

**MINUTES**  
**South Carolina Board for Registration of Professional Engineer and Surveyors**  
**9:30 a.m., November 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 9:43 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; John P. Johnson, PE, PLS, Secretary; Gene L. Dinkins, PE, PLS; Miller L. Love, Jr., PE; Theresa Hodge, PE; Dr. Johnston Peeples, Ph.D., PE; and John Baker Cleveland, III. Dr. Dennis Fallon, Ph.D., PE, Vice-Chairman, could not attend due to illness.

Staff members present included Lenora Addison-Miles, Administrator; Britton Jenkins, Program Assistant; Tracy Gunter, Program Assistant; Donnell Jennings, Esq., Advice Counsel; Erin Baldwin, Esq., Office of Disciplinary Counsel; Tracy Pearlman, Esq., Office of Disciplinary Counsel; Holly Beeson, of LLR Office of Communications and Governmental Affairs; Charles Ido, LLR Assistant Deputy Director; Alice Douglas, Office of Disciplinary Counsel; and Sharon Wolfe, Office of Investigations and Enforcement.

Others present included: Melvin C. Williams, Robyn Madden, Michael Howard, Adam Jones, Joe Jones, Brian Bonds, Marguerite McClam, K. Michael Raby, Rick Wilson, Jesse Burke, C. Jason Johnston, James Gilfillan, and Bruce Sanders.

Charles Ido, Assistant Deputy Director of LLR, announced that he will be retiring December 31, 2015. Mr. Ido expressed great appreciation from the things he has learned from his career at LLR. Mr. Ido added that it has been a pleasure working with the board. The board congratulated Mr. Ido on his retirement, and thanked him for his hard work and service over the years.

**MOTION:** To draft a resolution for Mr. Charles Ido thanking him for his service to the Board.  
Love/Dinkins/approved.

**Approval of Meeting Minutes**

The board reviewed minutes from the September 15, 2015 board meeting.

**MOTION:** To add "by telephone" to page 3. Sentence should read, "Darryl Wandry and Kurt Messerli appeared before the board, by telephone, on behalf of Mazzetti, Inc. for an Application Hearing for COA licensure."

**MOTION:** To change next meeting date on page 6 from "January 26, 2016" to "November 17, 2015."

**MOTION:** To approve minutes with proposed amendments. Hodge/Love/approved.

### **Review and Approval of Agenda**

The board reviewed the agenda. No changes or amendments were made.

**MOTION:** Approve Agenda for November 17, 2015 meeting. Love/Hodge/approved.

### **Executive Session**

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

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

### **Reports**

- a. Office of Investigations and Enforcement - Mrs. Wolfe reported that there were at total of 42 complaints received since January 1, 2015 through November 9, 2015. Eighteen cases are active investigations and 39 cases have been closed. Mrs. Wolfe added that 15 of those closed cases have been classified as "do not open".
- b. Investigative Review Committee Report- Mrs. Wolfe presented the November 6, 2015 IRC report. Case 2015-15 was recommended for Dismissal. Case 2015-7 was recommended for a Formal Complaint. Cases 2015-10, 2015-14, and 2015-19 were recommended for Dismissal with a Letter of Caution.

**MOTION:** To accept the Investigative Review Committee Report. Johnson/Hodge/approved.

- c. Office of Disciplinary Counsel - Mrs. Baldwin presented the ODC report. Mrs. Baldwin reported that there are 17 open cases in the Office of Disciplinary Counsel. Eight cases are pending board action. Three cases are pending Consent Agreements. Two cases are pending final board order. Mrs. Baldwin reported that Tracy Pearlman, Esq. will continue to assist her with disciplinary matters with the board until further notice.
- d. Administrative and Financial Reports – Mrs. Miles reported that effective November 2, 2015, Tracy Gunter has accepted the position of Program Assistant with the board. She added that Ms. Gunter has over 24 years of state government experience and staff is happy to have her as an addition. Mrs. Miles reported that as of November 4, 2015, there were 29,201 active licensee credentials. She added that the CBT summary was included in the

board meeting materials which indicate the total of scheduled and delivered FE and FS exams. Mrs. Miles added that 375 applications have been submitted for the Early PE exam. 137 candidates have passed the exam; 182 candidates have failed; 56 candidates have been approved, but have not taken the exam. Mrs. Miles reported that there were 243 candidates approved for the October 2015 PE exam, one SE, and six State-Specific. Mrs. Miles added 119 FE CBT exams have been delivered. Mrs. Miles reported that as of August, 31, 2015, the board had a cash balance of \$2,589,431.76. The Research and Education balance as of August 31, 2015 was \$345,645.22. Mrs. Miles added that the Office of Business Services now has tablets available for board meetings. Board meeting materials will be loaded on the tablets for board member use. Mrs. Miles reported the board will begin using the tablets at the January 26, 2016 meeting. Mr. Love expressed concern regarding the increase of PE applications being submitted to board members for review. He added that he would like to see fair distribution of those applications. Dr. Peeples volunteered to receive applications for electrical and nuclear disciplines. Mr. Love added there have been very few FS and PS exams. He noted that he would like the board to offer suggestions of what can be done to encourage the profession of surveying. Mr. Dinkins said that he has ideas and would like to share them at the next board meeting.

#### **Funding Requests**

- a. Petrina Butler, of ASCE-SC presented a funding request, by phone conference for \$2,000 for the ASCE-SC Upstate Branch Annual Meeting.

**MOTION:** To approve the \$2,000 funding request for the ASCE-SC Branch Annual Meeting.  
Dinkins/Peeples/approved.

- b. Adam Jones, of SCSPE, presented a funding request for \$11,000 for the SCSPE Fall Symposium.

**MOTION:** To approve the \$11,000 funding request for the SCSPE Fall Symposium.  
Hodge/Dinkins/approved.

Mr. Johnson asked if there were any guidelines to determine a limit of funding that can be requested by organizations. Mr. Dinkins said that there are no guidelines in place. Mr. Rickborn suggested that it would be beneficial to the board if the secretary could review all funding requests prior to board meetings. Mr. Johnson agreed that this would be helpful.

**MOTION:** To allow the secretary of the board to review all funding requests, when submitted, prior to board meetings. Dinkins/Hodge/approved.

#### **Disciplinary Hearings**

- a. The disciplinary hearing for Mr. Daniel Dennis (Case 2012-21) was continued to the next board meeting, scheduled for January 26, 2016.
- b. Mr. Michael Howard (Case 2014-3) appeared before the board for a disciplinary hearing. Mr. Howard was represented by Robyn Madden, of Strom Law Firm. Mr. Rosser Baxter served as a character witness. This matter was recorded by a court reporter to provide a verbatim

script, should one be necessary. Board members Dinkins and Cleveland were recused from participating in the hearing.

**MOTION:** To close disciplinary hearing matter to the public due to public health records and HIPAA practices. Cleveland/Johnson/approved.

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

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

**MOTION:** To adopt Memorandum of Agreement as amended during hearing. Mr. Howard is ordered to enroll in the Recovering Professionals Program (RPP), with one year of drug monitoring. If he violates the one year monitoring agreement, he is subject to immediate administrative suspension of his PE license. Johnson/Love/approved.

The board recessed for lunch from 1:26 p.m. to 2:00 p.m.

The board presented Mrs. Hodge with a plaque of appreciation for her service as board member. Mrs. Hodge thanked the board for their token of appreciation and support during her tenure on the board.

- c. Mr. Kenneth M. Raby appeared before the board for a disciplinary hearing. Mr. Raby was represented by Andrea Brisbane. 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/Love/approved.

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

**MOTION:** To accept MOA as submitted. To revoke the PE license of Mr. Raby and issue a public reprimand. Mr. Raby is allowed to re-apply for licensure after five years of revocation. Dinkins/Love/approved.

Mrs. Hodge left the meeting at 2:40 p.m.

- d. Scott Agee of Agee Engineering appeared before the board, by telephone, for a disciplinary hearing. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

**MOTION:** To dismiss the disciplinary case based upon belief the work described does not constitute the practice of engineering as defined in Section §40-22-20. Dinkins/Love/approved.

Mr. Dinkins advised Mrs. Miles that applicant must continue with the application process with board staff to be issued COA or Temporary COA licensure.

- e. Mr. Stuart Singleton, of Pegasus TSI, Inc. appeared before the board, by telephone for a disciplinary hearing. Mr. Singleton was represented by Robyn Madden, of Strom Law Firm.

There were no witnesses. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

**MOTION:** To accept the facts of the MOA and stipulations as presented. Dinkins/Love/approved.

**MOTION:** To issue a Letter of Caution to Pegasus TSI advising of the laws and statutes regarding advertising of engineering services. Issue COA upon payment of fees.  
Dinkins/Johnson/approved.

### **Application Hearings**

- a. The application hearing for Carlos Valenzuela was continued to the next scheduled board meeting.
- b. Mr. James Gilfillan appeared before the board for an application hearing for licensure by exam. He was not represented by counsel. Mr. Charles Johnston served as a witness. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary. Mr. Gilfillan was advised to resubmit his work experience forms with more details and verified professional engineers.
- c. Mr. Curt LaCount appeared before the board, by telephone, for an application hearing for PE licensure by Comity. He was not represented by counsel and there were no witnesses. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

**MOTION:** To grant PE licensure by Comity granted all fee requirements are satisfied.  
Dinkins/Peeples/approved.

### **PS/SS Examination Request**

- a. Mr. Bruce Sanders appeared before the board to request approval to take the FS, PS, and SS exams. He was not represented by counsel. Mr. Charles Johnston served as witness. 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 allowed to participate.  
Dinkins/Johnson/approved.

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

**MOTION:** To allow Mr. Sanders to sit for the PS exam. Mr. Sanders' application was sent prior to the change in the law and approved with no expiration date. Mr. Sanders is allowed to take the FS exam by June 30, 2016. Mr. Sanders will have one opportunity to take the exam. And is required to submit sufficient evidence of coursework of study satisfactory to the board by March 30, 2016 prior to being allowed to sit for the exam. Cleveland/Johnson/approved.

### Unfinished Business

- a. The board reviewed action items from the September 15, 2015 board meeting. Mr. Rickborn asked about the status of the second portfolio reviews of Mr. Eric Hoover and Mr. Enrique Martinez. Mrs. Miles reported that a committee was attempted for November, but not enough members volunteered to serve. She added that staff will attempt to schedule a meeting for December.
- b. Mrs. Miles reported that Dr. Castro and Dr. Gowdy will attend the next scheduled board meeting to discuss the Education Evaluation Policy. Mr. Jennings added that he would like to work with Dr. Castro and Dr. Gowdy to draft an education policy. Mr. Rickborn would like for the draft of the policy to be completed by January.

**MOTION:** To form a committee with Mr. Jennings, Dr. Castro, and Dr. Dowdy to draft the education evaluation policy. Dr. Peebles will serve as chairman of the committee.  
Johnson/Dinkins/approved.

- c. A copy of the experience verification form for licensing applications was distributed to the board for information only. Mr. Rickborn requested that the board review the proposed form and be prepared to discuss it at the January board meeting. Mrs. Miles added that she will email the form to board members after the meeting.
- d. The Successor Engineer/Surveyor Policy was continued to the next scheduled board meeting.
- e. Mr. Jennings reported that he met with Dean Grigg, LLR Deputy Director, who advised him LLR has a contract with PSI to proctor exams for other boards at LLR. Mr. Jennings added that the board should move forward to establish a contract with PSI to proctor the State Specific Surveyor exam. Mr. Rickborn added that it is imperative that this contract with PSI gets established before April 30, 2016.
- f. A copy of the proposed education grant proposal was distributed to the board for information only. Mr. Rickborn requested the board review the proposed form and be prepared to discuss it at the January board meeting.
- g. Mrs. Miles reported that Mr. Steve Mitchell was not able to attend the meeting to discuss Structural Engineering minimum level of service. He will attend the next scheduled board meeting to discuss the issue.
- h. The discussion of COA Frequently Asked Questions was continued to the next scheduled board meeting.
- i. Mr. Jennings requested the board authorize him to work with Mr. Cleveland to compose a legal/ethics exam for PE applicants and licensees.

**MOTION:** To authorize Mr. Jennings to work with Mr. Cleveland to compose a legal/ethics exam for PE applicants and licensees. Love/Dinkins/approved.

### **New Business**

- a. The discussion of procedures for emergency assistance situations, disaster relief, and foundation repair was continued to the next scheduled board meeting.
- b. The discussion of EIT certification was continued to the next scheduled board meeting.
- c. Mrs. Miles spoke to the board regarding NCEES 2016 Call for Award Nominations.

**MOTION:** To nominate board member, Theresa Hodge for the NCEES Southern Zone Distinguished Service Award. Dinkins/Johnson/approved.

- d. The board reviewed proposed Senate Bill 280. Mr. Jennings reported that the proposed language was sent to Grant Gillespie, and that it should be brought to the board's attention as information only.
- e. The discussion of Category B License Expiration Notifications has been continued to the next scheduled board meeting.
- f. The board elected officers for the 2016 calendar year.

**MOTION:** To continue with the current slate of leadership and elect Mr. Rickborn as board chair, Dr. Fallon as board Vice Chairman, and Mr. Johnson as Secretary. Love/Dinkins/approved.

Mr. Rickborn suggested Mr. Johnson serve as Vice-Chairman of the board. Mr. Johnson replied that he did not have any problem serving as Vice-Chairman, but would like Dr. Fallon to be present for a vote on the position.

**MOTION:** To withdraw previous motion. Love/Dinkins/approved.

**MOTION:** To elect Mr. Rickborn as Chairman of the board for 2016. To postpone the election of Vice-Chairman and Secretary until the next scheduled board meeting. Dinkins/Peeples/approved.

There was no other business or public comments.

### **Notice of Next Meeting**

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, January 26, 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. Johnson/Peeples/approved.

The meeting adjourned at 5:28 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 distinct "S" and "J".

Britton S. Jenkins, Program Assistant