

MINUTES
South Carolina Board of Registration for Professional Engineers and Surveyors
9:30 a.m., July 24, 2018
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 108
Columbia, SC

Call To Order

Vice Chairman Peeples called the meeting to order at 9:31 a.m.

Statement of Public Notice

Vice Chairman Peeples 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. Johnston Peeples, Ph.D, PE, Vice-Chairman; J. Baker Cleveland, III, Esq., Secretary; Timothy Rickborn, PE; Gene L. Dinkins, PE, PLS; D. Mack Kelly, Jr., PE, PLS; Jimmy Chao, PE; and Henry Dingle, Jr., PLS.

Staff members present included Lenora Addison-Miles, Administrator; Alice DeBorde, Program Coordinator; Stacey Hewson, Esq., Advice Counsel; Donnell Jennings, Esq., Office of Disciplinary Counsel; and Sharon Wolfe, Office of Investigations and Enforcement.

Others present included: Adam Jones, Allison King, Jesse Burke, Joe Jones, Stephen Jones, Edwin Ackerman, Peter Theodorakakos, Todd Gayle, Robert Foster, Scott Wilson, Dennis Clinkscales, Timothy Davis, Anthony Lawrence, and Nadine Garrett (Creel Court Reporting).

Approval of Meeting Minutes

The board reviewed the minutes from the May 8th and June 19th board meetings.

MOTION: To approve the meeting minutes. Rickborn/Dingle/approved.

Approval of Excused Absences

Dr. Fallon was not in attendance.

MOTION: To approve the absence of Chairman Fallon. Cleveland/Chao/approved.

Review and Approval of Agenda

There were no changes to the agenda.

Reports

- a. Mrs. Wolfe presented the OIE report. Mrs. Wolfe noted from January 1, 2018 – July 18, 2018, 36 complaints have been received. There are a total of 19 active cases, and 33 cases have been closed this year.
- b. The board reviewed the July 12, 2018, IRC report.

MOTION: Dismiss case 2017-54. Cleveland/Dingle/approved. Rickborn was recused.

MOTION: Dismiss cases 2017-72, 2018-3 and 2018-8. Chao/Cleveland/approved.

MOTION: Dismiss case 2018-18. Cleveland/Chao/approved. Dinkins was recused.

MOTION: Formal complaint for case 2018-19. Dingle/Chao/approved. Dinkins was recused.

MOTION: Formal complaints for cases 2017-85, 2018-20, 2018-25 and 2018-29. Rickborn/Kelly/approved.

- c. Mr. Jennings presented the ODC report. He reported there were 11 cases open as of the July 11, 2018 report. Four cases are pending actions, seven are pending agreements, one is pending board action, and 10 cases have been closed.
- d. Mrs. Miles presented the Administrative and Financial report. Mrs. Miles reported that as of July 6, 2018, there were 31,416 credentials. She added that there were a total of 15,804 engineers, 893 surveyors, 118 dual licensees, and 13 associate PE's were current through June 30, 2020. There are a total of 3,248 firms and 1,005 branches active through March 31, 2019. During the July/August/September testing window, NCEES delivered 35 computer-based FE exams and 93 exams were scheduled. Seven FS exams were scheduled. One Chemical PE exam was delivered and one was scheduled. There have been a total of 1,356 Early PE exam applications and 824 have passed. There have been seven early PS exam applications received, and four have passed. The Board was also provided the April 2018 PE exam results for review. The June cash balance was \$3,062,868.02. The Education and Research Fund balance was \$419,208.22. Any member who wishes to be an observer for the Fall 2018 ABET visits to the College of Charleston, Bob Jones University, USC Aiken, or USC Upstate, must let Mrs. Miles know prior to August 31st.

Application Hearing

- a. Mr. Stephen McCray Jones 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 for another exam attempt. Dinkins/Kelly/approved.

- b. Mr. Edwin C. Ackerman 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. The hearing was closed to the public in order to protect the applicant's medical information.

MOTION: Deny request for October exam. Dinkins/Chao/approved. Dingle abstained. Kelly opposed. Applicant was advised he may request to appear before the board for reconsideration for a possible 2019 exam attempt. He should develop a comprehensive success plan to present to the board.

- c. Mr. Bryant Justin Dean appeared before the board for an application hearing via conference call, in the presence of Notary Public, Roxanne D. Johnson. He was not represented by counsel. Chandrakant Taylor served as a witness. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

MOTION: Approve for exam based on testimony. Dinkins/Rickborn/approved.

- d. Mr. Peter Theodorakakos 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. Dinkins/Rickborn/approved.

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

MOTION: Grant PE license conditioned upon full compliance with the probation outlined by the Michigan board, and he must notify the Board immediately of any action taken by the Michigan board. Cleveland/Chao/approved. Rickborn opposed.

The board recessed for lunch from 12:11 p.m. until 12:50 p.m.

- e. Mr. Todd Gayle 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: Grant FE waiver, based on experience and testimony presented. Dinkins/Chao/approved.

Unfinished Business

- a. The board reviewed action items from the May 8, 2018 board meeting. Dr. Peebles will prepare a draft document regarding acceptable four-year curriculum for surveying licensure, using the Southern Association of Colleges and Schools as a guide for determining a valid four-year curriculum.
- b. Anthony Lawrence, member of the SC Board of Architectural Examiners, presented a draft overlapping practice guide document for architects and engineers. The document is the result of the Joint Task Force Subcommittee, comprised of representatives from the architects, engineers, and building codes council boards. The purpose of the document is to provide a simple guidance document for code officials and design professionals. BOASC leadership reviewed the document and then presented it to their membership for comments, which resulted in a request for additional bullet items for clarification. Mr. Rickborn expressed concern regarding how this type of document may be interpreted. The document should include a disclaimer that it is in the purview of the building official, under

the administrative section of the codes or local ordinances, to make the final determination regarding a project. Although the document will not address every situation, the goal is to provide general guidance. The Board was asked to review the document over the next 60 days and provide one document containing all comments.

- c. Mr. Dingle addressed the collection of data and its subsequent use in preparing calculations and plats. In 2006, the board determined that surveyors may not take information from non-licensed individuals who are not under their direct supervision for the purpose of recording the information on survey plats. Mr. Dingle presented a draft policy statement using language taken from an October 2006 letter expressing the consensus of the Board. Mr. Dingle will present a revised policy for review during the September meeting.
- d. Mr. Chao presented options for board shirts to wear when attending NCEES meetings. The members determined they would order two shirts, (navy blue and white), with the Palmetto Tree, crescent moon, and board name.

New Business

- a. The Board received a request from Paul Boehm, BIC, with East Islands Real Estate, Inc., for guidance on survey uses. He has experienced issues with the Sullivan's Island Board of Zoning Appeals requiring certain items on survey plats. Advice counsel will work with staff on drafting a response.
- b. Allison King and members of SCSPLS (Scott Wilson, Timothy Davis, Dennis Clinkscales, and Robert A. Foster) addressed the board with issues regarding recording plats with political subdivisions planning departments; specifically Greenville, Charleston, Richland and Dorchester counties. The trend has been that county and municipal departments are requiring notes and proposed information on plats. Many of the requirements have nothing to do with the transfer of property or a survey of the parcel of land. A county can control what is subdivided, based on their local ordinances. Making surveyors put proposed infrastructure, proposed grading and drainage patterns, and zoning requirements on plats is not the surveyors function. Mr. Dinkins recommended a position statement or policy that a survey should show existing conditions and elements on a piece of real property that are present at the time of the survey. The survey should not show proposed infrastructure or other proposed elements. A survey should not be required to show non-pertinent, non-survey information. Members Dinkins, Kelly and Dingle will work on the position statement that can be sent to municipalities and planning boards.
- c. The Board reviewed the 2018 NCEES annual meeting action items and motions to be voted on during the August meeting.
- d. Mrs. Miles advised the Board that surveyor education consultant, David Cresswell, has indicated he has retired his license and will likely discontinue the review of the 12-hour discipline specific surveying coursework. He has agreed to continue to serve until the Board could meet today and come up with an alternative solution. Mr. Dingle with research someone at East Tennessee State.

- e. The Board reviewed resumes from five potential civil portfolio committee volunteers; Charles Denson, Jeffrey Caldwell, Keith Overstreet, Peter Strub and Scott Banks.

MOTION: Approve portfolio volunteer candidates. Dinkins/Dingle/approved.

Public Comments

Adam Jones asked if one has to be a PE in South Carolina to serve as an expert witness at a hearing. PE licensure is not required to give expert witness testimony. The judge in the case decides who can serve as an expert.

Jesse Burke reported 85 engineers and 21 exhibitors attended the 2018 SEASC Annual Conference and Trade Show.

Joe Jones requested a copy of the draft Overlapping Practice document for distribution to engineers.

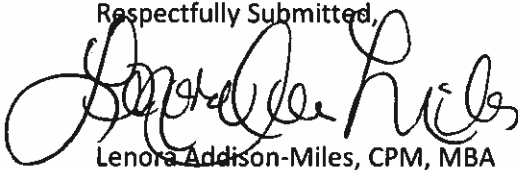
Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, September 25, 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 4:37 p.m.

Respectfully Submitted,



Lenora Addison-Miles, CPM, MBA
Administrator