

MINUTES
South Carolina Board for Registration of Professional Engineer and Surveyors
9:30 a.m., March 15, 2016
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 105
Columbia, SC

Call To Order

Chairperson Rickborn called the meeting to order at 9:39 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; Miller L. Love, Jr., PE; Dr. Johnston Peeples, Ph.D., PE; and John Baker Cleveland, III.

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

Others present included: David Cole, Brian Bonds, Derrick Boyte, Joe Jones, Adam Jones, Edward Medlock, Jesse Burke, Carlos Valenzuela, and Jennifer Cash, Creel Court Reporting.

Approval of Meeting Minutes

The board reviewed minutes from the January 26, 2016 board meeting.

MOTION: To add "family" to page 3. Sentence should read, "Mr. Rickborn left the meeting during executive session for a family medical emergency."

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

Review and Approval of Agenda

The board reviewed the agenda. Mr. Rickborn suggested adding items 7e.-State Specific Surveying Exam Update, 10l.- Update on Statute Revisions, and 11f.- Verification of Lawful Presence/Systematic Alien Verification System.

MOTION: To approve amended agenda. Love/Johnson/approved.

Reports

- a. Office of Investigations and Enforcement – Mrs. Wolfe reported there were a total of seven cases received from January 1, 2016 through March 1, 2016. Six cases are active investigations. Four cases have been closed and three have been classified as “do not open.” Mrs. Wolfe added that the oldest active case is 278 days.
- b. Investigative Review Committee Report- Mrs. Wolfe presented the March 1, 2016 IRC report. Case 2015-69 was recommended for dismissal and 2015-74 was recommended for dismissal with a Cease and Desist.

MOTION: To accept case 2015-69 as recommended for dismissal. Dinkins/Fallon/accepted.

MOTION: To accept case 2015-74 as recommended for dismissal with a Cease and Desist. Dinkins/Fallon/accepted.

Dr. Peeples entered the meeting at 9:55 a.m.

- c. Office of Disciplinary Counsel – Mr. Pat Hanks, Chief Disciplinary Counsel, presented the ODC report. Mr. Hanks reported there are 22 cases open in the Office of the Disciplinary Counsel. Twelve cases are pending board action. Eight cases are pending Consent Agreements. Three cases are pending board hearing. One case is pending appeal. Mr. Hanks reported that one case has been closed. He added that nine cases have not had any action at this time. Mr. Rickborn noted that some type of action needs to take place on older cases.
- d. Administrative and Financial Reports – Mrs. Miles reported the Statement of Economic Interest reports must be filed electronically with the State Ethics Commission by noon, on March 30, 2016. Mrs. Miles requested that board members who wish to observe the PE exam on April 15-16, 2016, notify her. Mrs. Miles reported that as of March 1, 2016, there were 29,724 credentials. There were 5,307 in-state engineers and 11,082 out of state. There were 609 in-state surveyors and 453 out of state. She added that there were 122 in state dual licensees and 31 out of state. There are eight in-state associate engineers and three out of state. Mrs. Miles reported that the board has received a total of 522 Early PE exam applications. Two hundred thirty four applicants have passed the exam. A total of 219 early PE exam applicants have been approved for the April 15, 2016 early PE exam. She added that the April 2016 PE/PS exam summary shows a total of 277 exam candidates have been approved for the PE, four for the PS, 15 for the 16-hour Structural, and four for the state specific. Mrs. Miles reported that the cash balance for January 2016 was \$2,418,869.13. The Education and Research balance for January 2016 was \$345,645.22. Mr. Rickborn asked if Mrs. Miles could include the number of in-state and out of state firms to the administrative report for the next board meeting. Mrs. Miles said that she would include that information.
- e. Mr. Grigg was unable to attend the meeting due to medical reasons. Mr. Rickborn noted that Mr. Jennings and Mr. Grigg should continue working together regarding the State-Specific Surveying Exam. He added that it should be resolved by the next scheduled board meeting.

Funding Requests

- a. Adam Jones presented a funding request for \$2,500 for the SCSPE Disaster Preparedness Seminar to be held on May 2, 2016, at Saluda Shoals River Center.

MOTION: To approve the funding request, for \$2,500, for the SCSPE Disaster Preparedness Seminar. Johnson/Peeples/approved.

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

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

Application Hearings

- a. Carlos Valenzuela 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 the public due to privileged information of applicant. Fallon/Dinkins/approved.

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

The board recessed for lunch from 11:55 to 12:49 p.m.

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

MOTION: To grant PE licensure with one year of probation. Mr. Valenzuela is required to report any violation in any state immediately to the South Carolina board. Johnson/Fallon/approved. Two members opposed.

- b. David Cole 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 enter executive session for legal advice. Dinkins/Fallon/approved.

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

MOTION: To grant FE waiver based on experience being greater than 25 years and patents. To allow Mr. Cole to sit for the PE exam. Dinkins/Fallon/approved.

- c. Charles Bradley 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 enter executive session for legal advice. Dinkins/Peeples/approved.

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

MOTION: To grant PE licensure. Peeples/Fallon/approved.

- d. Derrick Boyte 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. Board members Johnson and Dinkins were recused from participating in the hearing.

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

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

MOTION: To deny PE licensure. Application does not meet the requirements of the South Carolina licensing statute. Love/Fallon/approved.

MOTION: To deny FE Waiver request. Fallon/Peeples/approved.

- e. Edward Medlock 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 enter executive session for legal advice. Fallon/Peeples/approved.

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

MOTION: Approve application for reinstatement pending \$2,000 fine and completed PDH hours. Issue public reprimand. Johnson/Fallon/approved.

Unfinished Business

- a. The board reviewed action items from the November 17, 2015 board meeting. Mr. Rickborn noted that most items have been completed or are on the March 15, 2016 agenda. Mr. Rickborn added that the Resolution of Thanks for Mr. Charles Ido has been composed. Mr. Love asked if a plaque can be made. Mrs. Miles said that it could, but the amount cannot exceed \$50.

MOTION: To order a plaque to present to Mr. Charles Ido thanking him for his service to the board. Love/Johnson/approved.

- b. The board reviewed the proposed changes to the experience verification form for licensing applications. Mr. Rickborn noted the proposed changes expand the form from one to three pages. Mr. Love added that the dates of employment should reflect "exact date" and not "present date." Mrs. Miles presented staff questions regarding the experience form. Mr. Rickborn added that the request for the verifier's phone number be stricken from the document. Mr. Peeples suggested that on page three, the correct language should read

“throughout” instead of “during.” Mr. Rickborn noted that upon approval, the revised form should start being used by staff immediately after changes have been made.

MOTION: To approve updated employment verification form for licensing applications as amended.
Love/Dinkins/approved.

c. The board reviewed the proposed Successor Engineer/Surveyor Policy.

MOTION: To adopt the proposed Successor Engineer/Surveyor Policy as presented.
Johnson/Peeples/approved.

Mr. Jennings suggested the new policy be disseminated by newsletter and posted on the board’s website. Mr. Love asked if it should be added to the Policy Manual.

MOTION: To add the Successor Engineer/Surveyor Policy to the Policy Manual.
Love/Dinkins/approved.

d. The board reviewed the COA Frequently Asked Questions. Mr. Rickborn noted that these proposed questions and answers would be posted to the board’s website to better assist applicants and licensees.

MOTION: Move forward with proposed language. Authorize staff to post to the Board website.
Love/Johnson/approved.

e. The board reviewed an inquiry submitted by Mr. David Stokes, regarding when a design professional is required. Mr. Rickborn reported that over the summer, there was a Task Force, composed of representatives from the Architectural Board, Engineers and Surveyors Board, and Building Codes Council, to re-write the Building Officials Manual. The Task Force, ~~but~~ was unable to come up with an agreement on the definition of incidental practice. Mr. Rickborn added that the updated language in the statutory revisions, if approved, will better clarify the incidental practice issue, from the Board’s standpoint, and possibly encourage the Architectural Board to propose similar language. Mr. Dinkins suggested that the board have further discussion on this item.

f. The agenda item of the Proposed Legal/Ethics Exam was tabled to the next scheduled board meeting. Mr. Cleveland reported that it is still in progress.

g. Mr. Jennings spoke with the board regarding procedures for emergency assistance situations and disaster relief. Mr. Jennings reported that during the October South Carolina flooding, agency staff was made aware of a Department of Revenue statute that indicates professionals volunteering their services for the purpose of disaster relief do not require South Carolina licensure. He added that back in October, he and Mr. Rickborn prepared a script for staff to use to abide the request of professional engineers wanting to work during the disaster period. Mr. Jennings added that there were no inquiries during that time period, but it is an issue that should be addressed so that there is a plan in place should another natural disaster occur. Mr. Rickborn suggested that the board take Mr. Jennings’ report as information for further

discussion at the next scheduled board meeting. He requested that Mr. Jennings provide a packet of information for the board to review.

- h. Mr. Rickborn spoke with the board about EIT certifications. He noted that some applicants that apply for PE licensure do not have a South Carolina EIT certification. He added that this conflicts with section 40-22-220 (A) which states in part, "A person having the necessary qualifications prescribed in this chapter to entitle him to registration is eligible for licensure. A person must be certified as an engineer in training as a prerequisite to licensure." The board reviewed questions by staff regarding the conflict. Mr. Rickborn suggested the questions be reviewed and discussed at the next board meeting.
- i. The board discussed the expiration of Category B licensure notifications. Mr. Rickborn asked how these licensees would be notified of the expiration. Mr. Rickborn noted the program was put in place to particularly help graduates of in-state programs, but have mostly benefitted those out of state. Mr. Jones noted that the expiration date could be a problem and that the graduates should not be denied the opportunity of Category B licensure. Mr. Dinkins added that by the 2020 deadline, it appears there will not be many participants in those TAC programs. Mr. Rickborn added that he and Mr. Jennings will work together to compose a letter.
- j. The agenda item PE Stamp on P&ID's Inquiry from Mr. George Westlake was tabled to the next scheduled board meeting.
- k. The board reviewed the board member evaluation sheet for PE re-exam applicants. Mr. Rickborn suggested adding the dates of all exam attempts.

MOTION: Approve the evaluation sheet for PE re-exam candidates with proposed changes. Peeples/Johnson/approved.

- l. The update on Statute Revisions was addressed during a previous agenda item.

New Business

- a. The board reviewed action items from the January 26, 2016 board meeting. Mr. Rickborn noted that all items have been addressed.
- b. The agenda item, work experience prior to obtaining required degree was discussed in a previous executive session.
- c. The board reviewed proposed changes to the NCEES Bylaws. Mr. Dinkins noted that the items have been discussed and will be seen again at the Southern Zone Meeting.
- d. The board reviewed the resume' for Mr. James L. Pruitt, III to serve on the Portfolio Review Committee. Mr. Jennings added that there is a need for a larger pool of individuals to serve on the Portfolio Committee. Mr. Jones noted that they can advertise to their membership to recruit some individuals to submit their resumes for consideration to serve on the committee. Mr. Jennings assigned staff member Britton Jenkins to forward the request of members needed to Mr. Jones.

MOTION: To approve James L. Pruitt, III to serve on the Portfolio Review Committee.
Love/Fallon/approved.

- e. Board member Johnson was selected to serve as the board designee for the CPC Audit Review.
- f. The board discussed the agency process for Verification of Lawful Presence/Systematic Alien Verification System (SAVE). Mr. Jennings explained that any person in the United States must have SAVE certification proving they are lawfully present in the United States. Mrs. Miles has been asked by the agency to track the status of SAVE verification of licensees. Mr. Jennings added that licenses of individuals with SAVE verifications will expire on the their SAVE certification expiration date, if it is prior to the normal license expiration date. Mr. Jennings reported that he is composing a letter to notify these individuals reminding them to renew their SAVE verification. Mrs. Miles added that currently, this only affects about eight individuals with PE licensure.

MOTION: To authorize Mr. Rickborn to review the letter composed by Mr. Jennings and send to the appropriate licensees upon approval. Johnson/Peeples/approved.

Other Comments

Mr. Dinkins announced the Southern Zone meeting will be April 7-9, 2016 in Nashville, TN. Mr. Love indicated he would not be attending. All other board members are planning to attend.

Mr. Rickborn asked Mr. Jones about the status of a replacement board member. Mr. Jones said that he contacted the State House and has not gotten a reply back. Mr. Rickborn added that they should press forward with getting a replacement.

Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, May 17, 2016 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. Peeples/Johnson/approved.

The meeting adjourned at 5:01 p.m.

Respectfully Submitted,



Britton S. Jenkins, Program Assistant