

MINUTES
South Carolina Board of Registration for Professional Engineers and Surveyors
9:30 a.m., September 25, 2018
Synergy Business Park, Kingstree Building
110 Centerview Drive, Conference Room 108
Columbia, SC

Call To Order

Chairperson Fallon called the meeting to order at 9:34 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, Kingstree 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; Dr. Johnston Peeples, Ph.D., PE, Vice Chairman; J. Baker Cleveland, III, Esq., Secretary; 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; Alice DeBorde, Program Coordinator; Elaine Belton, Program Assistant; Stacey Hewson, Esq., Advice Counsel; Donnell Jennings, Esq., Office of Disciplinary Counsel and Sharon Wolfe, Office of Investigations and Enforcement.

Others present included: Gregory Placone, Esq., Graham Elliott, Joseph Monroe, Jesse Burke, Joe Jones, Allison King, Jared Chrysostom, Adam Murray, and John P. Johnson.

Approval of Meeting Minutes

The board reviewed the minutes from the July 24, 2018 meeting.

MOTION: To approve minutes. Rickborn/Chao/approved.

Approval of Excused Absences

All members present.

Review and Approval of Agenda

No changes to agenda.

MOTION: To approve agenda. Chao/Peeples/approved.

Reports

- a. Mrs. Wolfe presented the OIE report. Mrs. Wolfe noted from January 1, 2018, through September 18, 2018, 57 complaints were received. There are a total of 31 active cases and 42 cases have been closed.

- b. Mrs. Wolfe reported the scheduled IRC meeting was cancelled due to the office being closed as a result of Hurricane Florence.
- c. Mr. Jennings presented the ODC report. Eleven cases are open. The oldest case, 2017-23, will hopefully be a MOA hearing at the next meeting. Since March of this year, 20 cases have been closed.
- d. Mrs. Miles presented the Administrative and Financial reports. Mrs. Miles noted as of September 17, 2018, there were a total of 16,644 engineers, 960 surveyors, 123 dual licensees, and 13 associate PE's current through 2020. There were a total of 3,298 firms and 1,021 branches current through March 31, 2019. As of September 17th, NCEES had delivered 103 computer-based FE exams during the July, August, September testing window; and 26 exams were scheduled. Three Fundamentals of Surveying exams were delivered, one was scheduled, two PE exams were delivered and one was scheduled, and one PS exam was scheduled. We have received 1,373 Early PE exam applications and 828 have passed the exam. There have been seven Early PS applications and 4 have passed. The July cash balance report reflected a balance of \$3,812,343.71, and the Education and Research Fund balance was \$487,028.22. NCEES exams will be held October 26th and 27th. In order to list any site visitors, we must notify NCEES by Friday. Members interested in visiting the exam site should let Lenora know. Agency Director Farr has approved the Board's fiscal year 2019 travel budget of \$26,000, which was the same as the fiscal year 2018 budget.

Chairperson Fallon noted the Board needs to find some way to do something quite useful with the Education and Research Fund money. Mr. Dingle reported he has been talking with Midlands Technical College about the 2+2 Program they are trying to establish with USC Spartanburg. A possible surveying certificate program was also discussed. It was noted the Board must be careful in differentiating between advancing licensure and advancing professions. The mission is to promote the health, safety and welfare of the public.

NCEES Institution Reports

MOTION: To enter executive session for legal advice and to discuss the confidential NCEES reports, with staff participating. Chao/Rickborn/approved.

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

Funding Request

Allison King, SCSPE, presented a request, for \$9,000, for the Fall Symposium, to be held in Charleston, Greenville, and Rock Hill, November 13-15, 2018.

MOTION: To approve SCSPE funding request. Peeples/Cleveland/approved.

Application Hearings

- a. Mr. Jared Chrysostom appeared before the board for an application hearing. It was noted for the record that Mr. Chrysostom was a student of Chairperson Fallon about three years ago. There was no objection to Chairperson Fallon participating in the hearing. Mr. Chrysostom 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/Peeples/approved.

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

MOTION: Mr. Chrysostom not be granted a professional engineering license until he has obtained the full four years of experience eligible for licensure. Dingle/Kelly/approved.

- b. Graham Elliott appeared before the Board for an application hearing. He was represented by Gregory Placone, Esq., with Nexsen Pruet. Joseph Monroe, served as a witness. It was noted for the record that advice counsel Hewson's husband is an attorney with Nexsen Pruet. There was no objection to Mrs. Hewson advising the Board on this case. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

MOTION: Mr. Chao made a motion to grant license based on information presented. The motion died due to a lack of a second.

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

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

MOTION: Based on review of information presented to the Board, the Board finds the Master's Degree of Engineering from the Imperial College of Science Technology and Medicine University of London is acceptable since it is a signatory to the Washington Accord and the experience record shows more than four years of experience. Grant a PE license by Comity. Rickborn/Kelly/approved.

The Board recessed for lunch from 12:30 p.m. until 1:00 p.m.

- c. Adam M. Murray 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/Chao/approved.

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

The Board deferred action on this request. By December 31st, applicant is to send a detailed list of completed coursework in preparation for the examination. Upon receipt of this list, the request will be taken up at the January meeting.

Portfolio Review Committee Recommendation

The Board reviewed recommendations of the August 29, 2018, Civil Portfolio Review Committee. Wayne Wilson, Mark G. Hattendorf, and Erick Matysiak were recommended for licensure.

MOTION: Approve for licensure. Chao/Rickborn/approved.

Unfinished Business

- a. The Board reviewed the action items from the July 24, 2018 board meeting. Mrs. Miles reported three electrical, one mechanical, two civil, and one architectural/fire protection applicants need review. The Board still needs a PE member to serve on the IRC.

Mrs. Miles reminded the Board of the need for a replacement for Mr. David Cresswell (surveyor education consultant). Mr. Cresswell indicated he is no longer interested in serving. Mrs. Miles reported that Dr. Ali Eliadorani has indicated he may be interested in serving. He currently serves on the Portfolio Review Committee and is also a member of the State Specific Surveying Exam Writing Committee. Mrs. Miles and advice counsel Hewson will check with LLR regarding a contract and provide an update at the November meeting.

- b. Dr. Fallon reports there has been a lot of push-back on the Overlapping Practice document. Joe Jones distributed two letters, one from the American Council of Engineering Companies of South Carolina and the other from the SC Society of Professional Engineers. These two organizations are requesting the Board reject the overlapping document, and ACEC requests the engineering community be involved if there is a rewrite. These two letters are the result of the Board of Directors meetings of these two organizations.

Mr. Rickborn noted he has worked on this, on and off, since 2013. When it started out, the Building Officials Association of SC was interested in revising the Building Official's manual that LLR published, which was supposedly a joint publication for the architects and engineering boards and building codes council. Building officials feel they need an update of the Building Official's manual to tell them what they can and cannot do so they will be covered politically. Other states, such as Florida, Arkansas, and Alabama have developed guidance documents, which address incidental and overlapping practice, and the overwhelming factor is competency to practice in a specific area.

There was major concern regarding the form and substance of the document. If this document is going to be a document that people depend upon, it needs to be concise and correct. It needs to list what architects can/cannot do, what engineers can/cannot do, and define what is overlapping practice. The draft does not have any consistency from the grammatical perspective.

Mr. Rickborn suggested reviewing the joint 1962 agreement between the architect and engineer boards, which is pretty simple and essentially covers everything.

There were concerns regarding the assumption that an architect can do curbs, sidewalks, grading, utilities, traffic and parking plans. In addition, under architect professional duties, it says that architects perform entitlement services, including, but not limited to, rezoning, variances, special use permits and feasibility studies. Engineers are not allowed to do this per the document, but engineers do this all the time.

MOTION: To reject draft document without further discussion. Dinkins/Peeples/approved.

- c. No action was taken on Wetlands, Data Collection, and Use of Survey Data. The surveyor members will continue to work on these items.
- d. No information was presented regarding Surveyor Four-Year Curriculum.

- e. The Board will work on Review of Regulations once permanent Advice Counsel has been established. Advice Counsel Hewson informed the Board they would have to wait until next year to do a Notice of Drafting.

New Business

- a. Mr. Terrell Parrish was not present to discuss his retired status inquiry. Mr. Parrish applied for retired status and then indicated there were some things he wanted to do in retired status. This matter will be deferred until he is able to appear.
- b. Board Staff requested guidance from the Board regarding how to handle NCEES MLE Records in which the applicant does not have four years of experience under the supervision of a licensed PE. Board staff has been authorized to license MLE applicants without further review, barring no other issues. Staff has recently noticed MLE record holders who do not have four years of experience under the supervision of a PE. The Board advised staff to continue issuing licenses for MLE/MLSE applicants with four years of experience under the supervision of a PE. Records not meeting those requirements must be sent to a member of the board for review.
- c. Mr. Aaron Leach was unable to attend the meeting due to Hurricane Florence.
- d. The Board reviewed the resume of Gary Alford, volunteer for the Civil Portfolio Committee.

MOTION: To approve Gary Alford as portfolio review volunteer. Dinkins/Chao/approved.

- e. Mrs. Miles requested a volunteer to assist staff with CE audits. Members Fallon, Rickborn, and Peoples will assist staff as needed.
- f. The Board reviewed the proposed 2019 board meeting dates: January 15, March 19, May 7, July 16, July 17 (hearings), September 24, September 25 (hearings), November 12. The dates/rooms have already been reserved. Mrs. Miles was asked to check on possibly moving the March 19th meeting to March 12th.

Other Business

Mr. Dingle discussed using Education and Research Funds to support a surveying course at Midlands Technical College. The cost of one course is \$1,900. If the Board provides \$1,900, the course would be offered regardless of how many people attend. The board determined the opportunity should be discussed amongst the technical schools, not just MTC, and have a representative present additional information during the November meeting. The board is interested in helping stimulate an interest in surveyor licensing.

Based on the information provided, it appears MTC is focusing on three main areas: the 2+ 2 program, a surveying certificate, and a hybrid course delivery. The Board questioned the purpose of the certificate. It should be made clear that if a surveying certificate is issued, it does not make them a surveyor.

Public Comments

Allison King asked what could be done to get a statement or notice pre-approved for adding to the Board's website in the event of an emergency/disaster. Mrs. Miles and Advice Counsel Hewson will

contact LLR's Office of Communications and Governmental Affairs for a general approval statement and report at the November meeting.

Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, November 13, 2018, 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. Rickborn/Cleveland/approved.

The meeting adjourned at 3:06 p.m.

Respectfully Submitted,

Elaine W. Belton
Program Assistant