. He was not represented by counsel. He did not have any witnesses. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

MOTION: Approve Mr. Hickman to take the PE exam and waive the FE exam. Dinkins/Chao/approved.

- b. An Application Hearing was held for Mr. Emad Gheibi. He was not represented by counsel. He did not have any witnesses. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

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

MOTION: To exit executive session. Peeples/Cleveland/approved.

MOTION: To grant 18 months of experience for Mr. Gheibi's PhD. degree. To allow Mr. Gheibi to take the Early PE exam. Cleveland/Peeples/approved.

- c. Mr. James Barbour appeared before the board for an Application Hearing. He was not represented by counsel. He did not have any witnesses. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

MOTION: To approve Mr. Barbour for PE licensure. Dinkins/Cleveland/approved.

- d. Mr. Luis Montoya appeared before the board for an Application Hearing by phone. He was not represented by counsel. He did not have any witnesses. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

MOTION: to approve Mr. Montoya for PE licensure. Dinkins/Cleveland/approved.

Unfinished Business

- a. The board reviewed action items from the January 23, 2018 board meeting. Mr. Dinkins noted the letter to the US Army Corps of Engineers has been sent and should be removed from the report. Dr. Fallon reminded the board to complete the Statement of Economic Interest report by the deadline. Mr. Dinkins asked for an update regarding a new IRC member. Mrs. Miles noted that Mr. Gamble has recommended someone, and he will be submitting his application and resume to the board for consideration. Mr. Rickborn added that a plaque should be presented to past board member Johnny Johnson, recognizing his service to the board.

New Business

- a. The board reviewed an email from Meril Fowler for the board's position regarding information on summary plats. Mr. Dinkins noted that there are many instances where local entities request surveyors to put items on plats not specified in the Surveying Standards of Practice.

MOTION: To enter executive session for legal advice. Chao/Kelly/approved.

MOTION: To exit executive session. Chao/Peeples/approved.

MOTION: To create a committee with members Dinkins, Kelly, and Dingle to form procedures. The committee will report back at a future meeting. Kelly/Rickborn/approved.

- b. The board discussed 2018 NCEES Annual Meeting Travel. The NCEES annual meeting is August 15-18, 2018 in Scottsdale, Arizona.

MOTION: To request LLR funding for the board administrator, Advice Counsel , and law enforcement to attend the 2018 NCEES Annual Meeting. Rickborn/Dinkins/approved.

MOTION: To request LLR funding for Mr. Dinkins and Mr. Dingle to attend the Colonial States Meeting on May 18, 2018. Chao/Rickborn/approved.

Mrs. Miles advised Mr. Dinkins to send the agenda for the meeting as soon as it is made available for agency review and approval.

- c. The board discussed NCEES Emeritus Board Member nominations.

MOTION: To nominate M.L. Love and Johnny Johnson as NCEES Emeritus board members. Rickborn/Dinkins/approved.

Other Business

There was no other business.

Public Comments

Mr. Joe Jones presented the board with a notice of South Carolina Supreme Court Order for Appellate Case 2017-001059. He requested Advice Counsel review the case and determine if new legislation is needed to correct it.

Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, May 8, 2018 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.

MOTION: To adjourn. Rickborn/Chao/approved.

The meeting adjourned at 3:11 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Britton S. Jenkins". The signature is fluid and cursive, with a large initial "B" and a long horizontal stroke at the end.

Britton S. Jenkins, Program Assistant