

MINUTES
South Carolina Board for Registration of Professional Engineer and Surveyors
9:00 a.m., July 19, 2016
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 108
Columbia, SC

Call To Order

Chairperson Rickborn called the meeting to order at 9:27 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; Dr. Dennis Fallon, Ph.D., PE, Vice-Chairman; John P. Johnson, PE, PLS, Secretary; Gene L. Dinkins, PE, PLS; Dr. Johnston Peeples, Ph.D., PE.; Miller L. Love, Jr., PE; John Baker Cleveland, III; and D. Mack Kelly, Jr., PE, PLS.

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

Others present included: Charles Ido, Brian Bonds, Henry Nemargut, Adam Jones, Allison King, Robin Bell, Shawn Brasleur, Jesse Burke, David Cresswell, Jesse Sanders, Buddy Skinner, Mike Smith, Tim Almer, Ben Coker, Paul Lawson, Bruce Belenski, and Jill Vickers (Creel Court Reporting).

Charles Ido, former Assistant Deputy Director of LLR was presented a Resolution of Thanks from the Board. The board thanked Mr. Ido for his hard work and dedication to the board. Mr. Ido thanked the board for the recognition.

Approval of Meeting Minutes

The board reviewed minutes from the May 17, 2016 board meeting.

MOTION: To add Dr. Johnston Peeples, Ph.D., PE as board member attending the meeting.

MOTION: To approve minutes with changes. Johnson/Love/approved.

Review and Approval of Agenda

The board reviewed the agenda.

MOTION: To approve agenda and carry over any outstanding items to the July 20, 2016 meeting. Johnson/Peeples/approved.

Reports

- a. Office of Investigations and Enforcement – Mrs. Wolfe reported there were a total of 33 cases received from January 1, 2016 through July 6, 2016. There are 27 active cases. Four cases have been closed. One case is pending board action and one case is pending IRC.
- b. Investigative Review Committee Report- Mrs. Wolfe presented the June 27, 2016 IRC report. Cases 2015-34, 2015-53, 2015-57, 2015-59, 2015-75, and 2016-5 were recommended for dismissal. Cases 2015-66 and 2016-3 were recommended for dismissal with cease and desist.

MOTION: To accept IRC recommendations as presented. Johnson/Love/approved.

- c. Office of Disciplinary Counsel – Mrs. Erin Baldwin presented the ODC report. Mrs. Baldwin reported that there were 20 open cases in the Office of Disciplinary Counsel. She added that four cases had been closed since the report was generated, and four additional cases should be closed by July 20, 2016.
- d. Administrative and Financial Reports – Mrs. Miles extended condolences to the family of former administrator of the board, Mrs. Mary Law who passed away July 4, 2016. Mrs. Law served as board administrator for 42 years. She reported that there are currently 29,701 active credentials. As of June 30, 2016, a total of 14,133 engineers, 864 surveyors, 126 dual licensees, and 10 associate PE's have renewed for 2018. Mrs. Miles added the board has received a total of 646 early PE exam applications and 334 have passed the exam. There were 222 FE exams delivered and four FS exams delivered during the April, May, June CBT testing window. There were 278 PE candidates approved for the April PE/PS exam, four surveyors, 15 structural candidates, and four state-specific candidates. Mrs. Miles reported the cash balance for May reflects \$2,823,562.28. The Education and Research fund balance is \$393,225.22. Mrs. Miles added that NCEES has approved Mrs. Theresa Hodge as emeritus board member. The Category B and Portfolio Review expiration notices were sent to the 12 associate PE's and two South Carolina schools that offer engineering technology programs on June 9, 2016 and June 10, 2016. Mr. Love suggested the notices be posted on the board website so that potential applicants with technology graduates are aware of the expiration date. Chairman Rickborn and Mr. Jennings will work on a notice for the website posting.

Funding Requests

- a. Jesse Burke of the Structural Engineers Association of South Carolina presented a funding request for the South Carolina Conference and Trade Show in the amount of \$4,500.

MOTION: To approve the funding request, for \$4,500, for the South Carolina Conference and Trade Show. Johnson/Dinkins/approved.

Disciplinary Hearings

- a. Ben Coker appeared before the board for a Disciplinary Hearing. He was represented by Bruce Belenski, Esq. Isabelle Jefferson, Melvinia Gueye, Timothy Elmer, Sharon Cook, Paul Lawson, and Kim Long served as witnesses. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

The board recessed for lunch from 12:31 to 1:20 p.m.

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

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

MOTION: In reference to South Carolina Code of Laws § 40-22-110 (A)(5), § 40-22-110 (A)(6), §40-22-110 (A)(2), and §40-22-225 there has been no violation of the Practice Act. To issue a Letter of Caution due to the grave concerns of the board based on the respondent's actions and perceptions of a surveyor. Regarding South Carolina Code of Laws §40-1-110 (1)(f), there has been a violation in the terms of a dishonorable, unethical, or unprofessional act likely to defraud or harm the public. Issue a Public Reprimand and civil fine of \$1,000 and \$185 in costs related to the investigation of case. Cleveland/Fallon/approved.

- b. The hearing for Mr. Rodney Smith was cancelled. Mr. Smith agreed to voluntarily surrender his professional engineering license.

Application Hearings

- a. The application hearing for Mr. Jeff Gawronski was continued to the September 20, 2016 board meeting.
- b. Mr. Robin Bell appeared before the board for an Application Hearing. He was not represented by counsel. There were no witnesses. Mr. Cleveland was recused from the hearing. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

MOTION: To approve renewal of Mr. Bell's PE license contingent on completion of continuing education hours and payment of renewal fees. Dinkins/Love/approved.

- c. Mr. Henry Nemargut appeared before the board for an Application Hearing. He was not represented by counsel. Donna Nemargut served as a witness. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

MOTION: To approve renewal of Mr. Nemargut's PE license contingent on completion of continuing education hours and payment of renewal fees. Love/Dinkins/approved.

- d. Mr. Lawrence Bowers appeared before the board for an Application Hearing. He was not represented by counsel. There were no witnesses. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

MOTION: To close hearing to protect medical confidentiality. Dinkins/Johnson/approved.

MOTION: To approve renewal of Mr. Bowers PE license contingent on completion of continuing education hours and payment of renewal fees. Love/Johnson/approved.

- e. The Application Hearing for Gary Sunderland was continued to the September 20, 2016 board meeting.
- f. Mr. Perrin Robinson appeared before the board by telephone, in the presence of a Notary Public, for an Application Hearing. He was not represented by counsel. There were no witnesses. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

MOTION: To approve renewal of Mr. Robinson's PE license contingent on completion of continuing education hours and payment of renewal fees. Dinkins/Fallon/approved.

FS/PS/SS Examination Request with a Two-Year Degree

- a. Mr. Jesse Sanders appeared before the board for approval to sit for the FS, PS, and SS Exams. He was not represented by counsel. 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 with Mrs. Miles being able to participate. Dinkins/Peeples/approved.

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

MOTION: To deny application and request to sit for the exams. Application does not meet the requirements of §40-22-225 for approval. Dinkins/Johnson/approved.

Portfolio Review Committee Recommendation

- a. The board reviewed the license recommendation report from the May 23, 2016 meeting. Mr. Eric Hoover was recommended for PE licensure.

MOTION: To accept the committee's recommendation. Fallon/Love/approved.

Unfinished Business

- a. The board reviewed action items from the May 17, 2016, board meeting. Mr. Rickborn noted that most items have been completed or are on the July 19, 2016 agenda.
- b. The board discussed the State Specific Surveying Exam Committee written report provided by Mr. Shrum. Mr. Shrum reported there have been a number of items added to the State Specific surveying exam bank. The next committee meeting is scheduled for August 5, 2016. More questions are likely to be added. Mrs. Miles added that Mr. Shrum will call in for a telephone conference during the July 20, 2016 meeting if time permits.

- c. The board discussed the proposed legal/ethics exam. Mr. Cleveland reported that a draft of the exam has been completed. The exam is based on the format of the North Carolina ethics exam. Mr. Cleveland provided the board a copy of the exam with the answers. He added the exam covers all state laws and post-licensing concepts.
- d. The board discussed the Emergency Assistance Committee. Mr. Rickborn reported that there has been no progress. He added that progress should be made by the September 20, 2016 board meeting.
- e. The issue of PE Stamp on P&ID's Inquiry was continued to the September 20, 2016 board meeting. Additional information was given to the board for review prior to the next meeting.
- f. The executive session discussion for board approved four year degrees for surveyors was continued to the July 20, 2016 board meeting.

New Business

- a. The board reviewed statute changes. Mr. Roger Lowe, Administrator of the SC Building Codes Council spoke with the board. He explained that he has been getting a lot of requests for clarification on the new statute regarding the requirements for design professionals. Mr. Rickborn explained that there have not been any significant changes. The Board attempted to make changes to Section 40-22-280(B)(2) that would bring the statute in line with the I-Code requirements. Mr. Lowe explained that it would be helpful to get something in writing from the board to give the building officials guidance regarding the requirements of the new statute.

MOTION: To authorize Mr. Jennings and Mr. Rickborn to draft policy and disseminate to local building officials before the September 20, 2016 board meeting.

- b. The review of regulation changes was discussed along with the review of statute changes. Board members Dinkins, Love, and Rickborn will serve as the Legislative Committee to work on changes to the regulations.
- c. Discussion of the NCEES 2016 annual meeting action items was continued to the July 20, 2016 board meeting.
- d. The discussion of a Policy statement regarding the use of Unmanned Aerial Vehicles was continued to the September 20, 2016 board meeting.
- e. Review of the Joint Task Force Subcommittee Overlapping Practice document was continued to the September 20, 2016 board meeting.

There was no other business or public comments.

Notice of Next Meetings

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Wednesday, July 20, 2016 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 8:30 a.m.

MOTION: To adjourn. Peeples/Kelly/approved.

The meeting adjourned at 5:43 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 "J".

Britton S. Jenkins, Program Assistant