

**MINUTES**  
**South Carolina Board for Registration of Professional Engineers and Surveyors**  
**9:30 a.m., September 26, 2017**  
**Synergy Business Park, Kingstree Building**  
**110 Centerview Drive, Room 108**  
**Columbia, SC**

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**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, 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; and Miller L. Love, Jr., PE. Mr. D. Mack Kelly, Jr., PE, PLS; and J. Baker Cleveland, III, Esq. were not in attendance.

Staff members present included Lenora Addison-Miles, Administrator; Britton Jenkins, Program Assistant; Sam Wellborn, Esq., Advice Counsel; Erin Baldwin, Esq., Office of Disciplinary Counsel; and Sharon Wolfe, Office of Investigations and Enforcement.

Others present included: Jesse Burke, Joseph Dixon, Marguerite McClam, Robyn Madden, Harold Nielson, David Anderson, Brian Bonds, Nicholas Davis, Jason Vaughn, Adam Jones, Allison King, Cliff Clark, and Nadine Garrett (Creel Reporting).

**Approval of Meeting Minutes**

The board reviewed minutes from the July 18, 2017 board meeting.

**MOTION:** To approve minutes for the July 18, 2017 board meeting. Love/Peeples/approved.

**Approval of Excused Absences**

Dr. Fallon excused the absences of board members Kelly and Cleveland.

**Review and Approval of Agenda**

Dr. Fallon requested agenda item five be moved before agenda item six. Item 14b was stricken from the agenda because it will be discussed with item 15d.

There was no motion for the approval of agenda.

**Reports**

- a. Mrs. Wolfe presented the OIE report. She reported that 40 cases have been received since January 1, 2017. Twenty-two cases are active investigations. One case has been opened. Mrs. Wolfe added that 42 cases have been closed from January 1, 2017 through September 20, 2017.
- b. The September IRC meeting was cancelled due to hurricane Irma. There was no IRC report.
- c. Mrs. Baldwin presented the ODC report. She reported that ten cases were open with three of those cases on the September agenda.
- d. Mrs. Miles presented the administrative and financial reports. Mrs. Miles reported that as of September 13, 2017 there were 30,851 active credentials. She added that there were a total of 16,922 engineers, 1,022 surveyors, 140 dual licenses, and 15 associate PE's current through June 30, 2018. As of September 30, 2017, there have been 94 FE exams and three FS exams delivered. Mrs. Miles reported we have received 1,011 Early PE exams applications. Five hundred and eighty-three (583) candidates have passed. The August cash balance was \$3,010,024.30. The Education and Research balance was \$419,228.22. Mrs. Miles reported that PSI met with the State Specific Exam Committee on August 21<sup>st</sup> and 22<sup>nd</sup> to finalize the transition of the computer based surveying exam. They are working with IT on the transmission of exam data. The CBT exam will be ready on November 3, 2017. Mrs. Miles added NCEES will continue its leadership visits. If the board would like for NCEES to attend, they may extend an invitation for them to attend a future board meeting.

**Disciplinary Hearings**

- a. Harold Nielson, of Nielson and Associates, appeared before the board for a Disciplinary Hearing. The firm was represented by David Anderson, 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/Rickborn/approved.

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

**MOTION:** To accept MOA. Issue a public reprimand. Company to pay a civil fine of \$2,500 within 60 days. Issue COA upon payment of fine. Rickborn/Dinkins/approved.

- b. Joseph Dixon, on behalf of Total Aspect Design, appeared before the board for a Disciplinary Hearing. He was represented by Robyn Madden, 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. Peeples/Rickborn/approved.

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

**MOTION:** Regarding case 2017-12: To accept MOA. Issue a public reprimand. Company to pay a civil fine of \$2,500 and \$150 investigative costs within 60 days. Issue COA upon payment of fine. Regarding case 2017-13: To accept MOA. Issue a public reprimand. Individual to

pay \$2,500 and \$150 investigative costs. Issue PE license upon payment of fines.  
Rickborn/Dinkins/approved.

### **Funding Request**

- a. The board reviewed a \$9,000 funding request for the SCSPE Fall Symposium.

**MOTION:** To approve funding request of \$9,000 for the SCSPE Fall Symposium.  
Peeples/Johnson/approved.

The board recessed for lunch from 11:47 a.m. to 12:26 p.m.

### **Application Hearings**

- a. Mr. David Myers 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. Peeples/Johnson/approved.

**MOTION:** To exit executive session. Love/Johnson/approved.

**MOTION:** To grant Mr. Myers PE licensure based on the information provided, specifically the NCEES record approving four years of experience and NCEES granting NCEES Model Law status. Dinkins/Johnson/approved. One opposed.

- b. Mr. Lee Brooks appeared before the board for an Application Hearing. He was not represented by counsel. Mr. Steven Robey served as a witness. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

**MOTION:** To table hearing. Mr. Brooks may reappear when he has completed self-study in preparation for the PE exam. Dinkins/Love/approved. Two abstained.

- c. Mr. Matthew Barfield 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/Peeples/approved.

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

**MOTION:** To accept Mr. Barfield's work experience and issue PE license. Dinkins/Johnson/approved.

- d. Mr. Nicholas Davis appeared before the board for an Application Hearing. He was not represented by counsel. Jason Vaughn (co-worker) testified on his behalf. 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/Love/approved.

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

**MOTION:** To approve Mr. Davis for licensure. Applicant has demonstrated that he meets the experience requirements. Johnson/Rickborn/approved.

- e. Mr. Edwin 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. Dr. Fallon was recused from this hearing.

**MOTION:** To allow Mr. Ackerman to sit for the PE exam. Dinkins/Johnson/approved.

### **Disciplinary Expungement**

Mr. Thomas Grogan appeared before the board by phone regarding expungement of his 1994 disciplinary action. Mr. Wellborn noted the board does not currently have any expungement procedures. He added the board would have to determine if they would like to establish guidelines for expungement of disciplinary actions. Dr. Fallon noted the board would take Mr. Grogan's presentation as information and revisit the topic at a later meeting.

### **Portfolio Review Committee Recommendations**

The board reviewed portfolio recommendations. Clifford Daniel, Jonathan D. Gentry, and William J. Cary, Jr. were recommended for licensure at the August 16, 2017 electrical 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 July 18, 2017 meeting. Dr. Fallon noted all items on the list have been addressed and completed. Dr. Fallon noted that he has not sent the request for education research funding letter to universities, but will send in the following week. Mr. Dinkins noted the FAQ document regarding Wetland Surveys is incomplete and in progress. Dr. Fallon noted the Joint Task Force will resume next year. He also advised the board that they are still in need of a Civil/Structural IRC member.
- b. The topic of Comprehensive Review of Regulations was moved to agenda item 15d.

### **New Business**

- a. Mr. Sayle Lewis spoke with the board regarding clarification of the board's position on Digital Models and Electronic data. Mr. Love asked how this type of process affected surveyors. Mr. Dinkins noted that there is an electronic signature statute in South Carolina, and that it trumps any regular statutes. He added he was also told the specific requirement

- in regulation for surveyors still requires an impression seal and original signature. Mr. Lewis asked if surveying coordinates are being used in construction, how they are being signed and sealed. Mr. Wellborn added that the topic may be something the board wishes to take up during the regulatory review process, but it currently seems to provide for digital seals to be accepted with the exception of surveyors. Mr. Lewis asked how the digitally signed plats would be provided to the contractors. Dr. Fallon noted the board will work on a definitive explanation for the information requested. He added that Mr. Lewis would be a helpful resource and would like to work with him to form a position.
- b. Mr. David Blackwell spoke with the board regarding the board's opinion and policy of when a professional engineer should be involved with the construction of fire protection systems. Mr. Blackwell noted it would be helpful if the board formed a committee or task force and produced a guidance document for parties that need clearer information on when a professional engineer should be involved. Mr. Rickborn noted that Mr. Blackwell's request was reasonable, and the current policy is severely outdated and needs to be updated. Dr. Fallon recommended that Mr. Blackwell gather a list of potential individuals to serve on a committee with proposed guidance, outcomes, and objective information and present it to the board for review.
  - c. Mr. Hale was unavailable by phone to discuss his request for clarification for COA operations.
  - d. Dr. Fallon spoke with the board regarding the comprehensive review of regulations. He reported that he has met with Advice Counsel Staff and they are working to provide a firm draft for discussion at the November board meeting. Dr. Fallon noted that the November 29<sup>th</sup> meeting will be devoted to review of the regulations. Mr. Wellborn provided a copy of Executive Order 2017-9 regarding regulatory review.
  - e. Mrs. Miles spoke with the board regarding the acceptance of NCEES records prior to licensure. Mrs. Miles explained that NCEES has begun compiling NCEES records for candidates prior to obtaining licensure. Mrs. Miles asked the board if they would like to consider accepting the records. Rickborn noted that additional information is needed from NCEES before making a decision.
  - f. Mrs. Miles provided the board information regarding the NCEES Surveying education standard. Mrs. Miles added the standard may be helpful when determining guidelines or criteria for the board-approved surveying education requirements.

### **Notice of Next Meeting**

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, November 28, 2017 and Wednesday, November 29, 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. Johnson/Dinkins/approved.

The meeting adjourned at 5:00 p.m.

Respectfully Submitted,

Britton S. Jenkins, Program Assistant