

MINUTES
South Carolina Board for Registration of Professional Engineer and Surveyors
9:30 a.m., January 20, 2015
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 105
Columbia, SC

Call To Order

Chairperson Rickborn called the meeting to order at 9:34 a.m.

Statement of Public Notice

Chairperson Rickborn stated 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 Timothy Rickborn, PE, Chairperson; Dennis J. Fallon, Ph.D., PE, Vice-Chairman; John P. Johnson, PE, PLS, Secretary; Gene L. Dinkins, PE, PLS; Miller L. Love, Jr., PE; Theresa Hodge, PE; and Nancy W. Cottingham.

Staff members present included Lenora Addison-Miles, Administrator; Britton Jenkins, Program Assistant; Donnell Jennings, Esq., Advice Counsel; Erin Baldwin, Office of Disciplinary Counsel, Charles Ido, Assistant Deputy Director of the Professional Occupational Licensing Division at LLR; Richelle Taylor, LLR Interim Director; and Sharon Cooke, Office of Investigations and Enforcement.

Other persons present included, Greg Jenness, Baxter Simpson, Chad Simpson, Bill Rettew, Josh Latham, George Sembos, Vilora Mueller, Jay Rogers, Joe Jones, Rafik Gerges, Christopher Moore, Marguerite McClam, Han-Kwang Choi, Kevin Sohrabian, and Ismail Ozbek.

Approval of Meeting Minutes

MOTION: To approve minutes for the November 10, 2014 board meeting.
Johnson/Fallon/approved.

MOTION: To approve minutes for the December 15, 2014 board meeting.
Johnson/Cottingham/approved.

Review of Agenda

Chairperson Rickborn asked if there were any proposed changes to the agenda for the January 20, 2015 agenda. He suggested that item 7d be moved before item 7a.

Reports

- a. Office of Investigations and Enforcement – Mrs. Miles reported that in 2014, OIE has received a total of 49 cases. Fifteen cases are active investigations; 17 cases are closed; 11 cases were designated as do not open cases; two cases have been opened, but have not been assigned. Four cases are pending board action. The oldest case is 244 days. There were 38 cases closed in 2014. Eleven of those cases were do not open. Mr. Love asked if there was any movement on an older case from 2009. Mrs. Baldwin explained that the case has been finalized with the Office of Disciplinary Counsel and the expert reviewer and a decision would have to be made on the case. Mrs. Baldwin explained that she is doing what she can to expedite the case.
- b. Investigative Review Committee Report – Mrs. Baldwin reported there has been great improvement with the IRC logic to give better detail on the cases. Mr. Dinkins said that he is very satisfied with the detailed IRC logic as opposed to previous reports.

MOTION: To accept the IRC Report Dismissals. Dinkins/Johnson/approved.

MOTION: To accept the IRC Report Formal Complaints. Johnson/Fallon/approved.

- c. Office of Disciplinary Counsel Report – Mrs. Baldwin reported that since the last board meeting, four cases have been closed. There are three cases currently pending board hearing. Mrs. Baldwin explained that they are moving through cases at a reasonable pace and respondents are usually willing to work with ODC and the Board. Mrs. Baldwin noted there are three Consent Agreements pending the Chairman’s signature. She advised the board that requiring original signatures puts a delay on cases being handled timely. She suggested that the board examine the process in a few months to determine if it is still efficient.
- d. Administrative Report – Mrs. Miles reported effective January 1, 2015 the new mileage reimbursement rate is 57.5 cents per mile. She noted the information on mandatory filing of Statement of Economic Interest reports were emailed to each member on January 7, 2015 and members are reminded to submit reports electronically by noon on March 30, 2015. Mrs. Miles reported that calendar year 2014 travel statements were also emailed to all board members. Mrs. Miles noted that as of January 13, 2015 there were 28,140 licensees. Since implementation of the Early PE exam, the board has received 207 applications. Fifty-two examinees have taken and passed the exam. She explained the CE Audit results are being finalized. One hundred thirty (130) licensees were randomly selected in the audit. Two individuals failed to comply with the CE audit resulting in administrative suspension. One audit issue has been forwarded to the ODC for a Consent Agreement and fine. COA renewals began the first week of January. As of January 16, 2015, 526 firms and 78 branches were current through March 2017. A total of 2,373 firms and 803 branches are still active in renewal. Mrs. Hodge asked Mrs. Miles to include the number of candidates who took the Early PE and failed in the report at the next board meeting. Mr. Love requested that the Board Member/ Staff Evaluation sheets be updated to add an “Early PE Candidate” section. Mrs. Miles noted that it could be added.

- e. Financial Report – Richelle Taylor, Interim Director of LLR, presented the financial report to the board. She referred to the July 2014 financial report, of which she pointed out the percentage rate increase from 3.9% to 6.24%. She noted that the finance department has since re-examined the calculation and is now back to 3.75%. Mrs. Taylor explained that the POL administration percentage is based on previous years. Mrs. Taylor noted that when a board has particular charges like certificate paper they are charged individually. Other general administration costs such as printer cartridges, generic paper, and other supplies, and some administrative staff, are usually shared between the boards. Mrs. Hodge asked if the medical boards and business boards costs were separate. Mrs. Taylor said they have all been combined and all the boards share the cost of administration fees. Mrs. Taylor explained that they are hoping to get an auditor position in June, who would work closely with the boards to answer any financial questions they may have. Mrs. Hodge asked when the newly adjusted percentages take effect. Mrs. Taylor noted that they take effect in July every year. Mrs. Hodge asked that the board be given some type of indication at meetings before the changes take place so that they are aware.

Funding Requests

- a. The SCSPLS presented a funding request for \$17,500 for the Surveyor's Continuing Education Conference and Trade Show.

MOTION: To approve the \$17,500 funding request for the SCSPLS Surveyor's Continuing Education Conference & Trade Show. Hodge/Johnson/approved.

- b. The ACEC-SCSPE presented a funding request for \$6,000 for their annual winter meeting.

MOTION: To approve the \$6,000 ACEC-SCSPE funding request for their annual winter meeting. Dinkins/Fallon/approved.

Disciplinary Hearings

- a. Baxter Simpson, of Apple Tree Contractors appeared before the board for a disciplinary hearing. Mr. Simpson was not represented by counsel. Mr. Chad Simpson served as a witness. 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. Johnson/Hodge/approved.

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

MOTION: To issue a public reprimand and fine of \$2,000 for violation of South Carolina Code 40-42-250 and 40-22-110(A)(5). Apple Tree Contractors shall be issued a COA upon payment of fine. Dinkins/Hodge/approved.

- b. William Rettew, II appeared before the board for a disciplinary hearing. Mr. Rettew was not represented by counsel. 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. Hodge/Dinkins/approved.

MOTION: To exit executive session. Cottingham/Johnson/approved.

MOTION: To issue a public reprimand and a fine of \$2,000 for violation of South Carolina Codes 40-22-110(A)(5), 40-22-30(A), and 40-22-30(C). The COA for Rettew Engineering Company shall be reinstated upon payment of fine. Dinkins/Fallon/approved.

- c. Richard Rogers II appeared before the board for a disciplinary hearing. Mr. Rogers was not represented by counsel. 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. Hodge/Dinkins/approved

MOTION: To exit executive session. Cottingham/Hodge/approved.

Mrs. Hodge noted that in the matter of the individual Richard Rogers II, the board found that he violated South Carolina Codes 40-1-110 (1)(A) and 40-22-110(A)(1). In the matter of Rogers Engineering, the board found that it has violated South Carolina Codes 40-1-110(1)(A) and 40-22-110(A)(1).

MOTION: To issue a public reprimand for both Richard Rogers II, the individual and Rogers Engineering, the firm and impose a fine of \$6,000. Hodge/Fallon/approved.

MOTION: To reinstate the COA of Rogers Engineering upon payment of fine. Hodge/Johnson/approved.

Application Hearings

- a. The board conducted an application hearing to determine whether Joshua Latham should be allowed to sit for the PE Exam. Mr. Latham was not represented by counsel. George Sembos served as a witness. Mrs. Hodge was recused. This matter was recorded by a court reporter to produce a verbatim script, should one be necessary.

MOTION: To allow Mr. Latham to sit for the PE exam. Dinkins/Fallon/approved.

The board recessed for lunch from 12:33 p.m. to 1:13 p.m.

- b. The board conducted an application hearing for reinstatement of COA for Jon Guerry Taylor & Associates. Christopher Moore, owner of the firm, appeared on behalf of the company. Mr. Moore was not represented by counsel and did not present any witnesses.

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

MOTION: To exit executive session. Hodge/Johnson/approved.

MOTION: To issue a public reprimand for the firm Jon Guerry Taylor & Associates, and impose a fine of \$2,400 for violation of SC Code 40-22-250A. To reinstate Certification of Authorization upon payment of fine.

- c. The board conducted an application hearing for Han-Kwang Choi's Professional Engineering licensure in South Carolina by Comity. Mr. Choi was not represented by counsel and did not present any witnesses. This matter was recorded by a court reporter to produce a verbatim script, should one be necessary.

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

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

MOTION: To grant professional engineering licensure by Comity to Mr. Han-Kwang Choi. Hodge/Fallon/approved.

Mr. Choi was advised that the company he works for, Doosan Heavy Industries, must apply for a Certificate of Authorization to provide services in South Carolina.

- d. The board conducted an application hearing for Rafik Gerges' Professional Engineering licensure in South Carolina by Comity. Mr. Gerges was not represented by counsel and did not present any witnesses. This matter was recorded by a court reporter to produce a verbatim script, should one be necessary.

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

MOTION: To exit executive session. Cottingham/Hodge/approved.

MOTION: To grant Professional Engineering licensure by Comity to Mr. Rafik Gerges. Johnson/Fallon/approved.

Application Reviews

- a. The board reviewed an application of Leonda Brooks for an FE waiver. Mr. Brooks was not present. He was not represented by counsel.

MOTION: To approve FE waiver. Love/Hodge/approved.

- b. The board reviewed an application of Mark Casey for an FE waiver. Mr. Casey was not present. He was not represented by counsel.

MOTION: To approve FE Waiver. Dinkins/Love/approved.

- c. The board reviewed an application of Edward West for an FE waiver. Mr. West was not present. He was not represented by counsel.

MOTION: To approve FE waiver and issue license by comity. Dinkins/Fallon/approved.

MOTION: To enter executive session or legal advice. Allow Mr. Joe Jones and Mrs. Baldwin to participate for legislation discussion. Johnson/Hodge/approved.

MOTION: To exit executive session. Cottingham/Johnson/approved.

Unfinished Business

- a. The board reviewed action items for the November 10th meeting. Mr. Rickborn noted that all items were completed or on a future agenda. Mr. Rickborn noted that he and Lenora would draft letters to the universities for licensure outreach. He said that he has not had time to draft the letters, but would be doing that in the near future.
- b. The board deferred reviewing the spreadsheet for calculating fines to the next board meeting for further review.
- c. The board deferred the discussion of the Successor Engineer/ Surveyor Policy to the next board meeting for further review.
- d. The board discussed education qualifications for the FE exam. Mrs. Miles presented an email sent by Dr. Walter Castro, the board's education consultant. In the email, Dr. Castro proposes that the board require applicants with a Master's Degree in Engineering from an American university, but no undergraduate engineering degree have a credential evaluation performed. Mr. Dinkins noted that they have had this dilemma in the past and that some institutions have not fulfilled all BS/ABET requirements. He has mixed reviews on the subject because even though individuals may not technically meet all BS/ABET requirements, they may have received their master's degree from a school that is EAC/ABET accredited. Mr. Dinkins said he would suspect they are qualified based on the education from the master's degree in engineering. Mr. Dinkins suggested the board wait on making a decision on this until further information is available. Mrs. Miles added that South Carolina Regulation 49-200 notes the board will recognize the degrees of master of engineering or master of science in engineering in a program accredited by EAC/ABET at either the baccalaureate or masters' level as fulfilling the education requirement. Mr. Dinkins noted the regulation may need to be revisited based on NCEES credential evaluation criteria. Mr. Dinkins suggested that Mrs. Miles respond to Dr. Castro's inquiry to note that the statutes state that a master's degree does satisfy requirements. Mr. Rickborn noted that the board will get a response out to Dr. Castro.
- e. The board deferred discussion on the interpretation of Section 300 of the Building Official Manual to the next board meeting for further review.
- f. The board reviewed a draft of the Early PS exam application. Mr. Rickborn asked if the application should differentiate between Tier A and Tier B Land Surveying. Mr. Johnson said that it wouldn't make much of a difference.

MOTION: To implement Early PS application. Johnson/Hodge/approve.

- g. The board reviewed the CV's of Portfolio Review Committee Volunteers. Mr. Johnson noted that the list referred to Mr. Love as a "former board member." Mrs. Miles noted that the list will be updated.

MOTION: To approve the list of volunteers for the Portfolio Review Committee.
Johnson/Hodge/approved.

Mrs. Hodge asked what the process was for individuals wishing to be on the list of Portfolio Review Committee volunteers. Mr. Rickborn noted that if they are new, they would have to submit their resume and credentials to Mrs. Miles for review. Mrs. Miles noted that Mr. Tibshrary is not able to serve right now, and a replacement is needed for electrical engineering committee review. Dr. Fallon recommended Mr. John Peeples as a replacement. Mrs. Miles said she would contact him.

- h. The board reviewed IRC member terms and appointments. Mrs. Miles reported that she included information on the member's terms and appointments as well as information on the proposed surveyor expert reviewers and resumes. She noted Thurl Amick, one of the suggested reviewers was contacted by ODC to help with a case. She added that Joe Barrick and Kent Hudson have submitted their resumes and are also interested in serving as expert reviewers. Mr. Rickborn noted that the member term limit for the IRC is eight years and it should be staggered for two years.

MOTION: To appoint Zach McGhee as member one of the engineering IRC Committee for the term beginning January 1, 2012 and ending on January 1, 2016. To appoint Pat Gambill to serve on the Engineering IRC as member two for the term from January 1, 2014 and end on January 1, 2018. Hodge/Johnson/ approved.

MOTION: To appoint Rick Inman as land surveyor IRC member one with the term beginning January 1, 2013 and ending January 1, 2017. To appoint Dennis Johns as surveyor IRC member two beginning January 1, 2015 and ending January 1, 2019. Dinkins/Hodge/approved.

- i. The board reviewed a section of the Recovering Professional Program (RPP) Questionnaire. Mr. Rickborn noted that the previous section read, "RPP will conduct a mutual awareness effort targeting healthcare professionals." It has been changed to, "RPP will conduct a mutual awareness targeting professionals."

MOTION: To approve the RPP Questionnaire with changes. Hodge/Johnson/approved.

New Business

- a. Mr. Rickborn noted that the board reviewed the NCEES Institution Reports in the earlier executive session.
- b. Mrs. Miles noted that NCEES has sent a call for nominations for service awards and submissions have to be made by January 31, 2015.

MOTION: To nominate Gene Dinkins for the NCEES Distinguished Service Award.
Hodge/Fallon/approved.

Mrs. Miles asked if there were any nominees for the additional NCEES awards. The board had no further nominations.

- c. The board reviewed travel for the 2015 NCEES Southern Zone and Annual Meetings. Mr. Rickborn noted that in the past, the board authorized to pay for members that are not funded by NCEES, the board administrator, legal counsel, and one investigator.

MOTION: To approve funding for travel to the NCEES Southern/Western Zone meeting, and NCEES Annual meeting for board members not funded by NCEES, board administrator, legal counsel, and investigator. To approve funding for board members John Johnson and Gene Dinkins to travel to the Colonial States meeting. Hodge/Love/approved.

- d. Mrs. Hodge announced that she plans to run for NCEES Southern Zone Vice President. Mrs. Hodge noted that she feels like she can do a good job based on the knowledge she has gained during her service as Secretary and Treasurer.

MOTION: To endorse Mrs. Hodge for NCEES Southern Zone Vice President. Dinkins/Fallon/approved.

Mr. Dinkins requested that Lenora send a letter endorsing her nomination on behalf of the South Carolina Board of Registration for Professional Engineers and Land Surveyors. Mrs Miles said that she would send the letter. Mr. Rickborn noted that he would make an announcement at the upcoming NCEES BPA meeting.

- e. The board deferred the selection of the Joint Task Force Representative until the next scheduled board meeting.
- f. The board reviewed the subject of board consultant education evaluations. Mrs. Miles explained that Dr. Castro is contracted by LLR to provide consulting and research services. He recently received a request directly from an applicant to send his evaluation to the Texas board. Mrs. Miles explained that Dr. Castro notified LLR of the request because he was unsure if he was allowed to send the completed evaluation to another state. Mr. Dinkins asked if there were any legal implications. Mr. Jennings noted he looked it over and confidentiality issues will need to be addressed, but he does not see anything that would prohibit Mrs. Miles from sending those evaluations. Mr. Jennings suggested, however, that if they plan to send that particular education evaluation to Texas, the board may want to review the possibility of sending evaluations to other states in the future. Mr. Dinkins said that an administrative fee of \$100 should be assessed. Mr. Johnson noted that he does not see an issue in sending them with the fee. Mr. Jennings said that he would work with Mr. Dean Griggs to review the contract with Dr. Castro to work out any issues that may arise.

MOTION: To allow board staff to send certified copies of Education Credential Evaluations performed for the South Carolina Board to another duly licensed state board for an administrative fee of \$100, in addition to Dr. Castro's fee. Dinkins/Hodge/approved.

- g. The board reviewed a Corporate Seal/COA inquiry. Mr. Jennings explained that an engineer working for Duke Energy has inquired if the Duke Energy seal has to be applied to drawings in addition to the individual PE. He requested the board to take a position on the question

so that he can respond back to the inquiry. Mr. Johnson noted that electrical utilities were exempt from both COAs and licensed drawings. Mr. Dinkins added that the exemptions in South Carolina Code Section 40-22-280 (A)(5) include the work or practice of a regular employee of a public utility, telephone utility, or an electrical utility company as long as the employee is actually and exclusively employed. Mr. Dinkins suggested that the board cite this exemption in reply to the inquiry.

Other Business

Mrs. Miles added that the board needed to designate two funded delegates for the NCEES Southern/Western Zone meeting. Mr. Rickborn suggested Mrs. Hodge and himself. The board agreed. Mr. Jennings noted that he met with Darra Coleman, Chief Advice Counsel of LLR, and she requested that he reiterate LLR's Media Policy to board members. He explained that LLR's Media Policy is that in the event the board member is approached by a media outlet, the request should be referred to LLR's Office of Communications to ensure proper handling. The board member may enlist LLR's assistance in involving the Office of Communications, or may communicate directly with Lesia Kudelka to coordinate an appropriate response. Mr. Jennings noted that with the start of the legislation season heating up, board members may see inquiries for print media and television and LLR would like for them to direct those inquiries to the agency. Mr. Rickborn asked Mr. Jennings to send a copy of the policy to all board members.

Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, February 17, 2015 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.

There being no further business:

MOTION: To adjourn. Hodge/Johnson/approved.

The meeting adjourned at 4:41 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Britton S. Jenkins". The signature is fluid and cursive, with a large initial "B" and "S".

Britton S. Jenkins, Program Assistant