

MINUTES
South Carolina Board of Registration for Professional Engineers and Surveyors
9:30 a.m., January 15, 2019
Synergy Business Park, Kingstree Building
110 Centerview Drive, Conference Room 105
Columbia, SC

Call To Order

Chairperson Dinkins called the meeting to order at 9:38 a.m.

Statement of Public Notice

Chairperson Dinkins stated that public notice of this meeting was properly posted at the South Carolina State Board of Registration for Professional Engineers and Surveyors Office, Synergy Business Park, Kingstree Building, on the Board's website, 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 Gene L. Dinkins, PE, PLS, Chairperson; Dr. Johnston Peeples, Ph.D., PE, Vice-Chairman; J. Baker Cleveland, III, Secretary; Dr. Dennis J. Fallon, Ph.D., PE; Timothy Rickborn, PE; Jimmy Chao, PE; Henry Dingle, Jr., PLS; and D. Mack Kelly, Jr., PE, PLS.

Staff members present included: Lenora Addison-Miles, Administrator; Elaine Belton, Program Assistant; Stacey Hewson, Esq., Advice Counsel; Rodney Pigford, Kathy Meadows, and Sharon Cooke, Office of Investigations and Enforcement; Donnell Jennings, Esq., and Erin Baldwin, Esq., Office of Disciplinary Counsel.

Others present included: Adam Jones, Allison King, James Miller, Dilip Khatri, Edwin C. Ackerman, Adam Murray, Melissa Blackwell (Creel Court Reporting), Christina Joseph, Sean Higgins, Terrell Parrish, and Bill Carey.

LLR Director, Emily Farr

Ms. Farr introduced herself, welcomed everyone to the meeting and thanked the members for their service. Members were encouraged to contact her with any concerns.

Approval of Meeting Minutes

The board reviewed the minutes from the November 13, 2018 meeting.

MOTION: To approve minutes. Rickborn/Peeples/approved.

Approval of Excused Absences

All members present.

Review and Approval of Agenda

MOTION: To approve agenda. Fallon/Rickborn/approved.

Reports

- a. Mr. Pigford presented the OIE report. Mr. Pigford noted from January 1, 2018, through December 31, 2018, 22 cases are active investigations, 12 cases have been closed and 12 were designated as Do Not Open. Thirteen cases are pending board action.
- b. Mr. Pigford presented the January 8, 2019 IRC report. The IRC recommended ten cases for dismissal, four cases for formal complaints, and one case for a letter of caution.

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

MOTION: To exit executive session. Chao/Rickborn/approved.

MOTION: Approve IRC report. Rickborn/Fallon/approved.

- c. Mr. Jennings presented the ODC report. As of January 15th, there were 17 open cases, nine are pending actions, seven are pending agreements, and one is pending board action. As of November 1, 2018, one case has been closed. Mr. Jennings requested clarification from the board on the use of drones, which will be discussed in agenda item 14c.
- d. Mrs. Miles presented the Administrative and Financial reports. Mrs. Miles noted as of January 3rd, there were a total of 17,085 engineers, 972 surveyors, 123 dual licensees, and 11 associate PE's current through 2020. There were a total of 3,325 firms and 1,018 branches current through March 31, 2019. Firm license renewal notices were sent on January 7th. Meeting materials also contain information regarding the number of in-state and out-of-state early PE/PS exam candidates and the results of the October 2018 PE and SE exam. As of January 3rd, NCEES CBT Summary for the current testing window, showed 125 FE exams were scheduled, two FS exams were scheduled, two PE chemical exams were scheduled, and one PS exam was scheduled. For the October thru December testing window, 190 FE exams were delivered and five FS exams were delivered. We have received 1,536 Early PE exam applications and 943 have passed the exam. There have been seven Early PS applications and four have passed. The November cash balance report reflected a balance of \$3,687,787, and the Education and Research Fund balance was \$483,188.22. The mileage rate increased, effective January 1st, to 58 cents per mile. LLR will be updating their secure website to increase security. There will be a new link, but the current user ID and password will still work. As we transition the board to the new site, prior to the March meeting, members will receive a link for testing to ensure you can access the site and draft materials that will be posted there. Mr. Rickborn requested the early exam application report contain yearly information to track how many applications are received each year. Mrs. Miles will check with the IT department.

Funding Requests

- a. The board reviewed a request for \$9,000 for the ACEC-SC/SCSPE Winter Meeting to be held February 12, 2019.

MOTION: To approve request. Baker/Peeples/approved.

- b. The board reviewed a request for \$25,000 for the SCSPLS 2019 Convention and Technical Conference to be held February 28 – March 1, 2019.

MOTION: To approve request. Dingle/Kelly/approved.

Disciplinary Hearings

- a. Dilip Khatri appeared before the board for a disciplinary hearing in case #2018-25. Mr. Khatri requested to withdraw the MOA, and he does not waive his right to counsel. He has retained counsel and wants to defer the matter. This matter was recorded by a court reporter to provide a verbatim script should one be necessary.

MOTION: To defer case as requested. Peeples/Fallon/approved.

- b. James T. Miller appeared before the board for a disciplinary hearing in case #2017-23. Mr. Miller 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. Mr. Chao was recused from this hearing.

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

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

MOTION: Accept MOA. Pay investigative costs, license is suspended for a period of not less than two years; must complete ethics coursework required by the WV board prior to applying for reinstatement. Rickborn/Fallon/approved.

The Board recessed for lunch from 12:11 p.m. until 12:45 p.m.

Application Hearings

- a. Edwin C. Ackerman appeared before the board for an application hearing. Mr. Ackerman 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. Dr. Fallon noted for the record Mr. Ackerman was his former student. There were no objections to Dr. Fallon participating in the hearing. Due to sensitive medical information, the hearing was closed to the public.

MOTION: To approve applicant to retake the PE exam. Peeples/Fallon/approved.

- b. Adam Murray appeared before the board for an application hearing. Mr. Murray 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 approve re-exam request. Fallon/Chao/approved.

Unfinished Business

- a. The Board reviewed the action items from the November 13, 2018 board meeting. Dr. Peeples will work on the approved four-year curriculum for surveyor education. The draft document of items that should not be added to surveys will be placed on the agenda for the SCSPLS meeting. David Blackwell is working on the clarification policy from the Office of the State Fire Marshall,

and hopes to have something for the March meeting. Dr. Fallon will contact Mr. Sayle Lewis and provide him with the NCEES digital models and electronic data policy. Mrs. Hewson and Mr. Dingle will work on the data collection/wetlands policy. Mrs. Hewson will check with LLR management regarding the surveyor education consultant contract. The Board would like to utilize the consultant to review the four-year education as well as the 12 hours of surveying/mapping. The consultant will be paid \$200 per evaluation. Mr. Rickborn will continue to discuss the concerns with the MLE records with NCEES.

- b. Christina Joseph and Sean Higgins (Midlands Technical College) presented information regarding the proposed curriculum for a Surveyor Fundamentals Certificate program. MTC is committed to ensure all courses outlined in the certificate program will run every year, regardless of enrollment numbers. Once successfully established, MTC will help other technical colleges in the state to develop similar programs by sharing their curriculum. Major course requirements are CET 105 (Surveying I), CET 205 (Surveying II), CET 251 (Highway Design), EGT 151 (Introduction to CAD), which will satisfy the 12 credit hours of surveying; two additional electives, MAT 110 (College algebra), and an approved engineering or science elective. Chairman Dinkins indicated the board would entertain the idea of trying to provide assistance through the Education and Research Fund. MTC will provide the board with financial information in regards to sponsoring a scholarship.

MOTION: To approve curriculum to meet the 12-hour education requirement for surveyors certificate program. Chao/Dingle/approved.

New Business

- a. Mr. Terrell Parrish addressed the board regarding what an individual could do in retired status. Chairman Dinkins indicated that a retired PE can work under a licensed engineer, but with no supervisory responsibilities. The board agreed that Mr. Parrish would be no different from anyone who was never registered. A retired engineer cannot be in responsible charge of any engineering work.
- b. The Board reviewed applications from Kevin Krick and David Simms, to fill one vacant PE position on the Investigative Review Committee. Both applicants have served on portfolio review committees. Mr. Dingle recused himself from voting on this matter because he and Mr. Krick work for the same firm.

MOTION: To approve Kevin Krick to serve on the IRC and David Simms will be a second alternate. Fallon/Rickborn/approved. Dingle abstained.

- c. The Board reviewed an inquiry from Henry Walker regarding the use of drones for surveying. Chairman Dinkins explained that the board does not license drones. The Board does not regulate drones or tools. The board licenses engineers and surveyors. Taking a photograph is not photogrammetry. Photogrammetry is a licensed practice; a series of photographs, overlaps, scaling measurements to create contours, etc. According to the definition, photogrammetry uses two or more photographs or images of the same area from the ground. The images are displaced by baseline to allow the user to use triangulation to discern elevation. If a person is doing this, then the person needs to be licensed. Because a person is a photogrammetrist doesn't give the person the right to hand off information to anybody; the person has to be a

photogrammetric surveyor. However, drones used just to take photographs are acceptable. Mrs. Hewson and Mrs. Miles will draft a response to Mr. Walker.

- d. The NCEES Southern/Western Interim Zone meeting will be held in Boise, ID, May 16-18, 2019. Dinkins and Rickborn are funded by NCEES. NCEES will also fund three delegates and the administrator.

MOTION: Peoples, Dingle, Chao and Miles will be the NCEES funded delegates. Request LLR to fund Cleveland, Fallon and OAC or ODC attorney, or investigator.
Cleveland/Rickborn/approved.

Mr. Chao left the meeting at 2:38 p.m.

MOTION: To approve one person to attend the Colonial States surveying meeting in May.
Rickborn/Fallon/approved.

- e. The Board reviewed a request for clarification regarding the Successor Engineer/Surveyor Policy. Regulation 49-207C.(4) states, "Additions, deletions or other revisions to sealed documents shall not be made, unless such changes are sealed, dated and signed by the licensee who made the revisions or under whose directions and control said revisions were made." After review and discussion of the policy, the board determined the wording should indicate "a minor revision to a minor portion of a larger set of plans can be done by a different professional engineer by documenting what has changed, certifying those changes only, signing and sealing the document." Mrs. Hewson will prepare a draft policy for review at the next meeting.
- f. Mrs. Miles reminded members that 2019 Statement of Economic Interest Reports must be filed electronically with the State Ethics Commission by March 30th. Individual travel reimbursement forms will be emailed once they have been provided by LLR Finance.
- g. Chairman Dinkins indicated he was contacted by Dick Cottingham regarding providing special exam accommodations for university professors. Mr. Cottingham thinks it is a discouragement to faculty members to take the licensure exam with their students. He would like the board to endorse the idea of separate rooms for faculty members to take the exam. It is the board's opinion that this is an issue for NCEES.

MOTION: Special accommodations regarding exam takers is for the proctoring agency and not the board. The Board will not get involved and will take no action.
Cleveland/Kelly/approved.

Other Business

No other business was discussed.

Public Comments

Adam Jones advised the members of House Bill 3263 that was introduced. The Bill would enact the "Armed Service Members and Spouses Professional and Occupational Licensing Act." Adding Section 40-1-625 to exempt armed service members stationed in this state and their spouses from licensure for professions and occupations regulated by boards and commissions administered by LLR in certain

circumstances. The Board asked Mr. Jones to monitor this legislation and report back at the next meeting.

Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, March 19, 2019, 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.

MOTION: To adjourn. Fallon/Kelly/approved.

The meeting adjourned at 3:11 p.m.

Respectfully Submitted,

Elaine W. Belton
Program Assistant