

MINUTES
South Carolina Board for Registration of
Professional Engineers and Surveyors
Board Meeting
9:30 a.m., November 15, 2011
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina

Call to Order

Chairman Andy Kinghorn, P.E., called the meeting to order on November 15, 2011, at 9:30 a.m. Board Members present were Theresa Hilliard Hodge, P.E.; Thurl M. Amick, Sr., PLS; Nancy W. Cottingham; M.L. Love, Jr., P.E.; Charles Joye, II, PE; and Cecil Huey, Jr., P.E. Gene Dinkins was excused for this meeting.

Staff members included Jan Simpson, Administrator; Missy D. Jones, Program Assistant; and Sherri Moorer, Program Assistant. LLR employees attending the meeting included: Christa Bell, General Counsel, and Dean Grigg, Advice Counsel.

Statement of public notice

Mr. Kinghorn 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

Approval of the September 27, 2011, Meeting Minutes

Motion: To approve the minutes of the Board meeting held on September 27, 2011. Hodge/Amick/Approved.

Approval of Agenda

There were no changes to the agenda.

Application Hearings

a. Gary Thurman -- Application Hearing

Mr. Thurman appeared before the Board for an application hearing for issuance of his surveying license by comity. 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. Joye/Love/Approved

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

Motion: To approve Mr. Thurman's application for licensure in South Carolina as a Surveyor upon his taking and passing the State Specific exam. Amick/Love/Approved.

b. Sustainable Design Consultants – Application Hearing (Frank Hahne, John R. Thomas, and John Shahan)

Sustainable Design Consultants appeared before the Board for an application hearing for issuance of the firm's Certificate of Authorization. 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/Joye/Approved

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

Motion: To grant the issuance of the firm's Certificate of Authorization with the condition that if the firm has or intends to have a branch office in South Carolina, there must be a resident Engineer in responsible charge and the firm must submit to the Board office an Amended Certificate of Authorization application. Love/Amick/Approved.

c. RTM Engineering, LLC – Application Hearing (Russell Mease)

RTM Engineering, LLC, appeared before the Board for an application hearing for issuance of the firm's Certificate of Authorization. This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Motion: To grant the issuance of the firm's Certificate of Authorization. Hodge/Love/Approved.

d. Philip Zarny – Application Hearing

Mr. Zarny appeared before the Board to request a waiver of the Fundamentals of Engineering Exam based on his years of engineering experience. 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. Hodge/Amick/Approved

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

Motion: To waive the Fundamentals of Engineering Exam and grant Mr. Zarny a Professional Engineer's license by comity. Cottingham/Hodge/Approved.

e. Andrew W. Booth and Associates, Inc. – Application Hearing (Andrew W. Booth)

Andrew W. Booth and Associates, Inc. appeared before the Board for an application hearing for issuance of the firm's Certificate of Authorization. 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. Hodge/Amick/Approved

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

Motion: To grant the issuance of the firm's Certificate of Authorization with a letter of caution and upon payment of a \$4,000 for recuperation of fees and cost of hearing. Joye/Love/Approved.

Engineers Technology Review Committee – Bradley H. Dorsey and Russell L. Atkins

Motion: To approve Bradley H. Dorsey and Russell L. Atkins for licensure. Huey/Love/Approved.

Office of General Counsel – Hearings – There were none

Update on SCSU's collaborative program with USC

Mr. Kinghorn reported to the Board that there still has been no progress on the SCSU Collaborative Project with USC. The Board decided that it has done all that is possible to help with this endeavor but is willing to assist if any issues arise.

Evaluation of Bob Jones University's Engineering Curriculum

The Board discussed a request from Bob Jones University to allow senior students enrolled in the school's engineering program to take the Fundamentals of Engineering (FE) exam in April 2012. The program is not yet ABET accredited.

Motion: To allow the seniors to take the FE exam in April 2012, but if the seniors pass, they must wait until Bob Jones University's program is ABET-accredited to be issued an Engineer-in-Training number. Joye/Love/Approved – Hodge opposed. (6 to 1)

New Business Items

Election of Board Officers for 2012

The Board Officers for 2012 are as follows:

Motion: To elect Theresa Hodge as Chairman. Love/Joy/Approved.

Motion: To elect Thurl Amick as Vice Chairman. Hodge/Huey/Approved.

Motion: To elect Nancy Cottingham as Secretary. Love/Joye/Approved.

Review of applications for IRC Positions – PE – DuPre, Gambill, Kricker, McClam, McGhee, Young

The Board reviewed the applications submitted by Mr. Dupre, Mr. Gambill, Mr. Kricker, Ms. McClam, Mr. McGhee, and Mr. Young for two open Professional Engineer positions on the Investigative Review Committee.

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

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

Motion: To offer the open positions to Pat Gambill and Zach McGhee and to thank others for their interest. Joye/Love/Approved.

Review and Appointment of NCEES Associate and Emeritus Members

After a brief discussion, the Board requested that Jan Simpson update the NCEES list of Associate and Emeritus members.

NCEES Republishes Proposed ANSI Standard

The Board accepted as information the NCEES Proposed ANSI Standard as revised.

Revised LLR Travel Policy

The Board accepted the revised LLR Travel Policy.

Call for Nominations from Southern Zone Awards Committee

The Board discussed nominations for the Southern Zone Awards.

Motion: To nominate Miller L. Love, Jr., for the Southern Zone Distinguished Service Award.

Hodge/Cottingham/Approved.

Consideration for Funding Request

SCSPLS Request for Educational Funds

The Board reviewed an application from South Carolina Society of Professional Land Surveyors for \$14,735 for a Continuing Education Seminar to be given in February 2012 in Columbia, South Carolina.

Motion: To approve the funding request from SCSPLS. Amick/Love/Approved.

SCSPE Request for Educational Funds

The Board reviewed an application from ACEC/South Carolina Society of Professional Engineers for \$4,000 for a Continuing Education Seminar to be given in February 2012 in Columbia, South Carolina.

Motion: To approve the funding request from SCSPE. Hodge/Kinghorn/Approved

Reports

Investigative Review Committee Report – Sharon Wolfe

Due to recent changes in the assigned investigator for the Board, there was no report for dismissals or formal complaints.

Office of General Counsel

Jan Simpson reported one open case and one case pending appeal.

Administrator's Report – see attached

Report on Administrative Actions – Missy Jones

The Board reviewed the report.

Financial Report – Jan Simpson

The Board reviewed the report.

Board Member Reports

No reports given.

Other Business

Review of Regulation changes to reconcile with statutes

After a brief discussion, the Board approved a motion to suspend the \$10.00 Certificate Fee since it is not authorized in statute or regulation. The Board also scheduled a conference call for November 28, 2011, at 3:00 P.M. to discuss changes to Regulation 49 and Title 40, Chapter 1..

Non-Agenda Items

Board Member Thurl Amick asked that Construction Staking be put on the January 24, 2012 Board Meeting Agenda.

Board Member Miller Love discussed the issue of technical colleges that choose not to continue their ABET Accreditation but still want Board recognition of their programs. The Board determined that they only approve the design of the curriculum and not its execution. The education evaluation process is available to determine equivalency in the event that the courses are at a school that is not ABET Accredited.

There being no further business, the meeting adjourned at 2:25 p.m.

Respectfully submitted,

Missy D. Jones
Program Assistant

Administrator's Report

November 15, 2011

Board of Professional Engineers and Surveyors

LLR Updates

Financial Reports

Financial reports for September were sent in your board packets. We now also have the Financial reports for October 2011 (attached). Information provided recently by the Finance Department includes the following:

Legal fees are based on the number of investigations

Transfers are determined by specific Provisos

Percentages "based on previous year expenses" are derived by dividing the total of all boards' expenses into each individual board's expenses. Example: \$250,000 total divided into \$25,000 = 10%.

B&BB will be revised to OBS (Office of Board Services, the professional and occupational licensing boards)

Fees

Administrators recently were asked to determine whether fees charged by the Boards are authorized by statute, whether fees are listed in Regulations if required by statute, and fees actually charged are consistent with the Board's authority. My report:

Board of Professional Engineers and Surveyors

SECTION 40-22-50. Duties of Board; promulgation of examination, licensing and registration fees; records; register of applications for certificates of authorization; roster.

(A) The Department of Labor, Licensing and Regulation shall provide all administrative, fiscal, investigative, inspectional, clerical, secretarial, and license renewal operations and activities of the board.

(B) The board shall promulgate examination, licensing, and registration fees for professional engineers, engineers-in-training, professional surveyors, surveyors-in-training, and registered firms in regulation. If the board denies the issuance of a license to an applicant, once the processing of the application has commenced, the fee deposited must be retained as an application fee.

(C) The board shall keep a record of its proceedings, a register of all applications for individual licenses, and a register of all applications for certificates of authorization. The records of the board are prima facie evidence of the proceedings of the board set forth in the record. A transcript of the proceedings, certified by the administrator or the director under seal, is admissible in evidence with the same force and effect as the original.

49-103. Fees.

A. The Board will charge fees sufficient to cover expenses for the following:

(1) Application Fee, Individual License: not to exceed \$200. We charge \$65 for exam applications and \$75 for comity applications but that fee includes the licensure fee. Temporary permits for individuals are \$100.

(2) Application Fee, Certificate of Authorization: not to exceed \$300. We charge \$115 for firms, and \$150 for Temporary Permits

(3) Examination Fee: not to exceed \$150, if applicable. NCEES charges exam fees.

(4) Certificate Fee: not to exceed \$35 for individuals or \$50 for firms.

(5) Biennial Renewal Fee, Individual: not to exceed \$200. All biennial renewal fees are \$100; renewal fee for dually licensed individual is \$200.

(6) Biennial Renewal Fee, Firm: not to exceed \$400. We charged \$100 historically but lowered it to \$90 in 2011.

(7) Temporary Permits: not to exceed \$200 for individuals and \$300 for firms.

B. No fee, or any part thereof, paid by any applicant for application, examination and/or registration will be refunded once an application has been submitted to the Board for processing. Refunds will not be made.

CONCLUSION: It appears the Board has no authority to charge a Certificate Fee (the actual fee is \$10). Also, the Board does not have specific statutory authority to charge for lists of licensees or completing verification forms. Prior to OLC, the Board did not charge for completing verification forms, but the prevailing rationale was that we should charge for staff time. It takes very little staff time to complete engineers/surveyors' verifications. The roster (electronic list) is no longer printed. We email the list electronically and charge the \$10 fee set by OLC.

I believe we should not charge the \$10 certificate fee as there is no explicit authority to do so. It is an extra charge for individuals who pass the exam if they do not attend the licensing ceremony.

Symposium

Thanks to Board members who attended LLR's Board Member Symposium. *[END OF REPORT]*

LICENSURE STATISTICS AS OF NOVEMBER 7, 2011

Prefix	Subcategory	Issued	Reinstated	Renewed Online	Active *
EGT		0	0	0	2
EIT		27	0	0	6260
ELS	AE	0	0	0	14
ELS	D	0	0	0	168
ELS	E	73	1	0	14584
ELS	L	0	0	0	1092
ELT		0	0	0	149
ENB	COAB	4	3	0	733
ENC	COA	24	13	0	2477
ENG	TE	1	0	0	78
EPT		0	0	0	0
ETC	TCOA	5	0	0	64
Total:		134	17	0	25621

Licenses Issued:		134
Licenses Reinstated:		17
Licenses Renewed Online:		0
Active:		25621

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

Prefix	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

***Report from September 28, 2011 to November 7, 2011.**