

MINUTES
SOUTH CAROLINA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS
9:30 a.m.; NOVEMBER 19, 2013
SYNERGY BUSINESS PARK, KINGSTREE BUILDING
110 CENTERVIEW DRIVE, ROOM 108
COLUMBIA, SC

Call to Order

Chairperson Hodge called the meeting to order at 9:28 a.m.

Statement of Public Notice

Chairperson Hodge stated that public notice of this meeting was properly posted at the South Carolina Board of Registration for Professional Engineers and Surveyors office, 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 Theresa H. Hodge, PE, Chairperson; Timothy W. Rickborn, PE, Vice-Chairman; Dennis J. Fallon, Ph.D, PE, Secretary; Gene L. Dinkins, PE, PLS; John P. Johnson, PE, PLS; Miller L. Love, Jr., PE; and Nancy W. Cottingham.

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

Others present included Kyle Smiley; Marguerite McClam; Jeff Mulliken; Kim Long; Aaron Leach; Joe Jones; J.Richard Cottingham; Kent Hudson; Jesse Burke; and Amy Byrd (Creel Court Reporting).

Approval of Meeting Minutes

MOTION: To approve the minutes of the September 24, 2013, meeting. Love/Fallon/approved.

Review of Agenda

Chairperson Hodge asked if there were any proposed changes to the agenda for the November 19, 2013, meeting. There were none.

MOTION: To approve the agenda for the November 19, 2013, meeting. Love/Fallon/approved.

Reports

- a. Office of General Council – Erin Baldwin was not available due to a schedule conflict. Mrs. Addison-Miles reported thirteen open cases in the Office of General Counsel. Seven cases are pending action, four cases are pending a consent agreement for a Memorandum of Agreement, and two are pending final order hearings. Some of these cases were resolved at the meeting held on November 18, 2013.
- b. Office of Investigations and Enforcement – Ms. Wolfe reported eleven active cases in the Office of Investigations and Enforcement. Four are “do not open” cases; eight cases have been closed; and four cases are pending a vote on the October 10, 2013, IRC Report. The oldest active case is 176 days old. There is one case that is older, but it is pending an expert

reviewer. Mr. Rickborn agreed to help find somebody to serve in this capacity. Ms. Wolfe asked if Sharon Cook, the Board investigator, can attend the Surveying Conference and Trade Show, to be held at the Doubletree by Hilton in Columbia, SC, on February 5-7, 2014.

MOTION: To send the Board investigator to the Surveying Conference and Trade Show. Dinkins/Johnson/approved.

MOTION: To send Board investigator, attorney, administrator, and staff to 2014 NCEES Zone and Annual meetings. Dinkins/Johnson/approved.

MOTION: To approve the October 10, 2013, Investigative Review Committee Report. Dinkins/Johnson/approved.

- c. Mrs. Addison-Miles told the Board that the updated Policy Manual was included in the meeting packets for informational purposes. Licensure statistics, the financial reports for September – October 2013, the Cease and Desist log, and the Consent Agreement log were included in the meeting packets. There were 27,513 active licenses with the Board as of November 5, 2013. The Board had a cash balance of \$1,887,934.73 as of October 31, 2013. The Research and Education fund had a cash balance of \$363,372.00 as of October 31, 2013.

Mrs. Hodge asked about the status of the new budget and fees. Mrs. McCartha said that won't be final until the legislative review process is completed next spring.

Mrs. Hodge asked if the policy manual can be revised to include a Table of Contents. Mrs. Moorer will update the Policy Manual.

Education and Research Funding Requests

- a. Cadet Kyle Smiley presented a funding request in the amount of \$25,000 for the Citadel ASCE Carolinas Conference and Civil Engineering Academic Competitions on March 6-8, 2014.

MOTION: To approve the \$25,000 funding request for the Citadel ASCE Student Chapter. Johnson/Rickborn/approved.

- b. Kent Hudson presented a \$16,500 funding request for the SC Society of Professional Land Surveyors Conference and Trade Show, to be held on February 6-7, 2014.

MOTION: To approve the \$16,500 funding request for the SC Society of Professional Land Surveyors. Dinkins/Johnson/approved.

New Business

- a. Mr. Richard Cottingham spoke to the Board regarding Overlap of Practice with the Board of Architectural Examiners. He recently had a discussion with a building official regarding this issue, and believes that the Building Official Manual needs to be updated. He asked the Board to consider three things:
 - To make a statement to the building official that his design is engineering and in his qualifications to perform;

- To reconstitute a task force of licensed architects and engineers to consider a comprehensive improve to the Building Official Manual; and
- To publish and distribute a revised Building Official Manual with the Board of Architectural Examiners.

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

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

Mrs. Hodge said the Board will take all items under advisement. They will appoint a task force to be led by Tim Rickborn from the Board of Registration for Professional Engineers and Surveyors. Steve Russell, Anthony Lawrence, and Brad Smith from the Board of Architectural Examiners will also be on the task force, along with representatives from the Building Codes Council. The issue will be tabled and made part of that task force.

- b. Written Procedures for Licensure – The Board moved this item to discussion under the NSPE Position Statement on Taking the PE.
- c. Board Member Communications – Mrs. McCarthy reminded the Board that FOIA applies to group emails, as this could be considered an electronic meeting. She urged them to be mindful of email discussions that involve what would constitute a quorum of members.
- d. Portfolio Review June 30, 2020, Expiration - Mrs. McCarthy said a request came from the Electrical Engineering Portfolio Review Committee to consider the expiration of the Portfolio Review Process. She said it might be helpful to collect information from committee volunteers in all disciplines to determine how the process has gone and what the members think of it.

Mr. Dinkins said this process was a result of SC State initiatives, and asked if we have heard about the program they were working out with the University of South Carolina. The Board confirmed that there has been no further communication with SC State on this initiative. Mr. Love asked to revisit the programs to determine if they still meet the standards. Mr. Dinkins said there are also programs at Clemson University, The Citadel, Trident Technical College, and SC State for individuals to take surveying courses to make them eligible for licensure. He asked Mrs. Addison-Miles to see if these programs are still in place, and how many students are in them.

The Board decided to defer the decision on soliciting feedback on the Portfolio Review Process until the next Board meeting.

- e. Industrial Exemption Committee Report – Dr. Fallon said the committee met twice. It's a diversified committee and they had good conversations. The hurdle for the Board is to create a PE culture in industry, and that's difficult with the smaller plants that don't have a PE on staff. There are two things they have asked the manufacturing group to propose language for: having a PE in charge of engineering work in plants, and a revision to the temporary license provision in statute that would be compatible with manufacturing. The committee will meet again on January 9, 2014.

- f. Certificate of Authorization Question – Mr. Rickborn said he reviewed a question sent to Mrs. Addison-Miles about whether a firm that installs piles with signed and sealed documents to certify that the product meets product specifications would be required to have a Certificate of Authorization. The Board discussed the question and determined that this falls under the definition of “engineering,” and that the firm would need a Certificate of Authorization.
- g. Policy on Structural Discipline – Mr. Rickborn said he recently reviewed an application from an individual that passed the eight hour exam in civil engineering. The problem is that the applicant’s experience is in structural, but has only achieved a successful result on the vertical portion of the structural exam. He asked if this is a minimal competency issue. The Board discussed the issue and determined that the license should be issued with a letter or email cautioning to only work in the area of expertise and competency. Mrs. McCartha said she would help to draft that letter.
- h. SC State Specific Exam – Mr. Dinkins said a question was raised about offering the two hour surveying State Specific Exam by computer based testing (CBT). This would require that the item bank include five to ten times more questions, plus conversion effort. There are not many candidates for this examination, and he recommends keeping it in paper/pencil format for the foreseeable future. The Board agreed with this recommendation.
- i. PE Applications – Work Experience in SC – Mr. Love said he reviewed several applications where the applicant indicated that they had not performed engineering services in the State of South Carolina, but their Section 5 PE Questionnaires indicate projects performed in South Carolina. He recommended that the staff instruct applicants to list projects they have performed in South Carolina and the name of the PE they worked under on the Section 5 PE Questionnaire. Mr. Dinkins asked if the application can add a question to ask if the applicant has performed work under the supervision of a licensed PE. Mrs. McCartha recommended letting staff handle the issue until the Board can review the application form at the next Board meeting.
- j. Southern Zone 2014 Meeting Update – Hodge – A proposed schedule of events for the NCEES Zone meeting was distributed to the Board (see attached). The Board discussed switching the spouse events on Thursday and Friday to accommodate for timing.

The Board recessed for lunch from 12:24 p.m. – 1:00 p.m.

- k. 2014 Election of Officers – Hodge

MOTION: To nominate officers as follows for January 1 – December 31, 2014: Chairman – Timothy Rickborn; Vice-Chairman – Dennis Fallon; Secretary: John Johnson. Hodge/Dinkins/approved.

Unfinished Business

- a. Parameters on Qualifying PDH Credits – Hodge – Mrs. Hodge urged the Board to be aware of the courses they fund. Most of the courses they fund are a mixture of technical and management courses to enhance business opportunities.

Mr. Rickborn had a question regarding a reinstatement application he reviewed that had documentation of 30 hours of continuing education verified on the same date. He asked the Board about documentation of online courses. The Board determined that the applicant should explain how he completed both courses on the date documented.

- b. NSPE Position Statement on Taking the PE – Dinkins – the Board discussed decoupling the four year experience requirement from taking the PE exam. Mr. Dinkins said that New Mexico, Nevada, Arizona, Illinois, and California have adopted this.

MOTION: To instruct the Administrator to allow persons to take the PE exam prior to four years experience, provided they meet other requirements which included accredited degree and passing the FE. Dinkins/Fallon/Hodge, Rickborn, Love opposed/motion carried.

Mrs. Addison-Miles distributed a draft of the Application for Admittance to the Principles of Practice (PE) Examination. The Board suggested minor changes to the application.

- c. Statute Review – Hodge – Mrs. Hodge and Mrs. McCartha met with Senator Alexander to discuss the proposed statute. There are currently four amendments proposed on the Senate Side:
 - Plans requiring seals from the Office of the State Fire Marshall,
 - Contractors brokering engineering services,
 - Periodic inspections can only be done after three business days notice is given, and
 - Striking Qualifications Based Selection in 40-22-35.

Mrs. Hodge got an email from the SC Department of Transportation expressing concern about the language regarding “commissioning” in the proposed language. The Board decided to add a definition of “commissioning” to the proposed statute.

Mrs. Hodge got an email from Skip Lewis expressing the following concerns:

- Changing the term “ethics” to “ethical behavior” in 40-22-20(14). The Board decided to leave the proposed language as it reads.
- Capitalizing “Engineers” in 40-22-20(30). The Board decided to make this change and to capitalize “Surveying” in this section.
- Adding “by persons not licensed as Professional Engineers (Professional Surveyors)” to 40-22-30(D). There has been an amendment that addressed this item.
- Striking 40-22-35. The Board decided to leave the proposed language as it reads.
- Modifying language in 40-22-220. The Board decided to leave the proposed language as it reads.

- Adding a purpose clause to 40-22-250. The Board decided to leave the proposed language as it reads.
- Adding exemptions that were deleted in 40-22-280(B). The Board decided to leave the proposed language as it reads.

This completes the revisions to the statute, with the exception of the proposed language from the Industrial Exemption Committee in January 2014.

- d. Schedule 2014 Meeting Dates – Hodge – The Board will meet at the SC Department of Labor, Licensing and Regulation, Synergy Business Park, Kingstree Building, 110 Centerview Drive, Columbia, SC, at 9:30 a.m. on the following dates:
- January 21, 2014 (Room 108)
 - March 13, 2014 (Room 108)
 - April 8, 2014 (Room 108)
 - July 15, 2014 (Room 105)
 - September 23, 2014 (Room 108)
 - November 10, 2014 (Room 105)

Other Business

- a. Mrs. Hodge asked that the Board be alerted to being observers for the examinations in 2014. Mrs. Addison-Miles said she would distribute this information to the Board as soon as it becomes available.
- b. Mr. Dinkins asked if the handouts for the Board meeting can be marked with the agenda item at the top in the future.

Notice of Next Meeting

The next meeting of the SC Board of Registration for Professional Engineers and Surveyors will be held on Tuesday, January 21, 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. Love/Johnson/approved.

The meeting adjourned at 3:08 p.m.

Respectfully Submitted,



Sherri F. Moorer, Program Assistant