

**MINUTES**  
**South Carolina Board for Registration of Professional Engineers and Surveyors**  
**9:30 a.m., November 28, 2017**  
**Synergy Business Park, Kingstree Building**  
**110 Centerview Drive, Room 108**  
**Columbia, SC**

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**Call To Order**

Chairperson Fallon called the meeting to order at 9:33 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; John P. Johnson, PE, PLS, Vice-Chairman; Dr. Johnston Peeples, Ph.D., PE, Secretary; Timothy Rickborn, PE; Gene L. Dinkins, PE, PLS; Miller L. Love, Jr., PE; D. Mack Kelly, Jr., PE, PLS; and J. Baker Cleveland, III, Esq.

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

Others present included: Joe Jones, Adam Jones, Mark Casey, James Farrell, Jimmy Chao, Rick Reiff, and Nadine Garrett (Creel Reporting).

**Approval of Meeting Minutes**

The board reviewed minutes from the September 26, 2017 board meeting.

Mr. Rickborn noted the minutes should reflect the IRC meeting was cancelled due to Hurricane Irma.

**MOTION:** To approve minutes with changes for the September 26, 2017 board meeting.  
Johnson/Rickborn/approved.

**Approval of Excused Absences**

All board members were present.

**Review and Approval of Agenda**

The agenda was approved with no changes.

**Reports**

- a. Mrs. Wolfe presented the OIE report. She reported that 54 cases have been received from January 1, 2017 through November 17, 2017. Twenty-three cases are active investigations. Three cases have been opened and 15 cases have been closed.
- b. The board reviewed the IRC report. Cases 2013-35, 2016-51, 2016-58, 2017-2, 2017-5, 2017-18, 2017-41, 2017-45, 2017-46, and 2017-51 were recommended for dismissal. Cases 2017-6, 2017-20, and 2017-23 were recommended for formal complaints. Cases 2016-66, 2017-24, and 2017-36 were recommended for letters of caution.

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

- c. Mrs. Baldwin presented the ODC report. She reported that ten cases were open. Mrs. Baldwin added that two of the cases were closed since the report was generated and one case is on the IRC report. She added that as a result, four cases were now pending as of the meeting date.
- d. Mrs. Miles presented the administrative and financial reports. Mrs. Miles reported that as of November 15, 2017 there were 31,089 active credentials. She added that there were a total of 17,096 engineers, 1,027 surveyors, 141 dual licenses, and 15 associate PE's current through June 30, 2018. As of November 15, 2017, 48 FE exams have been administered through the October/November/December testing window. Mrs. Miles reported we have received 1,054 Early PE exam applications. Five hundred and eighty-three (583) candidates have passed. Five Early PS applications have been received and four have passed the exam. The October cash balance was \$2,919,014.93. The Education and Research balance was \$389,228.22. Mrs. Miles reported that PSI administered the first computer-based state specific exam on November 3, 2017. There were eleven candidates. Eight passed the exam. She noted that a Portfolio Review Committee meeting was scheduled for December 6, 2017. There are two candidates scheduled. A civil portfolio committee is being planned. Mrs. Miles reminded the board the application deadline for the April 2018 exam is December 15, 2017. She noted that Mrs. Cottingham was approved by NCEES as an Emeritus member.

### **Executive Session**

**MOTION:** To enter executive session for legal advice with Mrs. Miles and Mrs. Jenkins participating. Love/Cleveland/approved.

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

### **Application Hearings**

- a. Mr. David Brewer appeared before the board, on behalf of Encroachment Permit Clearinghouse, LLC for an Application Hearing. He was represented by Jamie Goldin, Esq. David Brewer, Erskine Suber, and Vernon Suber appeared as witnesses. Mr. Dinkins was recused from the hearing. 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. Johnson/Peeples/approved.

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

**MOTION:** To issue COA after documents have been filed with the South Carolina Secretary of State's Office naming David Brewer as corporate officer, and proof is provided to the board. Cleveland/Rickborn/approved.

- b. Mr. Mark Casey 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 enter executive session for legal advice. Rickborn/Love/approved

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

**MOTION:** To take no action. Mr. Casey's request would be entertained upon providing documentation of completion of coursework in preparation of the exam. Mr. Casey must come back before the full board. Dinkins/Peeples/approved.

The board recessed for lunch from 12:10 p.m. until 12:55 p.m.

- c. Mr. Randall Hurt 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 enter executive session for legal advice. Peeples/Love/approved.

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

**MOTION:** To grant FE waiver and allow Mr. Hurt to take the exam. Johnson/Peeples/approved.

- d. Mr. Reza Ghasemi 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 enter executive session for legal advice. Love/Johnson/approved.

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

**MOTION:** To grant FE waiver and allow Mr. Ghasemi to take the exam. Johnson/Peeples/approved.

- e. The hearing for Mr. Walter Mills was rescheduled to the next board meeting.
- f. Mr. William Brown 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 application for the PE exam and the Portfolio Process upon passing the exam. Rickborn/Kelly/approved.

- g. Mr. David Giza-Sisson appeared before the board by phone, in the presence of a notary public, 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 enter executive session for legal advice. Johnson/Love/approved.

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

**MOTION:** To allow Mr. Giza-Sisson to sit for the PE exam. Dinkins/Kelly/approved/one opposed.

- h. The Application Hearing for Timothy Monahan was cancelled at the applicant's request.
- i. The Application Hearing for Mr. Neal Anderson was cancelled. The applicant did not attend.

#### **Unfinished Business**

- a. The board reviewed action items from the September 26, 2017 meeting. Dr. Fallon noted all items on the list have been addressed and completed. Mrs. Miles noted Mr. Blackwell from the SC Office of State Fire Marshall has not been able to form his committee yet, but will have it in place for the January meeting. Mrs. Miles noted a civil or structural PE member is still needed for the IRC.

Mr. Love left the meeting at 3:33 p.m.

#### **New Business**

- a. The board received a request for clarification of Section 40-22-280. Herb Yingling and James Farrell of the Greenville County Planning and Codes office spoke with the board. Mr. Yingling noted an instructor recently did a class on South Carolina laws and informed all of the building officials of the law that went through the legislature in 2016. They were notified that code officials will be responsible for enforcing this law. Mr. Yingling referred to the old law and noted how there are differences, specifically in building size and occupancy classifications that now require a design professional. Mr. Rickborn noted that this issue has been ongoing for years and was publicized prior to being presented as legislation in 2013 and 2016. Mr. Rickborn added that in the Building Code Section 107.1, there is an exemption, that reads, "the building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it's found that the nature of the work applied for is such that the review of construction documents is not necessary to obtain compliance with this code." Mr. Yingling added that this change to the engineering law has affected building officials all over the state immensely. They are concerned about how to enforce the law. Dr. Fallon noted that it is not the purpose of the board to interpret or give guidance on the law. Mr. Wellborn suggested they speak with their county attorneys for advice on how to proceed further. Mr. Yingling noted that the information given was helpful and that they intend to follow up with their attorneys for additional feedback.

- b. Mr. David Vaughn spoke with the board regarding a Clemson University non-profit corporation request. After hearing Mr. Vaughn's presentation, it was determined the entity would require a Certificate of Authorization.
- c. The board discussed election of officers for the 2018 year.

**MOTION:** To re-elect current officers until the January 2018 meeting. Dinkins/Peeples/approved.

**Notice of Next Meeting**

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Wednesday, November 29, 2017 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. Dinkins/Johnson/approved.

The meeting adjourned at 4:06 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 "J".

Britton S. Jenkins, Program Assistant