

MINUTES
South Carolina Board for Registration of Professional Engineers and Surveyors
9:30 a.m., July 13, 2015
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 202-02
Columbia, SC

Call To Order

Chairperson Rickborn called the meeting to order at 9:42 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 Peebles, Ph.D., PE; Dr. Dennis Fallon, Ph.D., PE, Vice Chairman; and J. Baker Cleveland, III.

Staff members present included Lenora Addison-Miles, Administrator; Britton Jenkins, Program Assistant; and Donnell Jennings, Esq., Advice Counsel.

Other members present included: Jesse Burke, Roger Lowe, Allen Thomas, Marguerite McClam, and Joe Jones.

Mr. Dinkins congratulated Mrs. Hodge on her election of NCEES Southern Zone Vice President.

Review and Approval of Agenda

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

Funding Requests

- a. Jesse Burke, of SEA presented a funding request of \$6,000 for the Structural Engineers' Association South Carolina 2015 Annual Conference and Trade Show.

MOTION: To approve \$6,000 funding request for the Structural Engineers' Association 10th Annual Conference and Trade show. Dinkins/Fallon/approved.

Unfinished Business

- a. Mr. Jennings provided the board a legal update. He reported that Mr. Matthew Cooke has withdrawn his Memorandum of Agreement for re-consideration of licensure. Mr. Jennings reported that based on the new language in Senate Bill 11, section §30-4-80, which indicates

that once an agenda has been posted to the public, no items can be added to it unless there is a two-thirds vote by the body. Mr. Jennings informed the board that all agenda items must be submitted at least 48 hours prior to the meeting date.

MOTION: To enter executive session for legal advice with Mrs. Miles being able to participate. Hodge/Johnson/approved.

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

- b. Mr. Jennings spoke with the board about updating the experience verification form for licensing applications. Mr. Jennings referred to examples from the Florida, Georgia, and New York boards. Mr. Jennings asked the board for guidance regarding updating South Carolina's current experience verification form. Mr. Jennings suggested adopting Florida's requirement of the seal of the individual providing the reference. Mr. Jennings also suggested adopting Georgia's requirement of the endorser verifying the experience as "accurate" or "inaccurate". Mr. Dinkins noted that he likes both the Florida and Georgia examples. Mr. Jennings noted that he would work on drafting a new form to present at the September meeting. He added the proposed form should be a combination of both the Florida and Georgia forms. Mr. Dinkins noted that he liked the idea of requiring a PE Seal by the endorser. Mrs. Miles noted that Mrs. Baldwin, Office of Disciplinary Counsel, suggested adding a disclosure on the form that tied the person completing the form to the information that was provided. Mrs. Miles added in the past, some applicants have had the form completed by their human resources department, and not a professional engineer. Human Resources verifies the dates of employment, but not the actual work experience. Mr. Jennings added that he would work with Mrs. Baldwin in drafting the form, to present at the September meeting.
- c. Mr. Rickborn updated the board on the Joint Task Force. He noted that he spoke with James Justus, member of the Joint Task Force Subcommittee, and he indicated there has been some progress. Roger Lowe, Administrator of the Building Codes Council explained that some jurisdictions have been requiring engineered drawings on any building over 5,000 sq. feet, not using the exclusion in the Architects practice act of any detached one or two family dwellings. Mr. Lowe added that in several jurisdictions across the state there have been problems. Mr. Lowe requested clarification from the board on whether those jurisdictions should follow the engineering statute, or the old Building Codes Manual which excludes single and two-family dwellings. Mr. Rickborn noted that the statute or interpretation of the statute cannot be changed. He added that if the proposed construction does not meet the prescriptive requirements of the residential code, it is at the discretion of the jurisdiction to require an engineer. Mr. Dinkins added it would be good to have the support of the Building Codes Council for changes in S.685 that will be introduced in the next legislative session. He noted the changes proposed in S.685 may actually be the solution to the issue that Mr. Lowe is having. Mr. Lowe thanked the board for their time and speaking with him regarding the issue.
- d. Mr. Rickborn presented a draft of the Successor Engineer/Surveyor policy to the board. He reminded the board the purpose of the policy was to address concerns on what to do when an engineer or surveyor is no longer available to perform services on a project as a result of

termination of employment, contract termination, disability, death, and etcetera. Mr. Rickborn added that the previous draft of policy did not address the distinct differences between engineers and surveyors. The board reviewed the current draft of the policy. Mr. Johnson asked who would own the drawings. Mr. Johnson added that per the proposed policy if an individual is fired from a firm, a company would have to notify them and get permission to make modifications to their drawings. He indicated that this may lead to issues. Mr. Johnson added that he does not believe the proposed policy addresses what happens to a company that is under contract to provide documents in the future when individuals have left the company. Mr. Dinkins explained that he was not comfortable with the proposed policy and would like to see some additional work done to address those issues. Mr. Rickborn suggested receiving the current draft as information. Mr. Dinkins will suggest proposed language. Mr. Rickborn said a new, updated policy would be submitted to the board for review at the September meeting.

The board recessed for lunch from 11:47 a.m. to 12:33 p.m.

- e. The board addressed the issue of Express Oil Change & Tire Engineers using the term “engineers” in its business name. Mr. Cleveland explained that the board previously heard the request of the company to use the term “engineers” in the company name. Mr. Cleveland added that at the time, the board denied the request. Mr. Cleveland further noted that since that decision was made at the last meeting, the board has been provided with additional information from advice counsel for reconsideration.

MOTION: To pass a resolution to allow Tire Engineers to open stores and brand them “Tire Engineers” in South Carolina, not limited to the following reasons: The “Tire Engineers” is a business name and does not refer to any individual engineer or employee in the business; There are no design efforts in any Tire Engineer store; The “Tire Engineers” name is trademarked with the United States Patent Trademark office as a business name associated with the business of doing automotive repair and tire services; Tire Engineers is a retail store and service business; No individual in the company is titled an engineer, called an engineer, or referred to as an engineer; The resolution will be voided if at any point design efforts or work is carried out in any retail Tire Engineers store or if any employee with Tire Engineers is labeled or referred to as an engineer in any form. To add in the resolution that this was a very fact specific case, and that these factors were considered by the board in drawing this conclusion. Cleveland/Fallon/approved.

New Business

- a. Mr. Jennings spoke with the board about proposing an education evaluation policy. He asked the board for guidance regarding the language proposed and if any additions were needed. Mr. Love indicated there had been several situations where the NCEES evaluation deemed the applicant unqualified due to general education, but after a second review by Dr. Castro, the applicant was deemed qualified on the basis of ABET requirements at the time of graduation. Mr. Love asked who would be the successor of Dr. Castro. Mr. Dinkins noted that at this time, there are no successors in mind. Mr. Love added that Dr. Cecil Huey may be someone who would consider it, but he is unsure. Mr. Love suggested that if there is no one to conduct the

education evaluation, providing it as an option per the policy may not be helpful to applicants. Mr. Dinkins added that having the policy is a good step. Mr. Jennings noted that he would continue to work on the policy for presentation at the next board meeting.

- b. The board carried over the issue of proctoring the state specific surveying exam to the next board meeting.
- c. The board reviewed motions for the 2015 NCEES Annual meeting. Mr. Rickborn noted that he is not in favor of NCEES ACCA Motion 4 which allows past examinations to be included in sample exams and sold to the general public through NCEES. He explained that it takes a lot of effort and time to create new items for the exam and it's possible for newer items to be cloned from older items. Mr. Dinkins noted that he sees no problem with the motion since the items would never be used anymore. Mr. Rickborn noted that he would get further information before he considers pulling it from the agenda. Mr. Dinkins added that he is not in favor of the Future of Surveying Task Force Motion 2 which moves that the board of directors be authorized to implement the NCEES Professional Surveying Program of Distinction for a trial period of five award cycles to be made prior to the 2017 annual meeting. Mr. Dinkins added he is not in favor of the \$125,000 financial impact and wants to suggest the amount be no more than \$50,000. The board supports this position. Mrs. Hodge requested the board endorse the nomination and election of Chris Knotts from the Louisiana board as Secretary-Treasurer of the NCEES Southern Zone. Mr. Rickborn asked Mrs. Miles what additional staff would be attending the meeting. Mrs. Miles confirmed she will be attending in addition to Mr. Jennings, and Sharon Cooke, Investigator for the board.
- d. The board reviewed proposed 2016 meeting dates for regularly scheduled meetings and NCEES meetings. The scheduled board meeting dates were confirmed as follows: January 26, 2016 in room 105; March 15, 2016 in room 105; May 17, 2016 in room 105; July 19, 2016 in room 108; September 20, 2016 in room 108; and November 15, 2016 in room 108.
- e. Dr. Fallon presented a draft of the Education Grant Proposal. He asked for guidance on any changes that should be made to the draft. Mr. Rickborn noted the proposal should refer back to statute, §40-22-245(A)(1) which states that it must be for "advancement of education and research for the benefit of individuals and firms licensed under this chapter and for individuals in training to become licensed." Mr. Dinkins suggested the term "per year" be added to indicate how often it would be rewarded. Mrs. Hodge suggested the terms "funding" and "grant" should coincide in criteria. Dr. Fallon noted that he would continue to work on the proposal and re-submit it at the September meeting.
- f. Mrs. Miles spoke with the board regarding electronic transmittal of transcripts for licensing applications. She inquired if the electronic transcripts were documents the board would be willing to accept for verification of degrees.

MOTION: Accept electronic official transcripts from colleges and universities sent on applicants' behalf provided that they are authentic, official, and transmitted from a valid and secure website. Dinkins/Fallon/approved.

- g. Mrs. Miles requested that board members inform her if they would like to participate in 2015-2016 ABET visits.

There was no other business or public comments.

Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, July 14, 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 2:03 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