

MINUTES
South Carolina Board for Registration for
Professional Engineers and Surveyors
Board Meeting

9:30 a.m., January 24, 2012
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina

Call to Order

Chairwoman Theresa Hodge, P.E., called the meeting to order on January 24, 2012, at 9:30 a.m. Board Members present were Timothy Rickborn, P.E.; Thurl M. Amick, Sr., PLS; Nancy W. Cottingham; M.L. Love, Jr., P.E.; Charles Joye, II, PE; Dennis Fallon, P.E.; and Gene Dinkins, PLS, P.E.

Staff members included Jan Simpson, Administrator; Missy D. Jones, Program Assistant; and Sherri Moorer, Program Assistant. LLR employees attending the meeting included: James Saxon, Advice Counsel.

Statement of public notice

Mrs. Hodge stated public notice of this meeting was properly posted at the S. C. Board of the Registration for 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.

NOTE: These minutes are a record of the motions and official actions taken by the Board and brief summary of the meeting. A transcript of this meeting providing more detail will be available on the Board's website: www.llr.state.sc.us/pol/engineers

Board Chairman Hodge introduced the Board and welcomed the new Board Members, Timothy Rickborn and Dennis Fallon. Chairman Hodge also introduced the IRC Committee Members, Pat Gambill and Zach McGhee, to the Board.

Approval of the November 15, 2011, Meeting Minutes

Motion: To approve the minutes of the Board meeting held on November 15, 2011. Amick/Fallon/Approved.

Approval of Agenda

There were no changes to the agenda.

Application Hearings

a. Joseph B. Lee, III -- Application Hearing

Mr. Lee appeared before the Board for an application hearing for reinstatement of his engineering license. This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Motion: To enter into Executive Session. Love/Amick/Approved

Motion: To return to Public Session. Love/Amick/Approved

Motion: To approve Mr. Lee's reinstatement application for licensure in South Carolina as an Engineer. Love/Fallon/Approved.

Engineers Technology Review Committee – Michael Zaccardo

Motion: To approve Michael Zaccardo for licensure. Dinkins/Rickborn/Approved.

Office of General Counsel – Hearings – There were none

Unfinished Business

Construction Staking

Mr. Amick provided a position paper regarding construction staking and asked the board to adopt a policy that construction staking is the practice of surveying and that only licensed individuals are authorized to perform construction staking.

Motion: The practice of Construction Surveys is not exempt under Section 40-22-280 (A) (8); That Construction Surveying is the practice of Surveying as defined in the South Carolina Codes of Laws and therefore requires a license to practice; That all construction surveys must be performed under the direct supervision of a Licensed Surveyor holding a license to practice in South Carolina; That Construction is not a part of the exemptions cited in Section 40-22-280 (A) (8); That the only exemption a general contractor, specialty contractor, or material supplier has, is in “the preparation to construct the project in accordance with plans and specifications prepared under the requirements of this chapter. Amick/Joye/Approved.

After a brief discussion the Board tabled the motion and asked Attorney Saxon to research all related issues for further discussion at the February 28, 2012, meeting.

New Business

Invalidation of FE Exam Score

Leonard Gabbidon used an unauthorized writing instrument when he took the FE exam in October 2011, resulting in his answer sheet not being able to be graded.

Motion: To invalidate the exam score for Leonard Gabbidon on the FE exam given on October 29, 2011. Dinkins/Fallon/Approved Joye - Opposed.

Applications from residents in foreign countries

After a brief discussion, the Board determined that individuals residing outside of the United States may apply for registration if they have proper authorization to work in the United States. They must meet education, experience, and examination requirements in SC law in order to qualify for registration. Mr. Dinkins will ask NCEES about taking a position on this issue that would offer states more guidance on handling foreign applications.

Legislation

Joe Jones, Executive Director of SCSPE, reported on pending legislation that would prohibit engineers from bidding on public work. The Board asked James Saxon, Board Advice Counsel, to monitor any legislation that might impact the Board.

GIS Certification Institute position statement

Mr. Amick discussed the GIS Certification Institute Position Statement, which tries to separate surveying from geospatial work. The SC Code of Laws does not separate geospatial work from surveying. The Board decided to accept the report as information. The GIS Certification Institute has no jurisdictional authority.

Documentation of work experience

Ms. Simpson spoke to the board about documentation of work experience for licensure. The Board will discuss guidelines or parameters for applicants to document work experience at the February 28 meeting.

New Procedures for Consent Agreement

Mrs. Simpson reported on new procedures for Consent Agreements.

Motion: To enter into Executive Session. Rickborn/Love/Approved

Motion: To return to Public Session. Amick/Fallon/Approved

The Board decided to take no action on this matter.

Exam Eligibility Questions

Ms. Simpson asked the Board how to handle applications for individuals who have taken the exam the maximum number of times allowed in another state. The Board decided such applicants must meet the same requirements as repeat exam candidates in SC. Therefore, they should complete a Certificate of Study along with the Licensure by Examination application to indicate the specific efforts they have made to better prepare for the exam.

Consideration for Funding Request

South Carolina Engineering and Surveyors Conference

The Board reviewed an application from South Carolina Engineering and Surveyors Conference for \$20,000 for South Carolina Engineering and Surveying Conference and Trade Show to be held in June 2012 in Myrtle Beach, South Carolina.

Motion: To approve the funding request from South Carolina Engineering and Surveyors Conference. Dinkins/Amick/Approved.

Reports

Investigative Review Committee Report – Sharon Wolfe

There are 9 active investigations in OIE. The oldest case is 595 days old and the newest case is 84 days old. OIE closed 25 cases during 2011.

Office of General Counsel

There is 1 open case in OGC and 9 closed cases. There is 1 case on appeal at the Administrative Law Court (ALC).

Report on Administrative Actions – Missy Jones

Administrative Disciplinary Reports for 2011 were distributed to the Board. There have been no Letters of Caution or Cease and Desist Orders issued in 2012.

Administrator's Report – see attached

Financial Report – Jan Simpson

Financial reports for November 2011 and December 2011 were distributed to the Board. At the next meeting, the Board would like to discuss ways to utilize the Research and Education Fund to provide more continuing education opportunities.

Board Member Reports

Mr. Dinkins reminded the Board that the NCEES Southern Zone Meeting will be held in Huntsville, AL on April 20-22, 2012.

Mr. Love gave a report from the Advisory Committee on Council Activities (ACCA) Meeting. They were charged with looking at the definition of engineering surveys.

Mrs. Hodge attended the Uniform Procedure for Legislative Guidelines (UPLG) meeting in Charlotte, NC on January 13-14, 2012. Her subcommittee was charged with proposing modifications to the model law and rules to incorporate computer based testing.

Mrs. Hodge reminded the Board members to file the Statement of Economic Interest with the State Ethics Commission by the April 15 deadline.

Mr. Dinkins reminded the Board that the last paper/pencil administration of the Fundamentals of Engineering (FE) Examination will be in October 2013. Computer-based testing for the FE will begin in January 2014. There is no timetable yet for converting the Professional Engineering (PE) Examination to computer-based testing, but the conversion is in progress.

Mrs. Hodge announced that South Carolina will host the NCEES Southern Zone Meeting in April 2014, at the Doubletree Inn in Charleston, SC.

Other Business

Reminder: State Ethics Commission filing due April 15, 2012

Application Hearings

a. Thomas D. James -- Application Hearing

Mr. James appeared before the Board for an application hearing for approval to allow him to proceed with the application process to take the examination in South Carolina of his PE Exam application. This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Motion: To enter into Executive Session. Amick/Rickborn/Approved

Motion: To return to Public Session. Love/Dinkins/Approved

Motion: To allow him to proceed with the application process to take the examination in South Carolina of his PE Exam application. Joye/Love/Approved.

There being no further business, the meeting adjourned at 1:45 p.m.

Respectfully submitted,

Missy D. Jones
Program Assistant

Administrator's Report

January 2012

Board of Professional Engineers and Surveyors

Licensure Statistics -- Attached

State-Specific Exam-Writing Committee – We issued PDH credits to participants on the committee based on sign-in sheets provided by Henry Dingle, PE. He estimates that 2 more meetings will be needed in 2012 to accomplish the goal of creating 5 exams. Thereafter, he believes 2 meetings per year will be needed to ensure the exam is kept current and relevant.

Portfolio Committee Procedural Changes – LLR's attorneys who advise the Boards helped staff revise the procedure for portfolio reviews that is consistent with other application hearing procedures.

Financial Reports - Attached

State Ethics Commission – Statement of Economic Interests report due April 15, 2012. I reminded Andy Kinghorn and Cecil Huey.

Coming up: BEA meeting in Atlanta Feb. 8, 2012

Southern Zone meeting – Huntsville, AL. Attendees will be Thurl Amick, Dennis Fallon, Gene Dinkins, Theresa Hodge, and M. L. Love. I will not be able to attend due to a schedule conflict with a meeting of the NCARB Board.

[END OF REPORT]

ENGINEERS

Prefix	Subcategory	Issued	Reinstated	Renewed Online	Active *
EGT		0	0	0	2
EIT		88	0	0	6356
ELS	AE	0	0	0	14
ELS	D	0	0	0	168
ELS	E	187	8	0	14791

ELS	L	21	0	0	1114
ELT		2	0	0	152
ENB	COAB	9	4	0	747
ENC	COA	29	22	0	2528
ENG	TE	5	0	0	84
EPT		0	0	0	0
ETC	TCOA	3	0	0	68
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Total:		344	34	0	26024

Credential Definitions [\[add\]](#)

Prefi x	Subcategory	Description
EGT		GIS Surveyor In Training
EIT		Engineer in Training
ELS	AE	Associate Professional Engineer
ELS	D	Engineering and Land Surveying
ELS	E	Engineering
ELS	L	Land Surveying
ELT		Land Surveyor In Training
ENB	COAB	Certificate of Authorization Branch
ENC	COA	Certificate of Authorization
ENG	TE	Temporary Engineer

EPT Photogrammetric Surveyor In Training

ETC **TCOA** Temporary Certificate of Authorization

REV **ENG** ENG Miscellaneous Revenue

*

Active does not use selected dates - current Active Licenses

*Report from November 16, 2011 to January 18, 2012.

DRAFT