

MINUTES
South Carolina Board of Registration for Professional Engineers and Surveyors
9:30 a.m., July 18, 2017
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 108
Columbia, SC

Call To Order

Chairperson Fallon called the meeting to order at 9:36 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; D. Mack Kelly, Jr., PE, PLS; and J. Baker Cleveland, III, Esq.

Staff members present included Lenora Addison-Miles, Administrator; Britton Jenkins, Program Assistant; Hardwick Stuart, Esq., Advice Counsel; Erin Baldwin, Esq., Office of Disciplinary Counsel; and Sharon Wolfe, Chief Investigator, OIE.

Others present included: Allison King, Jesse Burke, Marguerite McClam, Joe Jones, Joseph Dixon, F. Will Fairey, Richard Garcia, Joe Jones, Cedric Keitt, Marguerite McClam, and Nadine Garrett (Creel Court Reporting).

Approval of Meeting Minutes

The board reviewed minutes from the May 23, 2017, and May 24, 2017 meetings.

MOTION: To approve minutes for the May 23, 2017 board meeting. Love/Peeples/approved.

MOTION: To approve minutes for the May 24, 2017 board meeting. Love/Rickborn/approved.

Approval of Excused Absences

There were no absences. All board members were present.

Review and Approval of Agenda

Dr. Fallon noted that Dr. Castro would not be attending the meeting for agenda item 11, Education Consultants executive session. He added the board will still go into executive session.

MOTION: To approve agenda. Love/Rickborn/approved.

Reports

- a. Mrs. Wolfe presented the OIE report. She reported there were a total of 25 cases. Twelve cases are active investigations. Two cases have been opened. Mrs. Wolfe added that 33 cases have been closed from January 1, 2017 through July 11, 2017.
- b. Mrs. Wolfe presented the June 29, 2017 IRC report. The IRC recommended Dismissal of Cases 2016-40, 2016-46, 2016-47, 2016-48, 2016-56, and 2017-26. Case 2017-25 was recommended for a formal complaint, and case 2017-28 was recommended for a Letter of Caution.

MOTION: To approve the IRC report. Dinkins/Peeples/approved.

Mr. Love added that it would be more helpful if the IRC report provided more detail about the cases and IRC logic.

- c. Mrs. Baldwin presented the ODC report. She reported that four cases were open. One case is scheduled for the September board meeting. One case was on the July 18, 2017 agenda. Mrs. Baldwin stated she hopes to add the remaining pending cases to the September meeting agenda.
- d. Mrs. Miles presented the administrative and financial reports. Mrs. Miles reported that as of July 6, 2017 there were 30,647 active credentials. She added that there were a total of 16,729 engineers, 1,022 surveyors, 140 dual licenses, and 13 associate PE's current through June 30, 2018. Six-hundred ninety (690) licenses lapsed June 30, 2016 as a result of non-renewal. A total of 3,037 firms and 944 branch offices have been renewed through March 31, 2019. Mrs. Miles added that Cease and Desist letters were mailed to 30 in-state firms. As of July 7th, NCEES had delivered ten FE exams and one FS exam during the July/August/September testing window. Results of the April 2017 exams were included in the board meeting materials. Mrs. Miles reported the May cash balance was \$3,204,187.44, and the May education and research balance was \$431,230.22. She noted that Mr. Dylan Sitterle, LLR, has requested a list of exam committee members in order to set up a meeting with PSI. Meeting with the exam committee members will allow them to establish parameters needed with regards to any further exam questions and work to be done by the committee. Mrs. Miles added Bob Jones University has received funds from the education grant approved by the board.

Disciplinary Hearings

- a. Andrew O. Lawrence appeared before the board for a Disciplinary Hearing. The firm was represented by Suzanne Hawkins, 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. Love/Peeples/approved.

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

MOTION: To accept MOA. Issue a public reprimand to the company; a civil fine of \$15,000 payable in 60 days.. Issue COA upon payment. Company shall cease and desist work until such matters are satisfied. Kelly/Cleveland/approved.

MOTION: \$15,000 plus the cost of investigative fees. Kelly/Cleveland/approved.

Application Hearings

- a. Mr. Cedric Keitt 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 allow Mr. Keitt to sit for the PE exam. Dinkins/Johnson/approved.

- b. 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. Rickborn/Kelly/approved.

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

MOTION: To table application hearing until complaint cases have been resolved. Rickborn/Cleveland/approved.

The board recessed for lunch from 12:20 p.m. to 1:02 p.m.

Education Consultants

MOTION: To enter executive session for legal advice with Mrs. Miles participating. Rickborn/Peeples/approved.

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

Portfolio Review Committee Recommendations

The board reviewed portfolio recommendations. Three candidates, Biemann Martin, Matthew Hammond, and Robert Phillips, were recommended for licensure at the July 12, 2017, civil portfolio review committee meeting.

MOTION: To accept the portfolio committee recommendations. Approve candidates for licensure. Love/Rickborn/approved.

Unfinished Business

- a. The board reviewed action items from the May 23rd and May 24th meetings. Dr. Fallon noted all items on the list have been addressed and completed. Mrs. Miles noted that staff had

received a request for a copy of the board's statement regarding P&ID's, which was a previous unfinished item. The board determined there is no statement on P&ID's.

- b. The board discussed the comprehensive review of regulations. Dr. Fallon reported that he is working with legal to update regulations. He hopes to have revisions ready for board review by the fall.

New Business

- a. The board reviewed the SCDOT Encroachment Permit Guidance document. There was an inquiry to determine if the board agreed with the document. Mr. Kelly noted the policy does a good job of defining incidentals. Mr. Johnson and Mr. Dinkins added they had no problems with the document. Mr. Johnson noted that the board has no jurisdiction over landscape architects.

MOTION: To authorize Dr. Fallon to write a letter to the SCDOT. The board has no jurisdiction over landscape architects. The board agrees with the SCDOT Encroachment Permit Guidance Document. Dinkins/Johnson/approved.

- b. The discussion regarding UAS Photogrammetry Inquiry was tabled to the next board meeting.
- c. Richard Garcia, spoke with the board regarding being the Engineer in Charge of two firms. Mr. Johnson was recused from the discussion. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary

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

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

MOTION: Based on South Carolina Code of Laws §40-22-250, the board affirms its position and recommends that each business entity must have a professional engineer or surveyor in charge for each location and each profession. Dinkins/Kelly/approved.

- d. Mr. Fairey spoke with the board regarding the use of UAV's to provide survey-grade data. Mr. Fairey requested an official statement from the board. Mr. Dinkins noted that the board licenses the practice of engineering and surveying and not tools to provide those services.

MOTION: To affirm that scanning LIDAR or any similar methodology falls within acceptable techniques for Tier A or Tier B surveying. Dinkins/Johnson/approved.

- e. The board reviewed the resume' of Mr. John S. Fuoto for appointment as a mechanical_Portfolio Review Committee volunteer.

MOTION: To approve Mr. John Fuoto's appointment as a member of the Portfolio Review Committee.

- f. The board discussed IRC member appointments. Mrs. Miles noted that an engineer is needed to serve on the committee. A current PE member's term expired January 2016. He is willing to continue to serve, but recommends the Board appoint a structural engineer. Dr. Fallon asked that board members reach out to their colleagues for potential volunteers. Mr. Burke said that he would consider serving. The board will discuss at the next meeting.

MOTION: To re-appoint Mr. Inman (surveyor) to the IRC committee. Dinkins/Peeples/approved.

- g. Mrs. Miles noted that the Structural Engineers Association – Greenville, has requested a speaker for their meeting on August 15, 2017. The topics they wish to cover are electronic sealing of drawings, common violations for engineering license holders, auditing of continuing education hours, special inspection program, and protection for engineers performing disaster assessments. Mr. Kelly volunteered to serve as speaker. Mr. Rickborn will assist with preparation of the presentation.
- h.
- i. Mrs. Miles spoke with the board regarding temporary licensure. She asked if an individual's PE license has lapsed, is he/she allowed to obtain a temporary PE license. The board affirmed that if an individual's PE license has lapsed, they are required to reinstate. They are not allowed to obtain a temporary PE license.
- j. The board reviewed 2018 meeting dates. The confirmed meeting dates are as follows: January 23, 2018, March 20, 2018, May 8, 2018, July 24, 2018, July 25, 2018, September 25, 2018, September 26, 2018, and November 13, 2018.
- k. The board reviewed the NCEES annual meeting motions.
- l. The board discussed the approval of Advice Counsel Travel and Training. Chief Advice Counsel, Darra Coleman, requested that the board consider approval for the new advice counsel to attend the CLEAR and FARB conferences in the fall. The expenses would be shared with the Board of Nursing.

MOTION: To approve travel of the Advice Counsel for necessary training.
Dinkins/Peeples/approved.

The board invited Advice Counsel to attend the NCEES annual meeting scheduled for August 23-26, 2017.

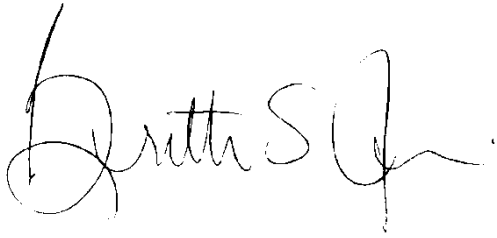
Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, September 26, 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. Love/Rickborn/approved.

The meeting adjourned at 4:38 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Britton S. Jenkins". The signature is fluid and cursive, with the first name being the most prominent.

Britton S. Jenkins, Program Assistant