

**MINUTES**  
**South Carolina Board of Registration for Professional Engineers and Surveyors**  
**9:30 a.m., May 8, 2018**  
**Synergy Business Park, Kingstree Building**  
**110 Centerview Drive, Room 105**  
**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; Dr. Johnston Peebles, 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; Erin Baldwin, Esq., Office of Disciplinary Counsel; and Sharon Wolfe, Office of Investigations and Enforcement.

Others present included: Adam Jones, Allison King, Jesse Burke, Joe Jones, Frank Smith, Dan Dennis, Nick Edwards, Brad Morrison, Jeff Mulliken, James Robey, and Nadine Garrett (Creel Court Reporting).

**Approval of Meeting Minutes**

The board reviewed and approved the minutes from the March 20, 2018 meeting.

**Approval of Excused Absences**

There were no excused absences.

**Review and Approval of Agenda**

Dr. Fallon asked if there were any revisions to the agenda. Mr. Rickborn recommended moving the application hearing before the disciplinary hearings due to the amount of time that may be required for the disciplinary hearings.

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

**Reports**

- a. Mrs. Wolfe presented the OIE report. Mrs. Wolfe noted from January 1, 2018 – May 1, 2018, 24 complaints have been received. There are a total of sixteen active cases, and 18 cases have been closed.

- b. The board reviewed the April 30, 2018, IRC report. Five cases were recommended for dismissal: 2017-53, 2017-58, 2018-10, 2018-13, and 2018-14. One case was recommended for dismissal with a cease and desist: 2017-82. Three cases were recommended for formal complaints: 2017-47, 2017-68, and 2018-5.

**MOTION:** To approve the IRC report. Peeples/Chao/approved.

- c. Mrs. Baldwin presented the ODC report. She reported there were six cases open as of the April 23, 2018 report. Pending case 2018-22 was already resolved with a public consent agreement, and two pending cases will be heard today. The oldest case, at 137 days in ODC, will be noticed for the July meeting.
- d. Mrs. Miles presented the Administrative and Financial report. Mrs. Miles reported that as of April 24, 2018, there were 31,521 credentials. She added that there were a total of 4,556 engineers, 207 surveyors, 33 dual licensees, and two associate PE's current through June 30, 2020. There are a total of 3,227 firms and 1,002 branches active through March 31, 2019. During the April/May/June testing window, NCEES delivered 84 computer-based FE exams and 116 exams were scheduled. Five FS exams were scheduled. Five Chemical PE exams were scheduled. There have been a total of 1,204 Early PE exam applications and 704 have passed. There have been six early PS exam applications received, and four have passed. Nine candidates took the state specific surveying exam on May 4<sup>th</sup>, and four candidates passed. The board confirmed that state specific exam candidates who fail the exam three times must file a new application. The license renewal e-blast and online notices were sent in April and second notices were sent May 4<sup>th</sup>. Category B license sunset reminders were sent to 13 licensees via certified mail on April 2<sup>nd</sup>. The March cash balance was \$2,736,993.01. The Education and Research Fund balance was \$347,738.22. The Board was provided FE pencil and paper exam pass rates for the April 2013 exams and the CBT pass rates for 2014 and 2015. Mrs. Miles advised the board that a travel request, to attend the NCEES annual meeting, was submitted to LLR management on April 6<sup>th</sup>. NCEES will fund six delegates and the board requested funding from LLR for three attendees. The group rate for the hotel is \$139 per night which exceeds the GSA rate of \$93.

**MOTION:** To request additional funding above the GSA. Rickborn/Chao/approved.

#### **Disciplinary Hearings**

Mr. Daniel R. Dennis appeared before the board for disciplinary hearings in case #2017-21 and #2017-22. He was represented by attorney Frank Smith, Jr. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary. Board member Chao was recused from participating in the hearing.

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

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

**MOTION:** In case #2017-22, Dennis Corporation, the board accepts the MOA. Issue a \$3,000 fine plus investigative costs. The COA remains in effect conditioned upon the continued compliance with the deferred prosecution agreement against the corporation. Cleveland/Rickborn/approved.

**MOTION:** In case #2017-21, Daniel Dennis, the board accepts the MOA. Issue a \$2,000 fine plus investigative costs. PE and PS licenses are suspended for two years, with the condition that he completes the advanced level National Institute for Engineering Ethics online course through Texas Tech University, prior to having the license reinstated. Cleveland/Rickborn/approved.

#### **Funding Request**

Allison King presented a funding request from ACEC-SC, ASCE-SC, and SCSPE for the 2018 SC Engineering Conference and Trade Show. The conference will be held June 7-9, 2018, at the Myrtle Beach Hilton. The board is scheduled for a panel discussion on June 7<sup>th</sup>.

**MOTION:** To approve \$30,000 request. Cleveland/Peeples/approved.

#### **Application Hearing**

- a. Mr. Nicholas Andrew Edwards 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. Dingle/Peeples/approved.

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

**MOTION:** Accept additional information provided by applicant and approve for licensure. Kelly/Rickborn/approved.

#### **Unfinished Business**

- a. The board reviewed action items from the March 20, 2018 board meeting. The education evaluation policy item was discussed during the March meeting and should be removed from the report.

#### **New Business**

- a. The board discussed the presentation for the SC Engineering Conference and Trade show.
- b. The board discussed options for utilizing education and research fund money for outreach to students to encourage them to enter the profession and become licensed. Dr. Fallon will work with Dr. Peeples to submit the educational grant proposals to the schools. The option for a need-based or scholarship to cover the cost of taking the FE exam was also discussed. Mrs. Miles will inquire if travel for members visiting schools to address students can be paid from the education and research fund.
- c. Board staff received an inquiry regarding the number of PDH units required for an emeritus engineer or surveyor to return to active status, based on Section 40-22-240 (C).

**MOTION:** 30 new PDH units would be the maximum number required. Dinkins/Chao/approved.

- d. The Board received an inquiry regarding responding to an RFP for a Historical Courthouse Condition Assessment. The Board noted the architect and engineer statutes are different in that architects cannot bid on projects based on fees. The engineer statute does not address fees or procurement. With regards to this RFP, the firm must be qualified to perform the work. Section 40-22-270(3) addresses individual seals and stamping on plans and specifications for engineers. Section 40-22-20(25) defines the "practice of engineering" and serves as the basis for any unlicensed practice claims. Advice counsel will assist Mrs. Miles in drafting a response.
- e. Mr. Dingle discussed the issue of non-licensed individuals flagging wetlands and taking GPS coordinates and then asking surveyors to prepare a wetlands plat from the information. Gathering data coordinates, either horizontal or vertical, needs to be done by or under the direct supervision of a licensed surveyor. The surveyor members will work on developing an informational letter regarding wetlands and survey data gathered by non-licensees and report back at the July meeting. The approved letter will be sent to all licensees by e-blast.
- f. The Board discussed the licensing requirements for photogrammetric surveyor licensing for individuals licensed as Tier A surveyors, prior to July 1, 2010, with a two-year degree. Surveyors who obtained their license prior to June 30, 2004 are allowed to perform photogrammetry. After June 30, 2004, the grandfather provision ended for photogrammetric surveyor licensing, and candidates were required to meet the specific requirements of Regulation 49-201D. The Board will continue this discussion and address it with possible regulatory changes if needed. The surveyor members, Dinkins, Kelly, and Dingle, will work on this issue and make a recommendation to the board.
- g. The Board reviewed a proposed FY19 travel budget. Last year, director Farr required each board administrator to prepare a proposed travel budget for review and approval. The proposed budget includes regular board meetings, disciplinary hearings, portfolio meetings, in state conferences, and three out of state meetings. The final approved budget amount is at the discretion of the director. The proposed budget has not been submitted to the director.

**MOTION:** Approve proposed budget. Dinkins/Rickborn/approved.

#### **Other Business**

Mr. Chao suggested the board members purchase uniform shirts to wear when attending NCEES meetings. He will research the issue and report back to the board in July.

The Board asked Mrs. Miles to schedule a conference call meeting to review the 2018 SEASC Annual Conference funding request.

#### **Public Comments**

Allison King commended Mrs. Miles for her service.

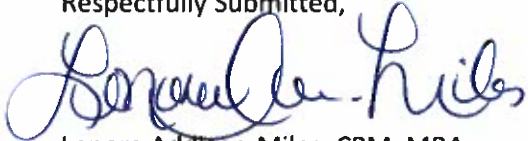
#### **Notice of Next Meeting**

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, July 24, 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. Dinkins/Dingle/approved.

The meeting adjourned at 4:05 p.m.

Respectfully Submitted,



Lenora Addison-Miles, CPM, MBA  
Administrator