

MINUTES
South Carolina Board for Registration of Professional Engineer and Surveyors
9:30 a.m., July 15, 2014
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 105
Columbia, SC

Call To Order

Chairperson Rickborn called the meeting to order at 9:33 a.m.

Statement of Public Notice

Chairperson Rickborn stated that public notice of this meeting was properly posted at the South Carolina Board of Registration for professional Engineers and Surveyors, Synergy Business Park, Kingstree Building, and provided to all requesting person, 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; Theresa Hodge, PE; Nancy W. Cottingham, and Jeffrey Mulliken, Ph.D, PE.

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

Others present included Adam Jones, Joe Jones, Greg Crusco, Ashokbhai Patel, Roger Nutt, Ed Owens, Michael Smith, George McCall, and Nadine Garrett (Creel Reporting).

Approval of Meeting April 8, 2014

Mrs. Hodge noted Mr. Pat Gambill's name was spelled incorrectly on page one. Dr. Fallon added that a reference to Mrs. Hodge should be added on page two.

MOTION: To approve minutes with suggested changes from Dr. Fallon and Mrs. Hodge. Love/Hodge/approved.

Review of Agenda

Chairperson Rickborn asked if there were any proposed changes to the agenda for the July 15, 2014 meeting. There were none.

MOTION: To approve the agenda for the July 15, 2014 meeting. Love/Fallon/approved.

Reports

- a. Office of Investigation and Enforcement Report – Mrs. Wolfe reported there were 25 cases that have been received through July 8, 2014. The oldest active case is 629 days and it should be completed soon. A total of 24 cases have been closed since January 1, 2014. Four

cases were “do not open” cases and 20 were regular cases. Mrs. Wolfe requested approval of the IRC report. Mr. Rickborn asked for clarification on one case recommended for dismissal which pertained to a construction company providing contracting services. Mrs. Baldwin explained, the company was not providing engineering services, but hired an engineer to provide services as an independent consultant.

MOTION: To approve the IRC report. Dinkins/Fallon/approved.

- b. Investigative Review Committee Report – Mrs. Baldwin reported that since the last meeting, she went back and drafted some disciplinary parameters of Consent Agreements at the Board’s request. Mrs. Baldwin said that it was a collaborative effort with the Office of Disciplinary Counsel, Advice Counsel, Administrator, Chief Investigator, and professional members from the Investigative Review Committee. Mrs. Baldwin reported staff reviewed every case closed with the Board from January 2011 through June 2014 to capture cases that were fairly consistently seen. Mrs. Baldwin said they wanted to be clear on categorizing the violations. She suggested that the Board give guidelines on what is considered a first offense to guide the IRC. Mr. Love asked how many times there was a requirement for ethical PDH’s when an ethical violation occurred. Mrs. Baldwin said none, and that she feels it is important that ethical courses be included in the Consent Agreements, but it is at the discretion of the Board to set those parameters. Mr. Love said that there should be an assignment of an ethical course if there is an ethical violation. He explained that many States require ethical courses as a requirement to renew licensure, and suggested the board seriously consider this action. Mr. Dinkins suggested that the Board take the draft into advisement and discuss it in detail at the next meeting. He commented that the violation of unethical/unprofessional conduct covers a broad range of things, and the fine amounts for that violation and the violation of Plan-Stamping should be re-evaluated. Mrs. Hodge said that the word fraudulently should be taken out and replaced with firm license and or individual license. Mr. Love suggested that there be a special meeting to discuss this topic since it is so in-depth. Mr. Rickborn agreed and suggested the Board hold a two-day board meeting in September. Mrs. Miles said that she would check on the availability of the meeting rooms and schedule an extra meeting date accordingly.
- c. Office of Disciplinary Counsel Report – Mrs. Baldwin reported that there are three cases open in the Office of Disciplinary Counsel. Three cases have been closed since April 21, 2014. One case is pending an expert reviewer, and two cases are pending Consent Agreements or Memorandums of Agreement.
- d. Administrative Reports – Mrs. Miles reported that since the beginning of renewals in April, 14,589 licenses have been renewed online and 1,410 licensees are active in renewal. The final renewal reminders were being sent out in the current week. Board members were sent an email regarding Fall ABET visits which will be conducted at the College of Charleston, The Citadel, and USC Spartanburg. She asked that any board member interested in observing should let her know as she has to contact the team chairs no later than August 31, 2014. Mr. Love has previously expressed interest in observing The Citadel visit. Mrs. Miles reported that the Board members were sent an email on July 9, 2014, regarding accessing the LLR board member website. The site contains forms, travel information, legislation, board member listings, meeting dates, and the board member orientation manual. The April 2014

exam results statistics were emailed to the board on July 6, 2014. The proposal to add Chapter 10, LLR Fees, to the SC Code of Regulations passed and became effective July 1, 2014. The new regulation will result in a reduction in renewal fees for this board. The COA renewal fee reduction will be implemented with the March 2015 renewals. The individual renewal fee reduction will be implemented with the next renewal cycle in 2016. The new individual biennial renewal fee will be \$85 and \$170 for dual licensees. The new COA renewal fee will be \$75. Mrs. Miles reported that the Board received a thank you card from Dan Turner for hosting a “superb” NCEES Southern Zone Meeting. The May cash balance was \$2,233,538.96. The Education and Research balance was \$314,782.00. Mrs. Hodge asked when line item charge percentages were adjusted. Mrs. Miles said they are adjusted annually.

Review of Licensure Recommendations

- a. One candidate, Robert William Pearson (Civil) was recommended for licensure by the Portfolio Review Committee. Dr. Fallon chaired the committee.

MOTION: To grant PE licensure to portfolio review candidate. Fallon/Hodge/approved.

Education and Research Funding Requests

- a. Joe Jones presented a funding request in the amount of \$25,000 for the South Carolina Engineering Conference and Trade Show.

MOTION: To approve the \$25,000 funding request for the South Carolina Engineering Conference and Trade Show. Hodge/Fallon/approved.

Disciplinary Hearings

- a. Gregory Crusco of Mechanical Advantage appeared before the board for a Memorandum of Agreement for reinstatement of Certificate of Authorization. Mr. Crusco was not represented by Counsel. Erin Baldwin, Esq. represented the State. This matter was recorded by a court reporter to produce a verbatim transcript should one be necessary.

MOTION: Accept the Memorandum of Agreement with a fine of \$1,462.50. Hodge/Dinkins/approved.

MOTION: Approve the reinstatement of the Certificate of Authorization as of the date the fine was paid. Dinkins/Love/approved.

- b. Roger Nutt of TNC Engineering appeared before the board for a Memorandum of Agreement for reinstatement of Certificate of Authorization. Mr. Nutt was not represented by Counsel. Erin Baldwin, Esq. represented the State. This matter was recorded by a court reporter to produce a verbatim transcript should one be necessary.

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

MOTION: To exit executive session. Hodge/Cottingham/approved.

MOTION: To accept Memorandum of Agreement with a \$500 fine and public reprimand. Dinkins/Johnson/approved.

Mr. Nutt inquired about the possibility of expungement of this order, and was informed he could apply for expungement in the future if that is his desire.

Application Hearings

- a. Jerome Redmond appeared before the board for an application hearing for Professional Engineering licensure in South Carolina by comity. Mr. Redmond was not represented by counsel. This matter was recorded by a court reporter to produce a verbatim transcript should one be necessary.

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

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

MOTION: To grant Mr. Redmond a Professional Engineering licensure by Comity. Dinkins/Fallon/approved.

- b. Mr. Jerrold Anderson of Jerry Anderson, PLS, LLC appeared before the board for an application hearing for a Certificate of Authorization in South Carolina. Mr. Anderson was not represented by Counsel. This matter was recorded by a court reporter to produce a verbatim transcript should one be necessary.

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

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

MOTION: To issue Certificate of Authorization upon receipt of \$500 fine, and public reprimand. Johnson/Hodge/approved.

The board recessed for lunch from 11:48 a.m. to 12:30 p.m.

- c. Mr. Ashokbhai Patel appeared before the board for Professional Engineering licensure in South Carolina by comity. Mr. Patel was not represented by counsel. Mr. Robert Searcy, PE., served as a witness via telephone conference. An affidavit of Identity was requested to be completed by Mr. Searcy and sent to the board via mail. This matter was recorded by a court reporter to produce a verbatim transcript should one be necessary.

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

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

MOTION: To grant Mr. Patel a South Carolina Professional Engineering License by Comity. Dinkins/Fallon/approved.

- d. Mr. Michael Smith appeared before the board for an application hearing for Professional Engineering licensure by Comity. Mr. Smith was not represented by Counsel. This matter was recorded by a court reporter to produce a verbatim transcript should one be necessary.

MOTION: To deny Professional Engineering licensure by Comity. Mr. Smith does not meet the SC educational requirement. Dinkins/Love/approved.

- e. Mr. David Myers appeared before the board for an application hearing for Professional Engineering licensure by Exam. Mr. Myers was not represented by Counsel. This matter was recorded by a court reporter to produce a verbatim transcript should one be necessary.

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

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

MOTION: To allow Mr. Myers to sit for the Principles and Practice of Engineering Exam. To be granted licensure, Mr. Myers must still obtain four years of additional work experience. His current experience is not accepted.

Application Reviews

- a. Robert Crawford (FE Waiver) – The board reviewed an application for an FE waiver for Mr. Crawford. Mr. Crawford was not in attendance and not represented by counsel.

MOTION: To grant FE waiver. Love/Dinkins/approved.

Unfinished Business

- a. The board reviewed action items from the April 8, 2014 meeting. Mr. Rickborn noted that the incomplete items on the report were on the agenda as unfinished business.
- b. The board discussed the Portfolio Review Process. Mr. Mitchell Tibshrary was unable to attend, but provided a written statement regarding the Portfolio Process. Mr. Dinkins noted the Portfolio Review Process was always set to expire in 2020. This deadline was to give those who had received, or were in the process of receiving a TAC degree adequate time to obtain licensure. Mr. Dinkins urged the board to continue with the process until the 2020 expiration date and at that time, go back to the EAC educational requirement. Mr. Love requested that the topic of the proposed special modifications to the Statute be added to the special meeting agenda to discern the position of the board on those items.
- c. Mrs. McCarthy reported that under the Uniform Electronic Transactions Act and the Uniform Real Property Electronic Recording Act, her opinion is that electronic submissions are here to stay. Despite the fact that the statute may require, in at least one particular provision, that an impression seal be used to file a plat with a clerk of court, due to the Real Property Electronic Recording Act, Clerks of Court and governmental entities are allowed to accept plats electronically, if they choose. Mrs. McCarthy stated this covers all types of drawings and that the same information must be included in both the paper and electronic submissions. Mr. Dinkins thanked Mrs. McCarthy for doing research on the topic and providing the board with requested information. Mr. Rickborn asked if there was a way to get the commentary posted on the Board website as a frequently asked question. Mrs.

McCartha said that it was not out of the question to do so. Mr. Rickborn asked Mrs. Miles to follow up with the new Advise Counsel on posting the requirements on the website.

- d. Mrs. McCartha reported she had one conversation with the SCDOT since the last meeting and they reported that they did not think they could realistically, under their constraints and budget, perform individual surveys for the right-of-way. Mrs. McCartha is under the impression that they would still like to work with the Board to come to an agreement. She said that she has briefed Mrs. Darra Coleman, so that she is updated on the issue from this point forward. Mrs. Hodge said this is not just about the SCDOT and how they do their plats, but counties in South Carolina as well. Mrs. Hodge said that counties are taking drawings from engineers and defining stations, offsets, and easements based on those engineer drawings. Mr. Dinkins said he does not want to see this topic die, and would like to invite SCDOT to the next board meeting for a discussion on what has been done to bring everything into compliance. Mrs. Hodge asked how they should address the counties. Mr. Dinkins said that one at a time would be the best approach.

New Business

- a. Mr. Rickborn asked for a board member to serve as reviewer of the Continuing Education audit. Mr. Fallon volunteered to serve. Mr. Johnson volunteered to serve as a reviewer for surveying, if needed.
- b. Mrs. Hodge asked if documented time spent at trade show booths could be counted as continuing education credit. Mrs. Hodge said this question was asked at the South Carolina Engineering Trade Show. Time spent at trade show booths would not be immersive enough and should not count as continuing education hours. The purpose of continuing education hours is to help an individual grow and gain more knowledge. There is no real way to document the time spent. The board agreed that time spent at trade show booths would not suffice for continuing education credit.
- c. Mrs. Miles reported the Office of Investigations and Enforcement is requesting three to four Land Surveyor expert reviewers in different areas of the state. Mr. Dinkins and Mr. Johnson said they would work on getting those reviewers.
- d. Mrs. Miles reported the board delegate form for the NCEES Annual Meeting has to be completed. Mr. Rickborn suggested that the new advice counsel attend the NCEES annual meeting, if available. The board reviewed the proposed motions to the NCEES Bylaws. Mr. Love expressed concern regarding the inconsistencies in the language regarding protecting the health, safety, and welfare of the public. Mr. Love suggested that this issue be brought up at the meeting if it is not corrected before. Mr. Dinkins said the intent is to have uniformity. Mr. Dinkins referred to a motion regarding national exams offered to a foreign entity. The motion allowed the Board of Directors to authorize computer-based exams to be administered at a NCEES-approved test site. Mr. Dinkins feels the decision should be made by the entire Council and not just the Board of Directors. He encouraged the board to take no action on the proposed motion. Mr. Dinkins also encouraged the board to oppose the proposal that says to be a Model Law Surveyor one must have a four-year degree.
- e. Mr. Rickborn suggested that the Statute and Regulation changes regarding manual approvals and CBT be moved to the next meeting. The board agreed.

- f. Mr. Rickborn reported that he has not heard anything from the Building Officials in conjunction with the Board of Architectural Examiners, Building Codes Council, and the Board of Professional Engineers and Surveyors Joint Task Force. A future meeting will be scheduled upon further information from the Building Codes Council.
- g. Mr. Rickborn asked if an application for PE exam is received by the board and it is determined that the applicant does not have the four years of professional experience, but does meet the educational requirements, should the applicant resubmit an Early PE Examination Prior to Experience Application. Mr. Dinkins said that applicants should complete the Early PE Exam Application if they do not have the required years of experience. If applicants do not have the four years of experience, they should not submit a PE by Exam application. If staff receives an application and the applicant does not meet the experience requirement, they should withdraw the application and request the applicant submit an Application for Early Admittance to the PE exam. Mrs. Miles asked if candidates without an EAC/ABET accredited degree would be eligible for early examination with an education evaluation. Mr. Dinkins said that only individuals with EAC/ABET accredited degrees would be eligible for the early PE exam.
- h. Mrs. Hodge reported she learned that the state of South Carolina will not approve travel reimbursement for any tips and gratuity without a receipt.
- i. Mr. Dinkins said he received an email from the department head of the Land Surveyor curriculum of South Carolina State University inquiring about assistance from the Board to help improve enrollment in the program. Mr. Dinkins asked if the board could possibly offer a scholarship from the Education and Research fund. Mr. Dinkins said he knows that there is an application process for funding from the Board, but to his knowledge, that is only for events. Mrs. McCartha said she is not sure if the same application process could be used for scholarship funding. Mr. Rickborn noted that if they made that opportunity available to South Carolina State University, they would have to make the same opportunities available to other colleges and universities in the State. Mr. Rickborn asked if the money from the Education and Research fund could be used to fund other entities in that capacity. Mrs. McCartha said that she did not know. Mrs. Miles referred to the South Carolina Code of Laws §40-22-245 states the purpose of the fund is for the advancement of education and research for the benefit of individuals and firms licensed and those in training to become licensed, analysis and evaluation of factors that affect the engineering and surveying professions in this State and activities that support the initiatives of the board. Mr. Dinkins said that if the Board was trying to promote surveying licensure, all of those points would apply. Mr. Dinkins said there is a shortage of surveyors, and that South Carolina State needs students, funds, and revenue. He believes it is in the Board's discretion to approve funding if requested. Mr. Fallon suggested that funding the department would be a better alternative to providing a scholarship and added that a scholarship would only benefit one person, whereas equipment would benefit many students. Mrs. Hodge suggested that the Board reach out to all the colleges and universities in the State, not just one. Mr. Dinkins suggested that the Board reply back to South Carolina State and ask them to submit their curriculum to the Board and if it measures up to the Board's standards, they would consider assistance for departmental needs. He added that this process could be the same for all institutions in the

State. Mr. Rickborn added again that his only concern would be if the Education and Research Fund could be used for funding other entities. Mrs. McCartha said that she would have to look into that. Mr. Fallon said that he would see a scholarship being a potential problem, but not equipment. Mr. Dinkins said that he would reply back to South Carolina State and ask them to submit their curriculum, and if it satisfies the requirements for licensure, the board would consider a request for funding of equipment.

- j. Mrs. Miles asked if a parent company and a branch company could have the same engineer listed as the professional in responsible charge. Mr. Dinkins answered no.

Other Business

- a. Mrs. Hodge received an email from Mr. McCarter requesting that hard copies of plans submitted for portfolio reviews be mailed instead of sent electronically. Mr. Rickborn added it is hard to review large scale plans that are scanned down to size. Mrs. Miles said Mr. McCarter's request has been forwarded to management and is being reviewed.

Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held tentatively on Tuesday, September 23, 2014 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. Mrs. Miles will schedule the additional meeting for Monday, September 22, 2014 or Wednesday, September 24, 2014 based on conference room availability.

There being no further business:

MOTION: To adjourn. Dinkins/Johnson/approved.

The meeting adjourned at 2:50 p.m.

Respectfully Submitted,

Britton S. Jenkins, Program Assistant