

**MINUTES**  
**South Carolina Board for Registration of Professional Engineer and Surveyors**  
**9:30 a.m., January 17, 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 9:30 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; Mr. D. Mack Kelly, Jr., PE, PLS.; and John Baker Cleveland, III. , Esq.

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

Others present included: Joe Cult, Frank Smith, Sam Savage, Jack Pringle, Adam Jones, Jeff Mulliken, Mike Koonce, Robert Templeton, Robyn Madden, Jesse Burke, and Sean Cary (Creel Court Reporting).

**Approval of Meeting Minutes**

The board reviewed minutes from the November 15, 2016 board meeting.

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

**Review and Approval of Agenda**

The board reviewed the agenda. Dr. Fallon requested to move agenda item nine (Funding Requests) before agenda item seven (Reports).

**MOTION:** To approve agenda with changes. Dinkins/Johnson/approved.

**Reports**

- a. Mrs. Wolfe presented the OIE report. She reported no complaints had been filed so far in 2017. The Board requested the OIE report include the average number of days for cases.

- b. Mrs. Wolfe presented the November 30, 2016 IRC report which was reviewed by the board.

**MOTION:** To accept recommendation of dismissal for cases 2015-52, 2016-19, 2016-25, 2016-52, 2016-55, and 2016-64. Love/Peeples/approved.

**MOTION:** To accept recommendation of dismissal with cease and desist for cases 2016-23, 2016-27, 2016-37, 2016-60, and 2016-63. Love/Rickborn/approved.

**MOTION:** To accept recommendation of formal complaint for cases 2016-24 and 2016-39. Rickborn/Peeples/approved.

Mrs. Wolfe presented the January 4, 2017 IRC report which was reviewed by the board.

**MOTION:** To approve IRC report. Dismiss cases 2016-26 and 2016-59. Dismiss with cease and desist case 2016-72. Rickborn/Love/approved.

- c. Mrs. Baldwin presented the ODC Report which was reviewed by the board. Mrs. Baldwin reported that as of January 3, 2017, there were 12 open cases with the Office of Disciplinary Counsel. Mrs. Baldwin added that seven of those cases were on the agenda and two are pending Consent Agreements.

- d. Mrs. Miles presented the administrative and financial report. Mrs. Miles reported that as of December 30, 2016, there were 29,779 active credentials. She added that as of January 4, 2017, there were a total of 16,109 engineers, 1,018 surveyors, 141 dual licensees and 11 associate PE's current through June 30, 2018. Seven hundred and five (705) licenses lapsed June 30, 2016 as a result of non-renewal. There were 254 candidates approved for the early PE exam in October 2016. One hundred fourteen (114) FE exams were delivered during the October/November/December testing window and five FS exams were delivered. Board staff has received a total of 810 Early PE applications and 437 candidates have passed the exam. Mrs. Miles reported that the CE audit is complete, and of the 160 notices sent, four have not fully complied. Staff is working with ODC with one file and others need further advice from the board. Mrs. Miles added that five (out of nine) state specific exam candidates passed the exam. The financial report shows a November cash balance of \$3,216,823.61 and Education and Research account balance of \$438,350.22. Mrs. Miles reported the new mileage rate effective January 1, 2017 is 53.5 cents per mile. Information regarding the Statement of Economic Interest Report was emailed to board members on January 6, 2017. The reports must be filed electronically with the State Ethics Committee by March 30, 2017. A new requirement, effective January 1, 2017, requires that all filers must disclose the source and type of any private income received in the previous year by the filer or a member of the filer's immediate family under the Income and Benefits section of the 2017 Statement of Economic Interest Form.

#### Funding Requests

- a. Adam Jones, of the SCSPE, presented a funding request of \$8,000 for the 2017 ACEC-SC/SC PE Winter meeting.

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

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

**MOTION:** To approve funding request in the updated amount of \$4,000. \$2,500 of the fund allotment should be used for the meeting speaker. \$1,500 of the fund allotment could be used for discretionary expenses in the Winter Meeting budget. Peeples/Love/approved.

Dr. Peeples noted funding requests should be submitted at least 30 days prior to the board meeting. This allows the board ample time to review the request to ensure that funds are allocated appropriately.

#### Disciplinary Hearings

- a. Mr. Samuel Savage appeared before the board for a Disciplinary Hearing (OIE case 2013-40). Mr. Savage was represented by Franklin Smith, Esq. He did not have any 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. Love/Peeples/approved.

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

**MOTION:** To adopt MOA as submitted. Mr. Savage was found in violation of South Carolina Code of Laws §40-22-110 (A)(2) and §40-22-110(A)(5). Impose a \$1,000 fine for each violation to be paid within six (6) months from the effective date of final order. Issue Public Reprimand. Cleveland/Rickborn/approved.

The board recessed for lunch from 12:20 pm to 1:00 pm.

- b. Michael Koonce, on behalf of Hydrostructures, PA appeared before the board for a Disciplinary Hearing (Case 2014-59). Mr. Koonce was represented by Dan Ballou. He did not have any 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. Peeples/Johnson/approved.

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

**MOTION:** To accept MOA. Issue a public reprimand. Impose fine of \$1500 to be payable within six months of final order. License may be issued after fine is paid. Rickborn/Love/approved.

- c. The case of Michael A. Robinson (Case 2016-34) was presented to the board for a Disciplinary Hearing. Mr. Robinson was not in attendance and provided a written waiver of appearance. 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. Love/Rickborn/approved.

**MOTION:** To adopt MOA. Issue a public reprimand. Cleveland/Love/approved.

- d. Bruce Simms , on behalf of Industrial Turnaround Corporation (Case 2015-49) appeared before the board for a Disciplinary Hearing. Mr. Simms was represented by Andrea Brisbin and Chris Floyd (by phone). There were no 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. Love/Kelly/approved.

**MOTION:** To reject MOA and issue a non-disciplinary Letter of Caution. Issue COA upon proper payment of fees. Dinkins/Rickborn/approved.

- e. Joe Kulp, on behalf of Mulhern & Kulp (Case 2016-76) appeared before the board for a disciplinary hearing. He was not represented by counsel and 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/Rickborn/approved.

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

**MOTION:** To adopt MOA. Impose \$15,000 fine and issue public reprimand. COA will be issued upon payment of fine. Dinkins/Peeples/approved.

- f. United Rentals (North America), Inc. appeared before the board for a Disciplinary Hearing (Case 2015-58). The firm was represented by Jack Pringle. Mr. Rickborn was recused. 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. Peeples/Love/approved.

**MOTION:** To adopt MOA. Issue \$2,500 fine and public reprimand. Issue COA upon payment of fine. Dinkins/Love/approved.

- g. Robert Templeton, on behalf of Templeton Land Surveying, appeared before the board for a Disciplinary Hearing (Case 2017-4). Mr. Templeton was represented by Robyn Madden. There were no 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/Cleveland/approved.

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

**MOTION:** To adopt MOA. Issue public reprimand and impose fine of \$750. Issue COA upon payment of fine. Rickborn/Johnson/approved.

#### **Application Hearings**

- a. Mr. Joseph Dixon 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/Rickborn/approved.

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

**MOTION:** To accept Mr. Dixon's request to withdraw application. Mr. Dixon may re-apply for licensure when he has obtained four years of qualifying engineering experience.

- b. Mr. Behrooz Danish appeared before the board to request that his experience be approved to sit for the PE exam. 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. Dinkins/Rickborn/approved.

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

**MOTION:** Defer action on application. Request a second review of educational criteria. If education review is acceptable, the board will review application for licensure.  
Dinkins/Rickborn/approved.

#### **Unfinished Business**

- a. The board deferred review of previous board meeting action items to the next scheduled board meeting.
- b. The board deferred discussion of the legal/ethics exam to the next scheduled board meeting.
- c. The board reviewed the letter of interest and CV for Mr. Jeff Mulliken to serve on the Portfolio Committee. Mr. Mulliken spoke to the board about his interest to serve. Mr. Mulliken's discipline is structural.

**MOTION:** To approve Mr. Jeff Mulliken as member of the Portfolio Committee.  
Dinkins/Love/approved.

- d. The board discussed the NCEES call for award nominations. Award nominations are due to NCEES by January 31, 2017.

**MOTION:** To nominate Timothy Rickborn for the 2017 NCEES Distinguished Service Award.  
Dinkins/Love/approved.

- e. The board discussed the process of regulation revision. Dr. Fallon requested guidance regarding how to proceed. He asked the board to offer suggestions at the next scheduled board meeting.
- f. The board discussed implementation of education grant proposals. Dr. Fallon noted the Education Grant proposal to disburse to 4 year programs was drafted and approved in 2016. Dr. Fallon asked the board if the proposal should be disbursed to four-year programs at this time. The board agreed that it should be sent to the programs with an updated deadline of April 15, 2017.

#### **New Business**

- a. Mrs. Miles spoke with the board about continuing education audits with medical exemptions and extenuating circumstances. Mrs. Miles noted that board staff has received two requests from licensees regarding exemptions from CE audits due to medical circumstances. Mr. Johnson added that if an exemption is allowed by the board, the individual should not be able to provide engineering services. He added that those individuals should be sent a letter and placed on administrative suspension. Mr. Dinkins suggested that these issues be handled on a case by case basis by the board. Mr. Jennings asked for permission to work with Mr. Johnson and Dr. Peebles to craft a response to the inquiries. The Board approved.
- b. The board discussed NCEES Southern Zone Meeting funded delegates. The selected delegates are Dr. Fallon, Board Chairman; Mr. Johnson, Board Vice-Chairman; and Mr. Rickborn. Mrs. Miles notified the board that LLR will fund four additional board members not covered by NCEES.
- c. Mr. Kelly spoke with the board regarding surveying standards, processes, and policies related to surveying. Mr. Brian Keys, Brian Ison, and Marvin Dawson, from SCDOT, participated in the discussion. Mr. Kelly asked what the SCDOT processes were and how those processes are documented. Mr. Keyes explained that SCDOT now puts certain control benchmarks in their plans based on state-plane coordinates. Pins found during the survey are now labeled in the plans. Mr. Keyes added once the job is completed a full plat is filed in a closed survey. Mr. Ison added that the plats are documented on their website and can be found by a search by county. Mr. Dinkins noted that the post-construction plats fully comply with the South Carolina Standards of Surveying.
- d. The board deferred discussion of 2017 NCEES meeting dates to the next scheduled board meeting.
- e. Mr. Dinkins spoke with the board regarding regulation changes to allow use of unmanned aerial vehicles (UAVs). Mr. Dinkins explained that licensing laws license three types of surveyors: land boundary, photogrammetric, and GIS which all have very specific descriptions about what each one can do. He added that the Practice Act does not address tools used to perform duties of the profession. He noted that drones being used by qualified individuals is

problematic based upon the South Carolina surveying law and that the board should investigate the possibility of modifying the regulations for land boundary surveyors to use that technology. Mr. Dinkins noted that he has asked Joe Jones, of SCPLS, to research the idea and come back to the board with any suggestions.

#### Public Comments

Mr. Joe Jones spoke with the board regarding a pending bill to be introduced in the House reverting language of the Practice Act, Section 40-22-280. Mr. Jones added that Adam Jones met Rep. Crawford who is holding a meeting next week. Mr. Jones stressed that it is important for a board member to attend this meeting.

**MOTION:** To oppose proposed legislation. Authorize Mr. Rickborn to speak on the board's behalf, along with Advice Counsel, in opposition. Dinkins/Peeples/approved.

Mr. Rickborn congratulated Clemson University on winning the 2017 National Football Championship.

Dr. Fallon thanked Mr. Rickborn for his service as board chair.

**MOTION:** To draft a resolution of thanks from the board to Mr. Rickborn for his service as board chairman. Dinkins/Johnson/approved.

#### Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, March 21, 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. Johnson/Peeples/approved.

The meeting adjourned at 5:52 p.m.

Respectfully Submitted,



Britton S. Jenkins, Program Assistant