

**MINUTES**  
**South Carolina Board for Registration of Professional Engineer and Surveyors**  
**9:30 a.m., September 20, 2016**  
**Synergy Business Park, Kingstree Building**  
**110 Centerview Drive, Room 105**  
**Columbia, SC**

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**Call To Order**

Chairperson Rickborn called the meeting to order at 9:35 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; John Baker Cleveland, III; and Mr. D. Mack Kelly, Jr., PE, PLS.

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: Peter Strub, Joe Jones, Adam Jones, Allison King, Edwin Ackerman, -Marguerite McClam, and Nadine Garrett (Creel Court Reporting).

**Approval of Meeting Minutes**

The board reviewed minutes from the July 19<sup>th</sup> and July 20<sup>th</sup> board meetings.

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

**Review and Approval of Agenda**

The board reviewed the agenda.

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

**Reports**

- a. Office of Investigations and Enforcement – Mrs. Wolfe reported there were a total of 39 complaints received from January 1, 2016 through September 13, 2016. There are 21 active cases. The oldest active case is 188 days. Thirty four (34) cases have been closed through September 13, 2016.

- b. Investigative Review Committee Report- Mrs. Wolfe presented the September 6, 2016 IRC report. Cases 2016-1, 2016-12, 2016-14, 2016-18, 2016-43, 2016-50, and 2016-54 were recommended for dismissal. Cases 2016-44, 2016-45, 2016-49, and 2016-53 were recommended for formal complaint.

**MOTION:** To accept IRC recommendations as presented. Johnson/Fallon/approved.

- c. Office of Disciplinary Counsel – Mrs. Erin Baldwin presented the September 7, 2016 ODC report. Mrs. Baldwin explained that based on the report, there were 15 open cases in the Office of Disciplinary Counsel. Since the report was compiled, case 2016-11 was closed by voluntary surrender. Case 2016-61 was closed September 19, 2016. The oldest case is currently pending receipt of final order.
- d. Administrative and Financial Reports – Mrs. Miles reported there are currently 29,835 active credentials as of September 6, 2016. She added as of September 14, 2016, a total of 15,722 engineers, 1,006 surveyors, 140 dual licensees and 10 associate PE's were current through June 2018. Five hundred eighty five (585) licensees have not renewed as of September 14, 2016. There have been 667 early PE exam applications, and 340 individuals have passed the exam. Mrs. Miles added that based on the NCEES dashboard CBT summary for the July/August/September testing window, 62 FE exams have been delivered and no FS exams. Based on the NCEES website, three (3) candidates have scheduled the PS exam in the October/November/December testing window. Mrs. Miles reported a cash balance of \$3,366,979.11. The Education and Research balance was \$435,665.22. Mrs. Miles noted that an electrical portfolio committee was scheduled for Tuesday, October 5, 2016. There are three candidates scheduled to be interviewed.
- e. Legal Update by advice counsel

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

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

Mr. Rickborn explained that while in executive session, the board discussed South Carolina Regulation §49-104(D).

**MOTION:** To propose a policy which refers to South Carolina Regulation §49-104(D)(1). Steps for preparation to re-take an examination after failing two times should be approved by the board and every time thereafter. Regarding South Carolina Regulation §49-104(D)(2), a new application for re-examination and application fee will be required on the fourth attempt of taking the exam and every attempt thereafter. Applications for re-examination and Certificates of Study should be approved by the board and not at staff level. Dinkins/Fallon/approved.

### Disciplinary Hearings

- a. The disciplinary hearing for Maureen McDonnell (case 2016-11) was closed by voluntary surrender.
- b. The disciplinary hearing for Samuel Savage (case 2013-40) was continued to the next scheduled board meeting.

**Application Hearings**

- a. Mr. Gary Sunderland 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. Love/Peeples/approved.

**MOTION:** To grant renewal of Mr. Sunderland's PE license. Johnson/Fallon/approved.

- b. Mr. Mark Stock appeared before the board for an Application Hearing. He was not represented by counsel. Mr. Peter Strub served as witness. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

**MOTION:** To grant Mr. Stock's PE license. Dinkins/Love/approved.

- c. Mr. Griswold was unable to appear for his scheduled Application Hearing.

**MOTION:** To reschedule the Application Hearing for Mr. Tyson Griswold for the November 15, 2016 board meeting. Dinkins/Love/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 from the hearing. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

**MOTION:** Defer request for re-examination until Mr. Ackerman can provide documentation that anticipated coursework has been completed and a syllabus to demonstrate an enhanced chance to pass the exam. Mr. Ackerman must provide clinical documentation regarding medical issues and how treatment increases exam success. Dinkins/Cleveland/approved.

- e. Mr. Rogers Ideozu appeared before the board for an Application Hearing. Mr. Ideozu 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:** Defer request for re-examination until Mr. Ideozu can provide documentation that anticipated coursework has been completed and a syllabus to demonstrate an enhanced chance to pass the exam. Dinkins/Love/approved.

The board recessed for lunch from 12:32p.m. to 1:18 p.m.

- f. Mr. Jeff Gawronski appeared by telephone, in the presence of a Notary Public, for an Application Hearing. Mr. Gawronski 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:** Deny Mr. Gawronski for PE licensure by Comity. Deny Mr. Gawronski for licensure by Portfolio Committee Review. Mr. Gawronski does not meet licensure examination requirements.

#### **Unfinished Business**

- a. The board reviewed action items from the July 19<sup>th</sup> and July 20<sup>th</sup> board meetings. Mr. Rickborn noted that most items have been completed or are on the September 20, 2016 agenda. Mr. Jennings reported that he will be working with the education evaluators soon to develop a policy on Education Evaluations.
- b. The board discussed the State Specific Surveying Exam Committee. Mr. Rickborn explained the board heard an update on the item in a previous executive session. There was no further discussion.
- c. Mr. Rickborn reported that there has been no progress with the Emergency Assistance Committee.
- d. The board discussed the policy statement regarding Unmanned Aerial Vehicles (UAV). Mr. Dinkins noted that the board needs to take a position regarding the use of UAVs being used to perform surveying services. He added that UAVs should not be used for photogrammetry unless used by a licensed photogrammetric professional. Mr. Rickborn asked that Mr. Johnson and Mr. Dinkins work on developing a policy.
- e. The board reviewed the statute changes in its entirety.
- f. The board reviewed and discussed the Joint Task Force Subcommittee Overlapping Practice Document. Mr. Rickborn reported that the document was drafted by Mr. Anthony Lawrence. Mr. Rickborn explained a joint task force with the Board of Engineers, Board of Architects, and Building Codes Council was formed to update the Building Code Officials Manual. He added the committee met and voted to form a subcommittee to begin reviewing and drafting the proposed updates. Mr. Rickborn noted members of the committee agree competency should form the basis of determining if an individual is practicing in an overlapping or incidental capacity. Mr. Rickborn added that he, Mr. Justus, and Mr. Cottingham have reviewed and revised the guide drafted by Mr. Lawrence, and would like to present it at the next joint task force meeting.
- g. Mr. Rickborn spoke with the board regarding PE Stamps on P&IDs. Mr. Rickborn noted that an email from Mr. Greg Westlake requested guidance on if P&IDs internally modified by an operating company required a PE Stamp.

**MOTION:** To authorize Mr. Rickborn to compose a statement regarding PE stamps on PE&ID. Love/Cleveland/approved.

### New Business

- a. The board discussed changes to the current South Carolina Code of Regulations. Mr. Rickborn asked the board to make suggestions on the changes they would like to see. Mr. Rickborn added the changes should be ready for review by mid-October for the November board meeting.
- b. Dr. Fallon spoke with the board about FE & FS exam approvals. Dr. Fallon asked if exam candidates are notified that they must meet education requirements to be issued an EIT credential when using NCEES automatic approvals. Mrs. Miles noted that exam candidates are forwarded to the board website, which indicates they must meet education requirements to obtain the EIT credential.
- c. The board reviewed proposed meeting dates for 2017. Board meeting dates were confirmed for January 17, 2017; March 21, 2017; May 23, 2017; July 18, 2017; September 26, 2017; November 28, 2017; and November 29, 2017.
- d. The board discussed the ASCE Midlands Branch request for a speaker. ASCE requested a member from the board discuss the recent revisions to the Code of Laws. Mr. Johnson volunteered to speak on behalf of the board.

### Other Business

Mr. Dinkins suggested inviting new director of LLR, Emily Farr and Theresa Hodge, NCEES Southern Zone Vice-President to the next scheduled board meeting. Mrs. Miles and Mr. Jennings said they would contact them.

Joe Jones notified the board of the registration dinner, tentatively scheduled for November 15, 2016, after the board meeting.

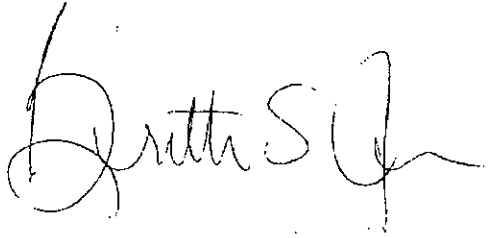
### Notice of Next Meetings

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, November 15, 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.

**MOTION:** To adjourn. Fallon/Cleveland/approved.

The meeting adjourned at 4:35 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Britton S. Jenkins". The signature is fluid and cursive, with the first name being the most prominent.

Britton S. Jenkins, Program Assistant