

MINUTES
South Carolina Board for Registration of Professional Engineer and Surveyors
9:30 a.m., November 15, 2016
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 108
Columbia, SC

Call To Order

Chairperson Rickborn called the meeting to order at 9:36 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; Dr. Johnston Peeples, Ph.D., PE.; Miller L. Love, Jr., PE; and Mr. D. Mack Kelly, Jr., PE, PLS. John Baker Cleveland, III could not attend due to work obligations.

MOTION: To excuse Mr. Cleveland's absence from the November 15, 2016 board meeting.
Love/Fallon/approved.

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

Others present included: Adam Jones, Allison King, Will Ferry, Kelsey Powell, Derrick Boyte, Edwin Ackerman, Emily Gifford, Kevin Adams, Joe Jones, Jesse Burke, and Barbara Ham (Creel Court Reporting).

Approval of Meeting Minutes

The board reviewed minutes from the September 20, 2016 board meeting.

MOTION: To approve minutes. Love/Johnson/approved.

Review and Approval of Agenda

The board reviewed the agenda. Mr. Rickborn noted that LLR Interim Director, Mrs. Emily Farr, would attend the meeting later in the afternoon.

MOTION: To approve agenda with no changes. Love/Peeples/approved.

LLR Interim Director – Emily Farr

Mrs. Emily Farr, Interim Director of LLR appeared before the board by invitation.

MOTION: To enter executive session for legal advice with Mrs. Farr and Mrs. Miles participating.
Dinkins/Peeples/approved.

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

Mrs. Theresa Hodge, NCEES Southern Zone Vice-President, spoke with Mrs. Farr about the background and purpose of NCEES. Mrs. Hodge explained the importance of the South Carolina board's participation and attendance at the 2017 NCEES Southern Zone meeting in St. Thomas, United States Virgin Islands in April 2017.

Reports

- a. Office of Investigations and Enforcement – Mrs. Wolfe reported there were a total of 48 complaints received from January 1, 2016 through November 10, 2016. There are 14 active cases. The oldest active case is 246 days. Forty-four (44) cases have been closed through November 10, 2016.
- b. Investigative Review Committee Report - Mrs. Wolfe reported that the IRC meeting was cancelled due to no quorum.
- c. Office of Disciplinary Counsel – Mrs. Erin Baldwin presented the November 15, 2016 ODC report. Mrs. Baldwin reported there were 12 open cases in the Office of Disciplinary Counsel. Since the report was compiled, cases 2013-25, 2016-62, 2016-70 were now closed. Cases 2013-40, 2014-59, and 2015-49 will be scheduled for the January 17, 2017 board meeting.
- d. Administrative and Financial Reports – Mrs. Miles reported there are currently 29,516 active credentials as of November 1, 2016. She added as of November 9, 2016, a total of 15,939 engineers, 1,014 surveyors, 141 dual licensees and 11 associate PE's were current through June 2018. Seven hundred thirteen (713) licensees have not renewed as of November 9, 2016. There have been 688 early PE exam applications, and 340 individuals have passed the exam. Mrs. Miles reported that staff is currently working on continuing education (CE) audits. Thirty-six (36) audits are outstanding as of November 9, 2016 and one has been forwarded to the Office of Disciplinary Counsel. Staff proctored the October 28, 2016 State Specific Exam. Mrs. Miles added the Electrical Portfolio Committee meeting, scheduled for October 5, 2016, was cancelled due to office closings as a result of Hurricane Matthew. Mrs. Miles reported the August 2016 cash balance of \$3,325,835.36. The August Education and Research balance was \$437,235.22. The September cash balance was \$3,278,541.02. The September Education and Research balance was \$438,065.22. Mrs. Miles added Mr. Chris Knox from the Louisiana board is running for NCEES Southern Vice-President and is seeking support from the South Carolina board.

Funding Requests

- e. Adam Jones, of the SCSPE, presented a funding request for the 2016 SCSPE Fall Symposium. The request was amended from \$11,000 to \$6,000. Mr. Jones was advised to submit an amended request form showing \$6,000.

MOTION: To approve funding request in the amount of \$6,000. Dinkins/Love/approved.

- f. The board reviewed a funding request from the APWA/ASCE Upstate Branch in the amount of \$2,000 for the 2nd annual APWA/ASCE Upstate Branch Conference.

MOTION: To approve funding request in the amount of \$2,000 contingent on proper funding request forms being submitted. Love/Fallon/approved.

Disciplinary Hearings

- a. Mr. Kevin Adams appeared before the board for a Disciplinary Hearing (OIE Case 2015-56). He was represented by Emily Gifford, of Richardson, Plowden, and Robinson. 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. Johnson/Love/approved.

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

MOTION: To adopt MOA as submitted. Dismiss complaint as submitted. Mr. Adams is cautioned to practice in the discipline of expertise. Dinkins/Fallon/approved.

- b. Kelsey Powell, on behalf of Powell Engineering, LLC appeared before the board for a Disciplinary Hearing (OIE Case 2015-55). Mr. Powell 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 enter executive session for legal advice. Johnson/Love/approved.

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

MOTION: To accept MOA. Fine Powell Engineering, LLC \$1,000. Mr. Powell is ordered to remove website or make modifications to the website to indicate it now belongs to K.M. Powell. Sixty days to pay fine and correct website. Johnson/Love/approved.

Application Hearings

- a. Mr. Tyson Griswold appeared before the board for an Application Hearing. He 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 enter executive session for legal advice. Johnson/Fallon/approved.

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

MOTION: To accept Mr. Griswold's application by Comity. To grant PE licensure.
Johnson/Fallon/approved.

The board recessed for lunch from 12:07 p.m. until 12:57 p.m.

- b. Mr. Derrick Boyte appeared before the board for a motion of reconsideration regarding the board's previous denial to grant PE licensure. He was not represented by counsel. He did not have any witnesses. Mr. Johnson and Mr. Dinkins were recused. 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/Love/approved.

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

MOTION: To deny motion for reconsideration. Fallon/Kelly/approved.

- c. Mr. Jairo Arano appeared before the board for an Application Hearing. He 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 enter executive session for legal advice. Peeples/Love/approved.

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

MOTION: To approve Mr. Arano for PE licensure. Dinkins/Peeples/approved.

- d. Mr. Edwin Ackerman appeared before the board for an Application Hearing. Mr. Ackerman was not represented by counsel. He did not have any witnesses. Dr. Fallon was recused. This hearing was closed due to medical matters discussed during testimony. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

MOTION: To allow Mr. Ackerman to sit for the Principles and Practice of Engineering Exam one additional time. Johnson/Dinkins/approved.

MOTION: To withdraw previous motion. Johnson/Dinkins/approved.

MOTION: To allow Mr. Ackerman to re-take the PE exam. In the event of Mr. Ackerman failing the exam, he must appear before the board for approval to re-take the exam.

Unfinished Business

- a. The board reviewed action items from the September 20, 2016 board meeting. Mr. Rickborn noted that all items on the report have been addressed or are on the November 15, 2016 agenda. Mr. Rickborn added he is still working on the statement regarding the PE Stamp on P & ID's. Mr. Rickborn also noted the Emergency Relief Questionnaire has been distributed to the

board for review. He requested that feedback be given before the January board meeting. Mr. Rickborn added drafting of the State Specific Surveying exam is moving ahead. The committee is currently evaluating what calculators and study guides are needed.

- b. The board reviewed the proposed curriculum change of Clemson University's Forest Resource Management Program – Land Surveying Emphasis. The proposal was sent by Dr. Patricia A. Layton, Professor at Clemson University.

MOTION: To approve courses for Clemson University as acceptable for surveyor education.
Dinkins/Peeples/accepted.

Mr. Rickborn added that it continues to be an issue regarding surveyor education evaluations and what constitutes acceptable education. He suggested the board think about having a surveying professional perform some of the surveying education programs. Mr. Dinkins noted that the surveyor four-year degree program is what is acceptable to the board. He added the statute states that the board can accept a four-year degree acceptable to the board. The question is "what is acceptable to the board"? Mr. Dinkins asked if that was a task that Dr. Castro could do. Mr. Rickborn suggested that they ask the board education consultant, in conjunction with the board to establish some parameters. Dr. Peeples and Dr. Fallon will work with Dr. Castro on parameters for an acceptable four-year education for surveyors.

- c. Mr. Will Ferry of SCSPLS spoke with the board regarding drafting a policy statement on Unmanned Aerial Vehicles (UAV). Mr. Ferry noted that UAV technology is widespread and quickly moving and there needs to be further discussion on the use of them. Mr. Ferry explained the need for a study committee to address the evolving technology with a board member serving on that committee. Mr. Dinkins noted that the board cannot regulate technology, but would like to serve on the committee. He added he agrees that the technology is evolving and that the statute defining the practice of surveying should be reviewed. Mr. Johnson added that he would also be able to serve, and suggested that a photogrammetric professional be added to the committee. Mr. Johnson asked Mr. Ferry to poll the members who would like to serve on the committee and notify Mrs. Miles when a date has been set for the meeting, so a board member can attend.

MOTION: To authorize one or more surveyor board members to meet with the SCSPLS regarding the use of UAV technology, if asked and report back to the board.

- d. The board postponed discussion on the Regulation changes to the May 23, 2017 board meeting.
- e. The board discussed the legal/ethics exam. Mr. Rickborn reminded the board Mr. Cleveland provided a draft of the exam at the last board meeting. He encouraged the board to review the proposed exam and provide feedback prior to the January meeting.

New Business

- a. Mr. Love spoke with the board about the NCEES call for award nominations. Mr. Love noted that the board has received the NCEES memorandum requesting nominations. The nomination packages should be received no later than January 31, 2017.
- b. The board discussed the Portfolio Review Committee. Mr. Rickborn noted that there should be at least 12 additional volunteers added to the pool of members to serve. Mr. Rickborn asked Mr. Burke and Mr. Jones for names of individuals who may be interested. Mr. Jennings noted that there are no criteria other than the individual being qualified in the discipline of the applicant to be reviewed. Mr. Rickborn asked if a stipend should be offered to committee members who serve. Mr. Johnson noted the PDH should be enough reimbursement.
- c. The board elected officers for 2017.

MOTION: To nominate Dr. Fallon as board chairman for 2017. Johnson/Dinkins/approved.

MOTION: To nominate Mr. Johnson as board Vice-Chairman for 2017. Dinkins/Rickborn/approved.

MOTION: To nominate Dr. Peebles as board secretary for 2017. Dinkins/Fallon/approved.

Mr. Dinkins left the meeting at 5:08 p.m.

Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, January 17, 2017 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/Johnson/approved.

The meeting adjourned at 5:11 p.m.

Respectfully Submitted,



Britton S. Jenkins, Program Assistant