

**MINUTES**  
**South Carolina State Board for Registration of Professional Engineer and Surveyors**  
**9:30 a.m., July 14, 2015**  
**Synergy Business Park, Kingstree Building**  
**110 Centerview Drive, Room 108**  
**Columbia, SC**

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**Call To Order**

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

**Statement of Public Notice**

Chairperson Rickborn 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 Timothy Rickborn, PE, Chairperson; John P. Johnson, PE, PLS, Secretary; Gene L. Dinkins, PE, PLS; Miller L. Love, Jr., PE; Theresa Hodge, PE; Dr. Johnston Peoples, Ph.D., PE; Dr. Dennis Fallon, Ph.D., PE, Vice Chairman; Board member J. Baker Cleveland, III was not in attendance due to prior obligations.

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

Other persons present included: Marguerite McClam, Robyn Madden, Edward Hartley, Joe Jones, and Jennifer Nottle (Creel Court Reporting).

**Approval of Meeting Minutes**

**MOTION:** To approve minutes from the May 27, 2015 meeting. Hodge/Love/approved.

**Review and Approval of Agenda**

The board reviewed the agenda. No changes or amendments were made.

**Reports**

- a. Office of Investigative and Enforcement - Mrs. Wolfe reported there were a total of eight active investigations, five cases designated as "do not open" cases, and three cases pending board action for a total of 16 cases as of July 6, 2015. Mrs. Wolfe added there are nine active cases and the oldest active case is 348 days. Mrs. Wolfe noted that 16 cases have been closed. Dr. Fallon asked for clarification on what a "do not open" case is. Mrs. Wolfe explained the agency's complaint analyst reviews incoming complaints to determine if they

warrant opening an investigation based on the laws and regulations. Mrs. Wolfe added that if they do not meet those guidelines, they are classified “do not open” cases.

- b. Investigative Review Committee Report - Mrs. Wolfe presented the July 16, 2015 Investigative Review Committee Report. Cases 2015-4, 2015-11, and 2015-12 were recommended for dismissal. Cases 2014-37, 2014-40, and 2014-47 were recommended for dismissal with a cease and desist. Case 2014-59 was recommended for a formal complaint.

**MOTION:** To accept the Investigative Review Committee Report. Johnson/Fallon/approved.

- c. Office of Disciplinary Counsel- Mrs. Baldwin reported there were 16 open cases in the Office of Disciplinary Counsel. Three cases have been closed. Three Consent Agreements are pending signature from the board chair. Mrs. Baldwin added that Mrs. Perlman has agreed to handle six cases to make sure that cases from 2012, 2013, and possibly 2014 are closed before the end of the year. Mrs. Baldwin indicated that staff is making progress with getting the older cases closed.
- d. Administrative and Financial Reports – Mrs. Miles reported that as of July 2, 2015, there were 28,863 active licensee credentials. Mrs. Miles added that the CBT summary was included in the board meeting materials which indicate the total of scheduled and delivered FE and FS exams, in addition to the paper summary and pass rates of the April 2015 PE, PS, Structural and State Specific Exams. Mrs. Miles reported that there were five candidates for the State Specific Exam and four passed. Mrs. Miles distributed the April and May CBT pass rates and reported there were 65 candidates approved for the October 2015 PE, one SE, and one State Specific. Mrs. Miles added since implementation of the early PE exam, staff has received 352 applications and 136 have taken and passed the exam. Mrs. Miles reported the cash balance as of May 2015 was \$2,778,207.54, and the Education and Research Balance was \$375,375.22. Mrs. Miles distributed the financial detail reports. She noted that the agency recently implemented building security updates and construction. The costs of those updates were distributed equally amongst the boards and were a one-time cost. Mrs. Miles noted that Mrs. Huffstetler, staff member of the board, has transferred to another area in the agency. The position has been posted with a closing date of July 7, 2015.

#### **Disciplinary Hearings**

- a. Mr. Douglas Hartley, on behalf of Hartley Energy Consulting, LLC appeared before the board for a disciplinary hearing. Mr. Hartley was represented by Robyn Madden, Esq. There were no 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/Hodge/approved.

**MOTION:** To exit executive session. Hodge/Fallon/approved.

The Board determined there were two issues that should be handled separately. One is the matter of Douglas Hartley (Case 2015-21) and the other is Hartley Energy Consulting, LLC.

- MOTION:** To separate the proposed combined Memorandum of Agreement and consider each case separately. Dinkins/Love/approved.
- MOTION:** To enter executive session for legal advice. Johnson/Peeples/approved.
- MOTION:** To exit executive session. Love/Peeples/approved.
- MOTION:** To accept the Memorandum of Agreement in the matter of Douglas Hartley (2015-21). Issue a public reprimand. Grant professional engineering licensure upon payment of \$1,000 fine. Fallon/Dinkins/approved. For the record, there were three nays.
- MOTION:** To enter executive session for legal advice. Hodge/Johnson/approved.
- MOTION:** To exit executive session. Love/Dinkins/approved.
- MOTION:** To accept the Memorandum of Agreement in the matter of Hartley Energy Consulting, LLC (2015-35). Issue a public reprimand. Issue a COA upon payment of \$2,500 fine and securing Mr. Hartley's SC personal license. Hodge/Fallon/approved.

#### **Application Hearings**

- a. Gregory Lehr appeared before the board for an Application Hearing for professional engineering licensure. Mr. Lehr 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/Fallon/approved.

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

**MOTION:** To grant South Carolina professional engineering licensure by Comity. Johnson/Love/approved.

- b. Michelle Reid appeared before the board for an Application Hearing for professional engineering licensure. Ms. Reid was not represented by counsel. She 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. Fallon/Johnson/approved.

**MOTION:** To exit executive session. Hodge/Fallon/approved.

**MOTION:** To approve Ms. Reid's request to sit for the Principles and Practice of Engineering Exam. Johnson/Fallon/approved.

Upon further review, it was determined that Ms. Reid had already taken and passed the PE exam and is eligible for PE licensure.

**MOTION:** To amend the previous motion, and grant professional engineering licensure by exam to Michelle Reid. Johnson/Love/approved.

- c. Matthew Rink appeared before the board for an Application Hearing for professional engineering licensure. Mr. Rink 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.

The Board advised Mr. Rink he would need to obtain two additional personal PE references and that he could apply for the Early PE Examination.

- d. Lawrence Kusan was scheduled to appear for an Application Hearing for professional engineering licensure by comity. Mr. Kusan did not attend. Mr. Jennings noted that Mrs. Miles made the attempt to contact Mr. Kusan by email on July 13, 2015 for a telephone number to reach him for his hearing and was unsuccessful. Mr. Kusan later indicated in a correspondence dated July 14, 2015 that he "must abandon this initiative", however, was unclear whether he wanted to officially withdraw his application request. Mr. Jennings requested that the board add the email correspondence between Mr. Kusan and Mrs. Miles as an exhibit to the application hearing materials.

**MOTION:** To deny professional engineering licensure by comity. Johnson/Hodge/approved.

- e. David Roberts appeared before the board for an Application Hearing for reinstatement of his Professional Land Surveyor licensure. Mr. Roberts 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/Fallon/approved.

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

**MOTION:** To reinstate Professional Land Surveyor licensure upon successful passing of the PS and State Specific PLS Exams. Johnson/Dinkins/approved.

#### **COA License Renewal Request**

- a. The COA license renewal request by Joe McCullough, PLS was tabled to the next board meeting scheduled for September 15, 2015.

#### **Motion for Reconsideration**

- a. David Myers appeared before the board for a motion of reconsideration of Professional Engineering licensure by examination. Mr. Myers 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.

The board tabled Mr. Myers' Motion for Reconsideration until the September 15, 2015 meeting, to allow more time to review Mr. Myers' submitted materials.

The board recessed for lunch from 1:17 p.m. to 1:50 p.m.

#### **Unfinished Business**

- a. The board reviewed action items from the May 27, 2015 meeting.
- b. Mr. Jennings noted that on July 13, 2015, he met with Melina Mann to request an update on the contractual relationship with Mr. Sid Shrum and proctoring of the State Specific Surveying Exam. Mr. Jennings reported that Ms. Mann informed him there will be a meeting with Richele Taylor, Director of LLR, to review Mr. Shrum's contractual relationship in regards to the Surveying Exam. She will also be discussing the issue of proctoring exams with Mrs. Taylor. Mr. Jennings noted that it seemed as if the agency is moving closer to hiring a company on a one-time basis for proctoring exams.

#### **Public Comments**

Mr. Jones noted that he sent the proposed copy of the Successor Engineer/Surveyor policy to board directors of the SCSPLS and ASCE/SC for comments. Mrs. McClam thanked the board for attending the licensing ceremony at the State House the previous day.

#### **Notice of Next Meeting**

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, September 15, 2015 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.

There being no further business:

**MOTION:** To adjourn. Dinkins/Johnson/approved.

The meeting adjourned at 3:32 p.m.

Respectfully Submitted,



Britton S. Jenkins, Program Assistant