

MINUTES
South Carolina Board of Registration for Professional Engineers and Surveyors
9:30 a.m., March 19, 2019
Synergy Business Park, Kingstree Building
110 Centerview Drive, Conference Room 105
Columbia, SC

Call To Order

Chairperson Dinkins called the meeting to order at 9:35 a.m.

Statement of Public Notice

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

Staff members present included: Lenora Addison-Miles, Administrator; Elaine Belton, Program Assistant; Stacey Hewson, Esq., Advice Counsel; Erin Baldwin, Esq., Office of Disciplinary Counsel, and Sharon Cooke, Office of Investigations and Enforcement.

Others present included: Allison King, Joe Jones, Jesse Burke, Ronald Platner, Ian Duggan, Esq.; Lateef Assi, William Keaton, Charles Murphy, and Nadine Garrett (Creel Court Reporting).

Approval of Meeting Minutes

The board reviewed the minutes from the January 15, 2019 meeting.

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

Approval of Excused Absences

All members present.

Review and Approval of Agenda

No changes were made to the agenda.

Reports

- a. Mrs. Baldwin presented the OIE report. From January 1, 2019, through March 12, 2019, six cases are active investigations, one case has been designated as Do Not Open, two cases are pending CA review, two cases are pending further information, and one case is pending the IRC.
- b. Mrs. Baldwin presented the March 7, 2019 IRC report. The IRC recommended dismissal of cases, 2018-33 and 2018-52.

MOTION: Approve dismissal. Fallon/Rickborn/approved.

IRC recommended formal complaints for cases 2018-1, 2018-43, 2018-53, and 2018-56.

MOTION: Approve formal complaints. Rickborn/Dingle/approved.

IRC recommended Letters of Caution for cases 2018-12, and 2018-67.

MOTION: Approve Letters of Caution. Chao/Rickborn/approved.

- c. Mrs. Baldwin presented the ODC report. As of March 7, 2019, there are 17 open cases, ten are pending actions, five are pending CA/MOA's, one is pending a hearing, and five cases have been closed on or after January 15, 2019.
- d. Mrs. Miles presented the Administrative and Financial reports. Mrs. Miles noted as of January 3rd, there were a total of 17,312 engineers, 975 surveyors, 123 dual licensees, and 11 associate PE's current through 2020. Firm licenses are currently being renewed. There are 2,317 firms and 677 branches current through March 31, 2021. Meeting materials also contain information regarding the number of in-state and out-of-state early PE/PS exam candidates by year. As of March 13th, the NCEES CBT Summary for the current testing window, shows 58 FE exams, three FS, and 1 PS exam scheduled. Delivered exams show 154 FE, four FS, one PE and one PS. We have received 1,565 Early PE exam applications and 944 have passed the exam. There have been seven Early PS applications and four have passed. The January cash balance report reflected a balance of \$3,690,831.91, and the Education and Research Fund balance was \$485,518.22. Members are reminded to file Statement of Economic Interest Reports electronically with the State Ethics Commission by March 30, 2019.

Disciplinary Hearings

- a. Ronald D. Platner appeared before the board for a disciplinary hearing in case #2017-9. Mr. Platner was represented by Ian Duggan, Esq. 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. Chao/Peeples/approved.

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

MOTION: To accept MOA. The facts do not rise to the level of disciplinary action. Issue a non-disciplinary Letter of Caution. Cleveland/Dingle/approved.

Application and Disciplinary Hearing

- a. Todd Reyling appeared before the board for an application and disciplinary hearing (case 2018-74), via telephone. Mr. Reyling was in the presence of notary public, Kathleen Yung. Mr. Reyling 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. Chao/Peeples/approved.

MOTION: To deny application due to disciplinary actions in other jurisdictions and materials of misrepresentation and omissions in the application. Accept MOA. Due to denial of application, disciplinary action is moot. Cleveland/Kelly/approved.

Application Hearings

- a. Lateef Assi appeared before the board for an application hearing. Mr. Assi 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. Mr. Chao noted for the record that he knows Mr. Assi through USC. There were no objections, by the Board or the applicant, to Mr. Chao participating in the hearing.

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

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

MOTION: To grant two years of experience for the PhD degree. One year and six months of experience has been approved. Applicant lacks seven months of acceptable work experience. Deny exam request. After obtaining the additional experience, an updated employment verification form should be submitted to the Board to determine exam eligibility. Rickborn/Fallon/approved.

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

- b. William Keaton appeared before the board for an application hearing. Mr. Keaton 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/Dingle/approved.

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

MOTION: To grant license. Fallon/Dingle/approved.

- c. Charles D. Murphy appeared before the board for an application hearing. Mr. Murphy 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 on be necessary.

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

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

MOTION: Grant license by comity. Fallon/Peeples/approved. Chao and Kelly opposed.

Electrical Portfolio Review Committee Recommendations

The Board reviewed recommendations from the February 22, 2019 committee, chaired by Mr. Chao. The committee recommended licensure for Timothy Weiser, Charles Grew, and Brian Newland.

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

Fire Protection Portfolio Review Committee Recommendation

The Board review the recommendation from the February 28, 2019 committee, chaired by Mr. Chao. The committee recommended licensure for Justin Biller.

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

Unfinished Business

- a. The Board reviewed the action items from the January 15, 2019 meeting. Dr. Peeples presented information regarding a proposed surveyor four-year curriculum. The members were asked to review the information and provide feedback to Dr. Peeples. Ms. Hewson and Dr. Fallon will start working on reviewing the regulations. David Blackwell provided a list of potential engineers to serve on a committee to produce a guidance document for clarification on when an engineer should be involved with the construction of fire protection systems. Mr. Blackwell will also follow-up with proposed guidance outcomes, and objective information for the board to review. Dr. Fallon will contact Mr. Sayle Lewis regarding digital models and electronic data statement. Ms. Hewson and Mr. Cleveland will work on the expungement policy. The draft data collection and successor engineer/surveyor policy will be reviewed at the May meeting. Ms. Hewson will check with Dean Griggs regarding the status of the surveyor education consultant. Mr. Rickborn is working with NCEES regarding the MLE record issues.
- b. The board reviewed a proposed policy statement regarding items added to surveys. Discussion ensued regarding the title of the policy.

MOTION: To name the document "Policy on Survey Uses and Requirements for Non-survey Additions." Kelly/Dingle/approved.

Mr. Chao left the meeting at 3:10 p.m.

New Business

- a. Mr. Rickborn reported that NCEES would like a member of the NCEES staff to visit each jurisdiction to provide information on what services NCEES can provide. Mr. Rickborn suggested the Board invite Mr. David Cox, NCEES CEO, to a board meeting convenient to his schedule. In addition, another board member from a different zone can come down to speak on behalf of NCEES. Mrs. Miles will provide Mr. Cox dates of scheduled board meetings so that he may choose a meeting date conducive to his schedule
- b. Board staff has received inquiries regarding the use of the title engineer.

MOTION: To enter executive session for legal advice, with Mrs. Miles and Kathryn Britt (LLR Human Resources) participating. Rickborn/Dingle/approved.

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

- c. Allison King invited the board to attend the 2019 S.C. Engineering Conference and Trade Show that will be held at the Greenville Hyatt, June 6-8, 2019. The Board is asked to provide their annual presentation/panel discussion on board/LLR issues.
- d. The Board reviewed the disciplinary parameters for consent agreements. The Board would like to address licensed and/or unlicensed engineers/surveyors performing work for unlicensed firms.
- e. With regards to certificate of authorization principal office and branch office requirements, each location offering or providing services must have a designated licensed engineer and/or surveyor in responsible charge of that location. The designated professional in charge must be physically located in that office.
- f. The NCEES Annual Meeting will be held in Washington, DC, August 14 -17, 2019. Dinkins and Rickborn will be funded by NCEES. NCEES will also fund three delegates, plus the administrator. Fallon, Dingle, and Cleveland will be the designated NCEES-funded board member delegates.

MOTION: To request funding from LLR, above the GSA rate, for two board members (Chao and Peeples), advice counsel, and investigator. Cleveland/Rickborn/approved.

- g. Senate Bill S.667 was introduced that would extend the portfolio review licensing option for technology degree applicants until June 30, 2025. Mr. Dinkins asked Joe Jones to monitor this legislation and keep the board apprised. The Board supports the current statute as written.

Other Business

Mr. Rickborn announced that NCEES has been looking at options for either expanding or enlarging the building, constructing a new building, or acquiring additional property to take care of the needs of headquarters. Mr. Cox (NCEES CEO) has announced that NCEES will be relocating to Greenville, SC.

Public Comments

Allison King thanked the board for helping with the Land Surveyors Conference that was held last month.

Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, May 7, 2019, 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. Kelly/Fallon /approved.

The meeting adjourned at 4:30 p.m.

Respectfully Submitted,

Elaine W. Belton
Program Assistant