

**MINUTES**  
**South Carolina Board of Registration for Professional Engineers and Surveyors**  
**9:30 a.m., November 13, 2018**  
**Synergy Business Park, Kingtree Building**  
**110 Centerview Drive, Conference Room 108**  
**Columbia, SC**

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**Call To Order**

Chairperson Fallon called the meeting to order at 9:32 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 Office, Synergy Business Park, Kingtree 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 present included Dr. Dennis J. Fallon, Ph.D., PE, Chairperson; Timothy Rickborn, PE; Gene L. Dinkins, PE, PLS; Jimmy Chao, PE; Henry Dingle, Jr., PLS; and D. Mack Kelly, Jr., PE, PLS.

Staff members present included: Lenora Addison-Miles, Administrator; Elaine Belton, Program Assistant; Stacey Hewson, Esq., Advice Counsel; Sharon Wolfe, Rodney Pigford, Kathy Meadows, and Sharon Cooke, Office of Investigations and Enforcement.

Others present included: Jesse Anderson, Wesley Church, Ann Church, Joe Jones, Jesse Burke, William Lee Hopkins, Peter Strub, Jeratt Merrell, Dennis Meder, Jesus Gonzalez, Aaron Leach, Benjamin Gaston, Sean Higgins, and M. Sean Cary (Creel Court Reporting).

**Approval of Meeting Minutes**

The board reviewed the minutes from the September 25, 2018 meeting.

**MOTION:** To approve minutes. Rickborn/Dingle/approved.

**Approval of Excused Absences**

The absences of members Cleveland and Peoples were excused.

**Review and Approval of Agenda**

**MOTION:** Under Unfinished Business, Item 10a., add Midlands Technical College presentation of future surveying courses. Dingle/Rickborn/approved.

**Reports**

- a. Mr. Pigford presented the OIE report. Mr. Pigford noted from January 1, 2018, through November 6, 2018, 29 cases are active, and 27 cases have been closed. Nine cases are pending board action.

- b. Mr. Pigford presented the October 31, 2018 IRC report. One case was recommended for dismissal, one was a dismissal with a cease and desist, five cases were formal complaints, and one letter of caution.

Mrs. Miles reiterated the need for a new PE IRC member. Mr. McGhee's term expired in 2016, and he has retired. IRC members have to be actively licensed. Dr. Fallon requested that the IRC members attend the January meeting.

**MOTION:** To approve IRC Report. Rickborn/Dinkins/approved.

- c. Mrs. Miles presented the ODC report on behalf of Donnell Jennings. As of November 13<sup>th</sup>, there were 12 open cases, five are pending actions, six are pending agreements, and one is pending board action. As of March 5<sup>th</sup>, 27 cases have been closed. The Board indicated that case 2017-23 has been in ODC for 342 days and needs to be expedited.
- d. Mrs. Miles presented the Administrative and Financial reports. Mrs. Miles noted as of October 26<sup>th</sup>, there were a total of 16,896 engineers, 964 surveyors, 123 dual licensees, and 11 associate PE's current through 2020. There were a total of 3,283 firms and 1,004 branches current through March 31, 2019. As of October 26<sup>th</sup>, NCEES had delivered 29 computer-based FE exams during the October, November, December testing window; and 111 exams were scheduled. One Fundamentals of Surveying exam was delivered, two were scheduled; two PE exams were delivered and one was scheduled. We have received 1,399 Early PE exam applications and 828 have passed the exam. There have been seven Early PS applications and four have passed. The State Specific Surveying exam was administered on November 2<sup>nd</sup>. There were eight candidates and four passed. The September cash balance report reflected a balance of \$3,777,644.87, and the Education and Research Fund balance was \$489,498.22. CE Audit notices were mailed on October 17<sup>th</sup> with responses due by November 5<sup>th</sup>. Second notices were mailed and emailed on Friday, November 9<sup>th</sup> with final responses due by November 19<sup>th</sup>. Failure to respond will result in an administrative complaint being filed.

#### **Application Hearings**

- a. Jesse O. Anderson appeared before the board for an application hearing. Mr. Anderson 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 accept education as meeting the requirements for surveyor licensing and grant permission to sit for the FS exam. Dinkins/Dingle/approved. Kelly opposed.

- b. Wesley J. Church appeared before the Board for an application hearing. He was not represented by counsel. He did not have any witnesses. Mr. Church was advised of his right to present personal medical information in a closed hearing. Mr. Church agreed to continue with the public hearing. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

**MOTION:** To approve to take the PE exam. Dinkins/Chao/approved.

- c. William Hopkins appeared before the Board for an application hearing. He was not represented by counsel. Peter Strub served as a witness. Mr. Chao informed the board that Mr. Hopkins was his former student. Mr. Hopkins did not object to Mr. Chao participating in the hearing. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

**MOTION:** To grant PE license. Dinkins/Rickborn/approved.

- d. Jeratt Merrell appeared before the Board for an application hearing. He was not represented by counsel. Dennis Meder served as a witness. 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. Dinkins/Rickborn/approved.

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

**MOTION:** To deny application for second portfolio review. Applicant has failed to demonstrate sufficient rigor in his depth of qualifying experience to refer this application to Portfolio Committee. Rickborn/Chao/approved.

The Board recessed for lunch from 12:15 p.m. to 1:00 p.m.

- e. Jesus Gonzalez appeared before the Board for an application hearing. Mr. Gonzalez 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. Dinkins/Chao/approved.

**MOTION:** To exit executive session. Rickborn/Dingle/approved.

**MOTION:** To grant PE license, based on testimony presented. Dinkins/Chao/approved.

### **Unfinished Business**

- a. The Board reviewed the action items from the September 25, 2018 board meeting. Mrs. Hewson will draft a response to Mr. Boehm's inquiry regarding an issue with the Sullivan's Island BZA and the use of surveys. Mr. Dinkins will assist. Chairman Fallon will work with advice counsel on preparing a letter to NCEES CEO regarding publishing the NCEES Institution Reports.

Benjamin Gaston and Sean Higgins (Midlands Technical College) presented information regarding potential surveying courses to be offered. MTC has created a surveying certificate consisting of 19 credit hours, designed for students entering MTC, who have already obtained a BS degree. This certificate program would provide the required 12 hours of surveying/mapping coursework needed for surveyor licensure. MTC is in the beginning stage of forming a matriculation agreement with a college for a 2+2 arrangement, where graduates can transfer to another institution to earn their bachelor's degree. They are also researching a variety of course delivery options. MTC is seeking assistance from the Board, through the Education and Research Fund. MTC was asked to prepare a report for presentation at the January 2019 meeting.

- b. Mrs. Hewson updated the board on a replacement surveyor education consultant. She has spoken with LLR's General Counsel who recommended hiring the consultant as a temporary employee. Mrs. Hewson needs assistance from the board regarding an hourly wage and developing a position description. Mrs. Hewson will check with LLR's Human Resources regarding dual employment.
- c. The Board reviewed the 1962 Joint Overlapping Practice document and feels the policy needs to be revised and reaffirmed. Mr. Rickborn will work on revising the document. He will contact Jim Justus to see if he is still available to serve on the Joint Task Force.
- d. NCEES Model Law Engineer Records (Executive Session)

**MOTION:** To enter executive session, with Mrs. Miles participating, to discuss the NCEES Model Law records and obtain legal advice. Rickborn/Chao/approved.

**MOTION:** To exit executive session. Rickborn/Chao/approved.

#### **New Business**

- a. Mr. Aaron Leach, PLS, addressed the board regarding issues with municipalities requiring certain items be added to surveys. Surveyors are being asked to add information that cannot be verified because the requested information is for proposed construction. Examples include: engineering note stating that sidewalks will be ADA compliant, storm water note that all building pads will be 18 inches above the curb, and drainage easements will remain clear of fences. Surveyor members, Dinkins, Dingle, and Kelly will work on an "information only" statement that will hopefully assist surveyors with this issue.
- b. The Board reviewed a proposed generic statement regarding volunteering during a declared state of emergency. The statement can easily be altered to include the name of the declared emergency and posted on the website. It was noted that the current document does not contain information regarding surveyors. Mrs. Hewson will make the required changes to ensure both engineers and surveyors are included.

**MOTION:** To make changes to include the statutes as they are currently written. Dinkins/Dingle/approved.

- c. Mr. Chao will represent the Board at the State Design Professionals meetings. Mr. J.T. McCarter previously attended these meetings and was compensated for his travel. Dr. Fallon and Mrs. Miles will work on a letter thanking Mr. McCarter for his service.

**MOTION:** To approve Mr. Chao's attendance and funding to these meetings. Dinkins/Rickborn/approved.

- d. NCEES is accepting nominations for 2019 national service awards. Nominations must be submitted by January 31, 2019.

**MOTION:** To nominate Mr. Rickborn for the Southern Zone Distinguished Service Award.  
Dinkins/Chao/approved.

**MOTION:** To nominate M.L. Love for NCEES Distinguished Service Award.  
Rickborn/Dinkins/approved.

- e. 2019 NCEES BPA Meeting will be held in Atlanta, February 8-9, 2019. The meeting is for the board president, chair, or designee and the MBA. NCEES will cover all costs associated with the meeting.

**MOTION:** Approve chair and administrator to attend. Rickborn/Chao/approved.

- f. The Board unanimously approved the following slate of officers for 2019: Gene Dinkins, chair; John Peoples, vice chair; and Baker Cleveland, secretary.

#### **Other Business**

Mrs. Miles advised the members that information has been received from DMV regarding board license plates, and information must be provided to DMV by December 1<sup>st</sup>.

#### **Public Comments**

Jesse Burke indicated that a previous funding request was submitted and approved with an estimated attendance of 60 people. He questioned if the estimated attendance was incorrect and 85 people attended the event, could the funding be revisited? The Board advised that another funding request would need to be submitted with a description for consideration of additional funding.

#### **Notice of Next Meeting**

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, January 15, 2019, at the SC Department of Labor, Licensing, and Regulation, Synergy Business Park, Kingstree Building, 110 Centerview Drive, Room 105, Columbia, SC and will begin at 9:30 a.m.

**MOTION:** To adjourn. Chao/Dingle/approved.

The meeting adjourned at 4:12 p.m.

Respectfully Submitted,

Elaine W. Belton  
Program Assistant