

**MINUTES**  
**South Carolina Board for Registration of Professional Engineer and Surveyors**  
**9:30 a.m., March 17, 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 9:32 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; Dennis J. Fallon, Ph.D., PE, Vice-Chairman; John P. Johnson, PE, PLS, Secretary; Gene L. Dinkins, PE, PLS; Miller L. Love, Jr., PE; and Theresa Hodge, PE. Mr. James Baker Cleveland, III was introduced as the new public board member.

Staff members present included Lenora Addison-Miles, Administrator; Britton Jenkins, Program Assistant; Donnell Jennings, Esq., Advice Counsel; Richele Taylor, LLR Director; and Dean Grigg, LLR Deputy Director.

Other members present included: Joe Jones, Adam Jones, Dennis Clinkscales, Brian Bonds, Travis Dayhuff, Esq., Alan Parham, and Jesse Burke.

**MOTION:** To enter into executive session for legal advice with Mrs. Taylor, Mr. Grigg, and Mrs. Miles being allowed to participate. Dinkins/Fallon/approved.

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

**Approval of Minutes**

**MOTION:** To approve minutes for January 20, 2015 meeting. Hodge/Cleveland/approved.

**MOTION:** To approve minutes for February 17, 2015 meeting. Love/Hodge/approved.

**Review and Approval of Agenda**

Mr. Rickborn suggested moving section 11a before item 8. Mr. Love suggested moving section 10 before item 8 and item 11d after 9a.

## Reports

- a. Office of Investigations and Enforcement – Mrs. Wolfe reported that as of January 1, 2015, the Office of Investigations and Enforcement had received a total of 11 cases. Three of those cases are active investigations, two have been opened and six are pending board action. Four cases have been closed since January 1, 2015. Mrs. Wolfe added that the oldest case is 248 days.
- b. Investigative Review Committee Report -Mrs. Wolfe presented the Investigative Review Committee Report.

**MOTION:** To dismiss cases 2014-26, 2014-28, and 2014-61 on the Investigative Review Committee Report. Dinkins/Hodge/approved.

**MOTION:** To accept “dismiss-cess and desist” recommendation for case 2014-31 on the Investigative Review Committee Report. Hodge/Fallon/approved.

**MOTION:** To accept “formal complaint” recommendation for case 2014-23 on the Investigative Review Committee Report. Dinkins/Fallon/approved.

**MOTION:** To enter executive session for legal advice with Mrs. Baldwin being allowed to participate. Dinkins/Fallon/approved.

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

Mr. Rickborn noted that during executive session, the board discussed numerous items. Mr. Johnson was recused during the executive session discussion of case 2010-49. Mrs. Baldwin added that during executive session, she provided legal advice in regards to case 2010-49, but the substance of the case was not discussed and no votes were taken on the matter.

**MOTION:** To reconsider case 2010-49 on the Investigative Review Committee Report. Love/Hodge/approved.

Mr. Johnson was recused.

**MOTION:** To dismiss case 2010-49 due to the expert reviewer’s inability to determine if the respondent is in violation of any statute. Dinkins/Love/approved.

The board recessed for lunch from 11:57 a.m. to 12:57 p.m.

- c. Office of Disciplinary Counsel - Mrs. Baldwin reported that there are 17 open cases in the Office of Disciplinary Counsel as of March 10, 2015. Four cases are pending board action and three Consent Agreements are pending signature from the board chair. Mrs. Baldwin added they are working to get rid of all older cases by the end of the year. Mrs. Baldwin noted all of the older cases are out of the Office of Investigations and are in the Office of Disciplinary Counsel and she is committed to getting those cases closed efficiently.

- d. Administrative and Financial Reports - Mrs. Miles reminded the board to file their Statement of Economic Interest forms. The deadline to do so is March 30, 2015. Mrs. Miles reported that as of March 5, 2015, there are 28,321 active licensee credentials. Since the January 2015 report, there have been 28 new in state engineers for a total of 5,082; 135 new out of state of engineers for a total of 10,358; two new out of state Surveyors for a total of 446; in state surveyors remain the same at 608. Mrs. Miles added that since implementation of the Early PE exam, the board has received 226 applications. Fifty three candidates have taken and passed the exam. Of the applicants approved for the April and October exams, the discipline breakdown was one chemical, 63 civil, nine electrical, one environmental, two fire protection, one industrial, 13 mechanical, and two nuclear. As of March 16, 2015, there are 2,181 COA's and 580 branches that have renewed and are current through March 2017. There are still 700 COA's and 290 branches that are active in renewal. Mr. Rickborn requested a written report of the number of candidates who have taken the FE last year compared to those that have taken it this year. Mr. Dinkins requested that in addition to reports on the number of early PE takers that a report on early PS takers is provided when that information is available. Mrs. Miles reported that the January 2015 cash balance was \$2,789,564.06. The February 2015 cash balance was \$2,797,860.00. The Education and Research Fund balance as of January 2015 was \$385,205.22, and \$392,845.22 as of February 2015.

#### **Funding Requests**

- a. Adam Jones, of SCSPE presented a funding request of \$2,200 for Disaster Assistance Program.

**MOTION:** To approve \$2,200 funding request for the SCSPE Disaster Assistance Program.

Mr. Rickborn requested a list of attendees be submitted to the board administrator for record keeping.

#### **Disciplinary Hearings**

- a. Alan Parham, of Parham Engineering Consultants, Inc. appeared before the board for a disciplinary hearing. Mr. Parham was represented by Travis Dayhuff, 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/Fallon/approved.

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

**MOTION:** Per section 40-22-250(A), it is determined that Mr. Parham of Parham Engineering Consultants, Inc. has not practiced engineering in South Carolina.  
Dinkins/Love/approved.

The board authorized staff to issue the Certificate of Authorization for Parham Engineering Consultants, Inc.

Mr. Love suggested that the Secretary of State's Office notify individuals that they must still apply for the Certificate of Authorization through the Board office upon receipt of their Certificate of Authority. Mr. Jennings asked Mrs. Miles if applicants are informed of this. Mrs. Miles said if the individual contacts the board office prior to completing the SOS application, they are notified of the correct procedures and they are also outlined on the board's website.

### Unfinished Business

- a. The board reviewed action items from the January 20<sup>th</sup> and February 17<sup>th</sup> meetings. Mr. Rickborn noted that most of the items on the report are addressed on the agenda. Mr. Rickborn asked Mr. Dinkins and Mr. Johnson for an update on the Deed-Survey Recording issue with SCDOT. Mr. Johnson reported that he has been in contact with Brian Keys and he has written a draft to present to his supervisor. Mr. Johnson added Mr. Keys plans to present the board with a formal agreement after it has been reviewed and approved by his supervisor. Mr. Rickborn asked that Mr. Johnson and Mr. Dinkins keep him updated on their findings.
- b. The board reviewed the spreadsheet for calculating fines.

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

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

**MOTION:** To continue developing spreadsheet for calculating fines and make new guidelines effective April 1, 2015.

- c. The board discussed drafting of the Successor Engineer/Surveyor Policy. Mr. Rickborn noted that at the previous meeting, it was decided that the policy be split in two different categories for Engineers and Land Surveyors. Mr. Rickborn noted that questions arose when he began working with the two separate policies. Mr. Rickborn added, at the previous meeting, Mr. Dinkins and Mr. Johnson had concerns with the proposed requirement that the successor surveyor contact the original surveyor to notify him/her of their intention to use the drawings. Mr. Rickborn referred to sections 49-305C and 49-420G. He added that he spoke with Mr. Jennings about (1) notifying a licensee of plans to take over their work; and (2) if it is violation of copyright to strip a name and/or title block off an original set of plans. Mr. Jennings added that statute cannot supersede copyright laws. He said that if it is a firm, then usually they own the drawings and an individual should get permission from the firm to use the drawings. Mr. Jennings added that if it is an individual who owns the drawings, then a person should go through the estate to be granted permission to use the documents. Mr. Jennings advised the board that in regards to copyright laws, it would be in the best interest for an individual to ask the owner of those documents for permission to use them. Mr. Rickborn added that he would continue to work on the policy.
- d. The board discussed the NCEES Southern Zone Meeting. Mr. Rickborn noted Wyoming's new comity requirements are an important issue that would be a topic for discussion at the upcoming meeting. He noted in Wyoming, applicants with a PhD. are not required to take

the FE or PE exams and may be granted PE licensure. Mr. Rickborn added that there was lengthy discussion on this at the BPA meeting with Oklahoma being strongly opposed to the policy. Mr. Love asked what the South Carolina board's position will be. Mr. Dinkins said that statutorily, they do not have the authority to follow Wyoming's guidelines. Mr. Dinkins added that he would adamantly oppose granting PE licensure to a PhD. applicant who has not taken the proper exams.

**MOTION:** To consider applicants who do not meet statutory requirements for licensure by comity on a case by case basis. Love/Johnson/approved.

Mr. Rickborn added that nationally the overall numbers for the first year of CBT exams are down, and NCEES is looking for ways to increase them and that will be a topic of discussion as well. Mrs. Hodge reported that she is in the process of contacting all of the boards to gain support for her candidacy as NCEES Southern Zone Vice-President. She will continue to make calls for support.

- e. Mr. Joe Jones updated the board on the Legislative process with proposed Senate Bills 410 and 408. Mr. Jones noted that the legislation has not been introduced to the House, after being advised by the LCI chairman to see how it progresses in the Senate. Mr. Jones added that he sent the proposed language to Nelson Hardwick to send through Legislative Counsel for introduction in the House. Mr. Jones said that he is aware of two letters of objection to certain parts of the bill by former board member Skip Lewis and the South Carolina Water Quality Association. Mr. Jones added he will be meeting with the LCI Senate staff to submit the amendments proposed by the Board in hopes that it will move forward. Mr. Jones noted that for the last two weeks, the SCSPE has been inviting engineers to the State House on Wednesday. He added that during this time, engineers have been meeting with their Senator, House Members, and members of the LCI committee. He said the next meetings are scheduled for Wednesday, March 18, 2015. Mr. Jennings asked the board for authorization to work with Mr. Jones and the Senate LCI committee regarding formatting issues with the proposed bill.

**MOTION:** To authorize Mr. Jennings to work with Mr. Jones and the Senate LCI committee regarding formatting issues with proposed Senate Bills S.410 and S.408. Love/Dinkins/approved.

Mr. Jones said that his only concern is the NCEES Education Standard noted in Mr. Lewis' memorandum of objection. Mrs. Hodge added that in March 2013, Mr. Lewis sent an email to the board addressing these concerns and at that time, the board discussed it and decided not to address his comments. Mr. Jennings noted that the board should receive Mr. Lewis' memorandum as information only. Mr. Dinkins added that NCEES has wrestled with changes in Model Law concerning what their standards are. He noted at this time, the board has not found any opposition to the NCEES Education Standard.

**MOTION:** To use Mr. Skip Lewis' memorandum dated February 18, 2015 as information and not act on it at this time. Dinkins/Hodge/approved.

Mr. Love suggested the board take a position on the proposed NCEES Standard, should the issue arise. Mr. Jones suggested that a board member who is familiar with the issue be



prepared to speak on the board's position. Mr. Rickborn asked if Dr. Castro should examine the new policies. Mr. Dinkins said he does not think so, and that the new standard puts less emphasis on humanities. Mr. Dinkins volunteered to speak on the board's behalf, should the issue arise.

#### New Business

- a. The board discussed the appeal of Matthew Cooke in Executive Session.

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

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

- b. The board discussed the transition of the PS exam to CBT effective October 1, 2016. Mrs. Miles advised the board that a plan for administering the State Specific Exam should be established upon the transition. She added that since there are so few applicants for the exam, the exam can be administered at the board office. Mr. Dinkins added that administering the exam at the board office will be a feasible option and should be the plan moving forward.

Mr. Cleveland left the meeting at 1:45 p.m.

- c. The board discussed the State Specific Surveyor Exam in a previous Executive Session.
- d. The board discussed proposal of an Undergraduate Education Enhancement Grant. Dr. Fallon noted there has been a lengthy discussion of the use of Education and Research funding to provide scholarships to undergraduate students. He suggested the board redirect their focus to the possibility of providing grants to enhance education of undergraduate engineering programs. Dr. Fallon added that providing scholarships affects only a small number of students, whereas providing equipment or department needs through an education enhancement grant benefits many more. Dr. Fallon suggested that in order to qualify for the grant, Deans of the undergraduate EAC/ABET accredited programs would have to submit a request with a plan on how the funds would be used. Mrs. Hodge said that she likes that idea, but her concern is who would evaluate the requests, and how often the institutions would be awarded the grants. Mr. Johnson said his concern would be making sure both the engineer and surveying programs benefit from the proposed grants. Mr. Love added it can be handled fairly if the board is judicious in the selection process. Mr. Johnson recommended that school officials should be made aware that the proposed grants are for both engineering and surveying programs. Dr. Fallon volunteered to come up with an outline with suggestions of the institutions that should be included to present at the next meeting.
- e. Mrs. Hodge said she received an inquiry from an individual at SCDOT about Category B licensure and the 2020 expiration date. Mrs. Hodge suggested notifying Category B licensees of the upcoming expiration. Mr. Rickborn said that it is good idea so that they are aware. Mr. Love suggested waiting a couple of years before taking action, but it is imperative that these licensees are made aware of the expiration date.

**Notice of Next Meeting**

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Wednesday May 27, 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. Fallon/Hodge/approved.

The meeting adjourned at 3:15 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Britton S. Jenkins". The signature is written in a cursive style with a large initial "B" and a long horizontal stroke at the end.

Britton S. Jenkins, Program Assistant