

**MINUTES**  
**South Carolina Board for Registration of Professional Engineer and Surveyors**  
**9:30 a.m., January 26, 2016**  
**Synergy Business Park, Kingtree Building**  
**110 Centerview Drive, Room 105**  
**Columbia, SC**

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**Call To Order**

Chairperson Rickborn called the meeting to order at 9:39 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, Kingtree 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; Miller L. Love, Jr., PE; Dr. Johnston Peeples, Ph.D., PE; and John Baker Cleveland, III.

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

Others present included: Kent Hudson, Brian Bonds, Adam Jones, Joe Jones, Marguerite McClam, Jennifer Bragg, Jerry Timmons, Charles Walczak, Stephen Nickerson, Jesse Burke, Greg Westlake, Steve Mitchell, and Jennifer Nottle (Creel Court Reporting).

**Approval of Meeting Minutes**

The board reviewed minutes from the November 17, 2015 board meeting.

**MOTION:** To add "and Cleveland" to page 4. Sentence should read, "Board members Dinkins and Cleveland were recused from participating in the hearing."

**MOTION:** To approve minutes with proposed amendments. Love/Johnson/approved.

**Review and Approval of Agenda**

The board reviewed the agenda. Mr. Rickborn suggested that agenda item 11I. be moved immediately after item 6.

**MOTION:** Approve agenda for January 26, 2016 meeting with amendments.  
Johnson/Peeples/approved.

**MOTION:** To enter executive session or legal advice. Rickborn/Love/approved.

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

### **Reports**

- a. Office of Investigations and Enforcement - Mrs. Wolfe reported there were at total of 50 cases received from January 1, 2015 through December 31, 2015. Seventeen cases are active investigations. Eight cases have been closed and 18 cases have been classified as "do not open". Two cases are pending board action. Two cases are pending action from the IRC. Mrs. Wolfe added that the oldest active case is 230 days.
- b. Investigative Review Committee Report- Mrs. Wolfe presented the January 12, 2016, IRC report. Cases 2014-38 and 2015-23 were recommended for dismissal, and case 2015-58 was recommended for a formal complaint.

**MOTION:** To accept the Investigative Review Committee Report. Peeples/Johnson/approved.

- c. Office of Disciplinary Counsel - Mrs. Baldwin presented the ODC report. Mrs. Baldwin reported there are 18 open cases in the Office of Disciplinary Counsel. Fourteen cases are pending board action. Three cases are pending Consent Agreements. One case is pending board hearing. Mrs. Baldwin added that 33 cases were closed in 2015. Mrs. Baldwin introduced new staff member, Kim Long who will be assisting with Engineers' cases.
- d. Administrative and Financial Reports – Mrs. Miles reported the Statement of Economic Interest report was e-mailed to all board members on January 20, 2016, and must be filed electronically with the State Ethics Commission by March 30, 2016. Mrs. Miles added that the new mileage rate for reimbursements is now .54¢ per mile. Mrs. Miles reported that as of January 21, 2016, there were 29,471 credentials. There were 5,286 in-state engineers and 10, 969 out of state. There were 609 in-state surveyors and 453 were out of state. Mrs. Miles added that there were a total of 506 Early PE exam applications. Two hundred thirteen (213) candidates have passed the exam. Mrs. Miles reported that the cash balance for November 2015 was \$2,486,346.94. The Education and Research balance for November 2015 was \$345,645.22.

### **Funding Requests**

- a. Adam Jones presented a funding request, for \$8,000, for the ACEC-SC and SCPE Winter Meeting.

**MOTION:** To approve the \$8,000 funding request for the ASCE-SC and SCPE Winter Meeting.  
Johnson/Dinkins/approved.

### **Disciplinary Hearings**

- a. Mr. Daniel Dennis (Case 2012-21) appeared before the board for a disciplinary hearing. Mr. Dennis was represented by Mr. Jahue (Jake) Moore, of Moore Taylor law firm. Ms. Stella Hammond, Mr. Jerry Timmons, and Mr. Charles Walczak, served as 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. Cleveland/Johnson/approved.

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

The board recessed for lunch from 12:06 p.m. to 12:50 p.m.

**MOTION:** To enter executive session. Dinkins/Peeples/approved.

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

Mr. Rickborn left the meeting during executive session for a family medical emergency.

**MOTION:** The State failed to meet its burden of every element of allegation of paragraph 1A in the complaint. The State should issue a dismissal in favor of the respondent. To issue a Letter of Caution referencing South Carolina Regulation 49-303. Cleveland/Dinkins/approved.

Mr. Love left the meeting at 2:51 p.m.

### **Application Hearings**

- a. The application hearing for Carlos Valenzuela was continued to the next scheduled board meeting.
- b. Mr. Stephen Nickerson appeared before the board for an Application Hearing. He was not represented by Counsel. There were no witnesses. This matter was recorded by a court reporter to provide a verbatim script, should one be necessary.

**MOTION:** To accept work experience, pending any other required documents, grant PE licensure, Dinkins/Peeples/approved.

### **Unfinished Business**

Dr. Fallon announced that due to Mr. Rickborn's absence, all agenda items scheduled to be discussed by Mr. Rickborn would be tabled until the next scheduled board meeting.

- a. The review of Action Items from the November 17, 2015 meeting was tabled until the next scheduled board meeting.
- b. Mr. Jennings spoke with the board regarding the Education Evaluation Policy and Consultant. Dr. Castro, Education Consultant to the board, introduced Dr. John Gowdy, who will serve as shadow to Dr. Castro. Dr. Castro added Dr. Gowdy will continue to learn the procedures of performing education evaluations for the next several months. Dr. Castro

reported that according to their planned timeline, Dr. Gowdy should be ready to serve as an additional education consultant to the board by January 2017.

**MOTION:** To approve Dr. Gowdy to serve as an education consultant to the board.  
Peeples/Dinkins/approved.

**MOTION:** To allow Mr. Jennings, Dr. Castro, and Dr. Dowdy to work together to form an education consultant policy in the future. Dinkins/Peeples/approved.

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

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

- c. The agenda item of Experience Verification Form for Licensing Applications was tabled to the next scheduled board meeting.
- d. The agenda item of Successor Engineer/Surveyor policy was tabled to the next scheduled board meeting.
- e. Dr. Fallon spoke with the board regarding the Education Grant Proposal. He added the board has reviewed this proposal and recommended it was time for the board to take action. Mr. Johnson suggested the deadline be set to remove the year. Mr. Johnson added that by removing the year, it makes the policy a rolling document that does not have to be updated with a deadline annually.

**MOTION:** To approve the Education Grant Proposal Policy with the recommended changes.  
Dinkins/Johnson/approved.

- f. Mr. Steve Mitchell, PE spoke with the board regarding the structural engineering minimum level of service in high wind plain areas. He added that there are individuals preparing incorrect drawings without the formal training, and having engineers and/or architects stamping and sealing them. Mr. Mitchell added that to protect the health, safety, and welfare of the public, he believed there should be mandated certifications for individuals who prepare these designs. The board advised Mr. Mitchell that the appropriate action would be to file a formal complaint with the board so that a formal investigation could be conducted.
- g. The agenda item of COA Frequently Asked Questions was tabled to the next scheduled board meeting.
- h. Mr. Jennings spoke with the board regarding the proposed legal/ethics exam. Mr. Jennings reported that he created a 55 question exam based on topics presented in The Practice Act and the Regulations. He added that the exam has been deferred to Mr. Cleveland for his review. Copies of the exam were distributed to the board and taken as information.
- i. The agenda item of procedures for Emergency Assistance Situations/Disaster Relief/Foundation Repair was tabled to the next scheduled board meeting

- j. The agenda item of EIT certifications was tabled to the next scheduled board meeting.
- k. The agenda item of Category B License Expiration Notifications was tabled to the next scheduled board meeting.
- l. The board elected Vice-Chairman and Secretary for 2016.

**MOTION:** To nominate Dr. Dennis Fallon as board Vice-Chairman. Rickborn/Love/approved.

**MOTION:** To nominate Johnny Johnson as board secretary. Love/Dinkins/approved.

**New Business**

- a. Mr. Dinkins spoke with the board regarding State Specific Exam Committee Service Credit. Mr. Dinkins reported that members of the committee have been meeting and are making progress.

**MOTION:** To grant PDH hours to members of the State Specific Exam Writing Committee for each hour they meet remotely and in person to prepare exam questions. Dinkins/Johnson/approved.

- b. There was no report on the Future of Surveying agenda item.
- c. The agenda item of Design Professionals Inquiry was tabled to the next scheduled board meeting.
- d. The agenda item of PE Stamp on P&ID's Inquiry was tabled to the next scheduled board meeting.
- e. Joe Jones spoke with the board regarding pending Legislation regarding engineering. He reported that within House Bill 4565, there is a definition of engineer that is identical to what it is in The Practice Act. He added that he is satisfied with that definition. He reported that Senate Bill 410 is now a dead bill and has been changed to Senate Bill 685. He added the bill has been rewritten with the Board proposed amendments. Mr. Jones reported that there might be an amendment S.280 to redefine the term "engineer", but has not come before the subcommittee yet. He added that they have continued to meet with legislators of the Senate and House LCI committee in regards to the Practice Act and they seem to be making progress.
- f. The agenda item of work experience prior to obtaining required degree was tabled to the next scheduled board meeting.
- g. The board reviewed the NCEES 2016 meeting dates to approve travel.

**MOTION:** To approve travel to all 2016 NCEES and Colonial States meetings for board members, board staff, and Advice Counsel. Johnson/Dinkins/approved.

- h. The board selected Mr. Rickborn and Dr. Fallon as NCEES Southern Zone funded delegates for 2016. Mr. Johnson was selected to serve as an alternate. There was no motion or vote on the matter.
- i. Mr. Jennings distributed copies of House Resolutions H. 4610 and H. 4611 to the board. The Resolutions declare February 24, 2016 as South Carolina Professional Engineers Day and March 22, 2016 as South Carolina Professional Land Surveyors Day.
- j. Mrs. Miles spoke with the board regarding evaluation forms for re-examination candidates. Mr. Johnson suggested that the dates of attempted exams be added to the evaluation sheet. The board agreed to take the proposed form as information for discussion at the next scheduled board meeting.

There was no other business or public comments.

**Notice of Next Meeting**

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

There being no further business:

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

The meeting adjourned at 4:16 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Britton S. Jenkins". The signature is written in a cursive, flowing style.

Britton S. Jenkins, Program Assistant