

MINUTES
South Carolina Board for Registration of Professional Engineer and Surveyors
9:30 a.m., September 23, 2014
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 108
Columbia, SC

Call To Order

Chairperson Rickborn called the meeting to order at 9:34 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; Jeffrey Mulliken, Ph.D., PE; and Nancy W. Cottingham.

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

Others present included Lt. James Landreth, William Goff, Ken Holt, Vilora Mueller, Andre' Brooks, Terry Stogner, Phil Hunt, Tyler Lamb, Adam Jones, Joe Jones, Jesse Burke, Stephen Nickerson, Ann Leonard, Dennis Johns, Carl Holland, Jr., and Carla Dominick (Creel Court Reporting).

Review of Agenda

Chairperson Rickborn asked if there were any proposed changes to the agenda for the September 23, 2014 meeting agenda. There were none.

MOTION: To approve the agenda for the September 23, 2014 meeting. Love/Johnson/approved.

Reports

- a. Office of Investigations and Enforcement – Mrs. Wolfe reported, as of September 19, 2014, 13 complaints have been opened as active since January 1, 2014. One hundred thirteen (113) cases have been closed and 36 were do not open cases. Three cases have been opened that have not yet been assigned to an investigator. There are ten cases pending board action, one case pending board review, and three cases pending IRC. The oldest active case is 186 days.
- b. Investigative Review Committee Report – Mrs. Wolfe presented the board with the September 10, 2014 IRC report.

MOTION: To accept the IRC report. Hodge/Mulliken/approved.

- c. Administrative Reports – Mrs. Miles reported that the July and August financial statements were included in the meeting materials. The cash balance for August was \$2,864,513.18 and the Education Research Fund balance was \$399,215.22. The expenditure percentages have been adjusted for the fiscal year. Mrs. Miles added that as of September 17, 2014 there were a total of 28,208 active licensees. The board is nearing the end of the renewal period and there are still 595 licensees active in renewal; two dual registrants, 555 professional engineers, and 38 surveyors. Mrs. Miles reported the number of individuals still active in renewal is less than it was at the same time during the previous renewal season. In 2012, there were 658 lapsed licenses due to non-renewal. Board members were forwarded an email regarding observing the October 24th and October 25th NCEES exams in Columbia. She noted she has received a response from Mr. Dinkins and she must notify NCEES by Friday, September 26, 2014 if any other board members want to observe. NCEES is seeking licensed civil engineers to participate in a standard-setting study for the PE civil exam in May 2015. The news release was disseminated to all licensed engineers via e-blast. Mrs. Miles reported during the July/August CBT testing window there were 60 FE exams delivered and one FS exam. The April/May window had 153 exams delivered. There are currently 212 candidates approved for the October PE exam, three for surveying, 11 for structural, and four for state-specific. Mr. Dinkins asked if staff received any comments from individuals who were having difficulties with trying to schedule the FE exam. Mrs. Miles said there have not been any comments. Mrs. Hodge inquired about the expenditure report and the percentage for the Office of Board Services increasing from the previous year. Mrs. Miles said she was unsure of why it increased, and explained there is a formula that finance uses based on all the boards. Mrs. Miles explained the Office of Board services is administrative and includes administrative salaries for individuals that don't work directly with the board, but provide administrative support for all boards. Mrs. Miles added she would check with finance to get clarification on the increase and report back.

Petition for Third Portfolio Review

Mr. Andre' Brooks appeared before the board to petition for a third Portfolio Review. Mr. Brooks was not represented by counsel. This matter was recorded by a court reporter to produce a verbatim script, should one be necessary.

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

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

The Board asked Mr. Brooks for clarification regarding what he wanted the Board to consider. Mr. Brooks asked the Board to consider his application for licensure by comity.

MOTION: To deny licensure by comity because he does not meet the requirement and this has been adjudicated by the Courts. Hodge/Fallon/approved.

Review of Licensure Recommendation- Portfolio Review Committee

- a. One candidate, Keith Albrecht Kachelhofer (Mechanical) was recommended for licensure by the Portfolio Review Committee.

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

Education and Research Funding Requests

- a. Adam Jones 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. Dinkins/Love/approved.

Application Hearings

- a. Mr. James Landreth appeared before the board for approval to sit for the Principles and Practice of Engineering (PE) exam. Mr. Landreth was not represented by counsel. This matter was recorded by a court reporter to produce a verbatim script, should one be necessary.

MOTION: To approve Mr. Landreth to sit for the PE exam. Dinkins/Johnson/approved.

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

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

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

MOTION: To deny South Carolina Professional Engineer licensure by comity. Mr. Grevas does not meet the SC educational requirement. Dinkins/Hodge/approved.

- c. Mr. Al Holland appeared before the board for COA reinstatement of his firm, Holland Surveyors. Mr. Holland was not represented by counsel. Mr. Dennis Johns served as a witness. Mr. Dinkins was recused. This matter was recorded by a court reporter to produce a verbatim script, should one be necessary.

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

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

MOTION: To reinstate Certificate of Authorization upon receipt of a fine in the amount of \$5,000. Issue a Public Reprimand. Fallon/Johnson/approved.

The board recessed for lunch from 11:45 a. m. to 12:38 p.m.

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

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

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

MOTION: To deny Professional Engineering licensure by comity. Mr. Nickerson's application contained discrepancies in work experience history and is incomplete. Dinkins/Johnson/approved.

- e. Mrs. Ann Leonard appeared before the board for a Certificate of Authorization for the firm, M.H. Leonard Consulting Engineers, PA. Mrs. Leonard was not represented by counsel. This matter was recorded by a court reporter to produce a verbatim script, should one be necessary.

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

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

MOTION: To issue Certificate of Authorization upon receipt of a fine in the amount of \$2,500. Issue a public reprimand. Fallon/Dinkins/approved.

- f. Mr. Tyler Lamb appeared before the board for approval to sit for the Principles and Practice of Engineering (PE) exam. Mr. Lamb was not represented by Counsel. This matter was recorded by a court reporter to produce a verbatim script, should one be necessary.

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

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

MOTION: To deny request of Mr. Lamb to sit for the PE exam. Based upon information provided, Mr. Lamb does not meet the engineering experience required for licensure. Dinkins/Hodge/approved.

Application Reviews

- a. Mr. William Goff appeared before the board for reconsideration of denied comity application/Fundamentals of Engineering Exam (FE) Waiver. Mr. Goff was not represented by counsel. This matter was recorded by a court reporter to produce a verbatim script, should one be necessary.

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

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

MOTION: To waive the FE exam. To deny professional engineering licensure by comity. Mr. Goff does not meet the South Carolina examination requirement. to be granted licensure, Mr. Goff must take one of the electrical and computer examinations offered by NCEES, he may not take the software engineering exam.

- b. John Currie (FE Waiver) – The board reviewed an application for an FE waiver for Mr. Currie. Mr. Currie was not in attendance and not represented by counsel.

MOTION: To grant FE Waiver. Dinkins/Fallon/approved.

Unfinished Business

Mr. Dinkins suggested that unfinished business agenda items 12a and 12b be discussed after new business agenda items 13a and 13b to accommodate guest speakers in attendance.

- a. Mr. Dinkins addressed the board about electronic seals and signatures on plats. Mr. Dinkins reported he has been trying to get the word out to different counties and municipalities that the statewide statutes in the Electronic and Seals Act override anything in Practice Acts. Mr. Dinkins further noted that per the Electronic Seals Act, electronic signature and seals on plans are acceptable. He explained that Sara McCartha, former Advice Counsel to the board, researched this topic and found the surveyor or the client can specify they want a raised impression seal and live signature, but if they do not request it, an electronic seal is sufficient. Mr. Dinkins added that Lexington County is now aware of this, and Richland County has taken a similar stance. Mr. Rickborn asked if there was any information on the board website’s “Frequently Asked Questions” to address the issue. Mrs. Miles said there was none. Mr. Rickborn asked if it would be possible to add this to the website for informational purposes. Mr. Dinkins added that Richland County has a good statement regarding the statutes, and suggested that Mrs. Miles contact Carroll Williamson at Richland County to get an idea on what they came up with. Mr. Rickborn noted this information should also be included in the upcoming board newsletter. Mr. Dinkins said he would send Mrs. Miles a copy of the sample statement.
- b. The board reviewed action items from the July 15, 2014 meeting. Mr. Rickborn noted most of the items had been completed. He noted the item still in progress was the SCDOT deed survey recording and it would be moved to the November meeting. Mr. Johnson reported he and Mr. Dinkins met with Bryan Keys and Brian Isom of SCDOT, and he believes they are moving in the right direction. Mrs. Miles asked if the topic should be added to the November meeting agenda. Mr. Johnson said they were not quite ready to add it to the November meeting agenda. Mr. Dinkins added they thought it would be best to sit down with SCDOT, without the attorneys, to develop guidelines, standards, and discuss what SCDOT could do and what the board would accept. Mr. Dinkins said they would need to meet with SCDOT one more time. Mr. Johnson added they are making progress and everyone is trying to work together to form a solution. Mr. Rickborn suggested they keep the topic on the action item list so there can be an update on the progress at the next meeting. Mr. Johnson added he has submitted names of individuals that he believes would be good candidates for expert reviewers. Mrs. Miles said she received the recommendations and they had not been contacted as of yet. Mr. Rickborn suggested they be contacted and request a CV from them if they are interested. Mr. Dinkins asked if there was some type of way to allocate the board’s funds for small scholarships. Mr. Rickborn said they asked Mrs. McCartha to look into that issue, but he does not know if she was able to do so. Mr. Jennings said he would research the inquiry and report back to the board his findings. Mr. Rickborn asked if the board would be responsible for vetting the candidates, or just providing the funding. Mr. Dinkins replied he was unsure. Mr. Rickborn said it would be a great idea if it could be done. Ms. Mueller added that SCSPLS makes sure the scholarship

they give is to a South Carolina student that would remain in the State. Mr. Dinkins added SCSPLS could possibly be the avenue of getting recommendations for the scholarship. Ms. Mueller added they already have a scholarship committee and they should be able to accommodate that.

New Business

- a. Renee Shealy and Elizabeth Dieck spoke to the board about the DHEC Onsite Wastewater program. Mrs. Shealy explained that DHEC has been evaluating what the agency does to identify opportunities for efficiencies. During their process of evaluating the septic tank program, a question was raised regarding the process for permitting onsite wastewater systems. Mrs. Shealy noted the agency uses SC Regulation 61-56 promulgated by the Legislature in 2008, which contains schematics relative to standard septic systems that staff select from when permitting a system. Mrs. Shealy requested guidance from the board as to the propriety of allowing DHEC to approve systems based on the standard schematics currently contained in the regulation. Mrs. Hodge asked if the agency was permitting private homes or businesses. Mrs. Shealy said it could be both private homes and businesses that do not have sewage available. Mrs. Hodge asked how large of a development would the agency issue a septic tank permit for. Mrs. Shealy reported the most complex systems are designed by engineers and a checklist is followed to make sure everything is in regulation. She added that in situations where a permit cannot be issued, they would deny the application and recommend the homeowner hire an engineer to develop and design the system.

MOTION: Affirm DHEC's position in applying engineering schematics in accordance with accepted guidelines and standards in the permitting and approval of Onsite Wastewater Systems. Dinkins/Johnson/approved. Hodge/abstained.

- b. Dr. Ali Eliadorani, Chairman of the South Carolina State University Land Surveyor Program, addressed the board. Dr. Eliadorani noted Mr. Dinkins helped to initiate the Surveyor program at South Carolina State University. He explained that recently the university has recruited six students in the program since August, and is seeking the board's assistance for additional needs of the program. Dr. Eliadorani indicated the university's surveying program is in need of help recruiting more surveying students, recruiting associate degree graduates who are ineligible to sit for the PS exam, locating or identifying scholarship opportunities, and an adjunct professor to teach specialty courses offered as part of the surveying curriculum. Dr. Eliadorani added university officials were looking to eliminate the program, but due to increased enrollment, they have been able to continue to offer courses. Mr. Dinkins asked if there was a need for equipment. Dr. Eliadorani noted they have sufficient equipment as a result of being awarded a grant a few years ago. Mr. Dinkins noted he is glad to see the program is going well and making progress. Mr. Dinkins indicated he is open to suggestions on how to get more students enrolled in the program and he would keep in mind the university's need for a professor. Vilora Mueller, of the SCSPLS, added the issue of outreaching to bring more individuals into the profession was discussed at their annual conference. Ms. Mueller noted she believes the SCSPLS can assist the program at South Carolina State and she would contact Dr. Eliadorani. Mr. Rickborn thanked Dr. Eliadorani for speaking with the board and invited him to keep the board abreast of any changes and how the board may be of assistance in the future.

Mr. Love left the meeting at 2:58 p.m.

- c. The board reviewed the 2015 NCEES meeting dates. The meeting dates are as follows: February 7, 2015, Board President's Assembly; February 22-28, 2015, National Engineers Week; March 15-21, 2015, National Surveyors Week; April 30-May 2, 2015, Central/Northeast Zone Meeting; May 14-16, 2015, Southern/Western Zone meeting; and August 19-22, 2015, Annual Meeting.
- d. The board selected the 2015 meeting dates as follows: January 20, March 17, May 20, July 14, September 15, and November 17, 2015. Mr. Rickborn asked how the board would feel about meeting at college campuses in the State. He said he spoke with Mrs. Darra Coleman, Advise Counsel, who researched the idea. Mrs. Coleman reported that on-campus meetings were permissible, but board members would be responsible for expenses, and no reimbursement would be allowed. Mrs. Hodge said she is fine with the idea, but it may be an issue for others that have to drive longer distances. Mr. Dinkins indicated he is in favor of the idea and the board had done it before. Mr. Rickborn said it would be something good to consider in the future.

Mrs. Hodge left the meeting at 3:25 p.m.

Other Business

- a. Mrs. Miles asked if an applicant who has been convicted of a recent DUI would have to appear before the board for an application hearing. Mr. Dinkins said the board came up with a policy that if a conviction occurred within five years, they would need to appear before the board. Mr. Rickborn said the applicant would need to appear.

Public Comments

Jesse Burke, President of the Structural Engineers Association in South Carolina spoke to the board about the organization beginning to draft legislation on South Carolina licensure specifically for Structural Engineers. The measure would be a Practice Act or Title Act for SE licensure similar to other states, and would put restrictions on types and occupancy categories that require further education and qualifications of a structural engineer. Mr. Dinkins said NCEES is studying this issue and exactly what is required to be an SE and he would like to see the results from that study before the board makes any decision on the matter. Mr. Burke said he would try to pull everything together for the board's review and guidance.

Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, November 10, 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.

There being no further business:

MOTION: To adjourn. Cottingham/Johnson/approved.

The meeting adjourned at 3:35 p.m.

Respectfully Submitted,

Britton S. Jenkins, Program Assistant