

MINUTES
South Carolina Board for Registration of
Professional Engineers and Surveyors
Board Meeting
9:30 a.m., September 27, 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 September 27, 2011, at 9:30 a.m. Board Members present were Theresa Hilliard Hodge, P.E.; Thurl M. Amick, Sr., PLS; Nancy W. Cottingham; Gene L. Dinkins, P.E., PLS; M.L. Love, Jr., P.E.; and Cecil Huey, Jr., P.E. Charles M. Joye was not present for this Board Meeting.

Staff members participating in this meeting included Jan Simpson, Administrator, and Missy D. Jones, Program Assistant. LLR employees attending the meeting included: Christa Bell, General Counsel, and Sheridan Spoon, General 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 July 19 and 20, 2011, Meeting Minutes

Motion: To approve the minutes of the Board meeting held on July 19 and 20, 2011. Amick/Love/Approved.

Approval of Agenda

There were no changes to the agenda.

Application Hearings (Also Recorded by Court Reporter)

a. William Webster -- Application Hearing

Mr. Webster 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. Dinkins/Love/Approved

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

Motion: To deny Mr. Webster's application for licensure in South Carolina as a Surveyor. The Board will reconsider his application by comity if he gets the math courses required, the twelve semester hours of surveying courses, and takes and passes the State Specific exam. Dinkins/Amick/Approved.

b. Andrew Abate – Application Hearing

Mr. Abate requested the Board waive the Fundamentals of Engineering Exam based on his 35 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. Love/Hodge/Approved

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

Motion: To waive the Fundamentals of Engineering Exam and grant Mr. Abate his Professional Engineer's license. Dinkins/Cottingham/Approved.

Office of General Counsel – Hearings

a. Robert Arrington – Case No. 2010-1

Mr. Arrington appeared before the Board for a disciplinary hearing for violation of Section 40-22-110(A)(2), Section 40-1-110(f), 40-22-30(3), 40-22-270(5) and 40-22-110(5) of the South Carolina Code of Laws. Mr. Arrington entered into a Memorandum of Agreement. 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 accept the Memorandum of Agreement and impose a suspension of Mr. Arrington's license for 90 days, a fine of \$5,000, and issue a public reprimand. Amick/Hodge/Approved

b. Kevin Adams – Case No. 2011-9

Mr. Adams appeared before the Board for a disciplinary hearing for violation of Section 40-22-110(A)(4), Section 40-1-110(f), 40-22-30(3), 40-22-270(5) and 40-22-110(5) of the South Carolina Code of Laws. 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. Cottingham/Hodge/Approved

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

Motion: To reinstate Mr. Adams' Professional Engineer's license upon the payment of a \$2,000 fine, issue a public reprimand and cautioned him to only practice in his area of expertise. Dinkins/Love/Approved.

Unfinished Business Items

Approval of diagnostic format for State Specific exam

The Board reviewed and revised a proposed diagnostic format for individuals who fail the State Specific exam and request the information. The Board's consultant will revise the form and provide diagnostics for all individuals who failed the April 2011 exam.

Update on SCSU's collaborative program

Mr. Dinkins updated the Board on the progress of the SCSU's collaborative program. The Board directed the Administrator to provide an update on the initiative to Rep. Gilda Cobb-Hunter and others on the stalled process.

Licensure requirement for work on Federal Lands

The Board discussed requirements for an engineer who is not a federal employee to be licensed by the state when practicing engineering on Federal lands. The Board decided that if the applicant is not a United States government employee, the burden is on the applicant to prove he does not need to be licensed.

New Business Items

Set Board Meeting Dates for 2012

The Board set the Board Meeting dates for 2012 as follows:

January 24, 2012

February 28, 2012

April 10, 2012

July 17 and 18, 2012

September 11, 2012

November 14, 2012

Engineers Technology Review Committee – Dennis J. Kachmarsky

Motion: To approve Dennis J. Kachmarsky for licensure. Dinkins/Love/Approved.

NCEES 2012 Call for Awards

The Board took the NCEES 2012 Call for Awards as information only.

Bob Jones University Engineering Degree Program

The Board discussed a request from Bob Jones University Engineering Degree Program to allow senior students to take the FE in April 2012. The program is not yet ABET accredited.

Motion: To request Dr. Walter Castro to evaluate the engineering program at Bob Jones University. If the program is found to be equivalent to ABET criteria, the Board will allow the Bob Jones University students to take the Fundamentals of Engineering Exam in their senior year. Dinkins/Love/Approved.

Seminar Eligibility for Continuing Education (CPR course)

In response to an inquiry from a provider, the Board decided that they would not accept a CPR course for Continuing Education credit.

Consideration for Funding Request

SCSPE Request for Educational Funds

The Board reviewed an application from South Carolina Society of Professional Engineers for \$5,000 for a Continuing Education Seminar to be given in November 2011 in Greenville, South Carolina.

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

Reports

Investigative Review Committee Report – Steve Freshley

Mr. Freshley reported 3 active cases in OIE as of today. The oldest is 138 days old and the newest is 13 days old.

Motion: To accept Investigative Review Committee Report. Cottingham/Love/Approved.

Office of General Counsel

Attorney LilAnn Gray reported four open cases and one pending appeal.

Administrator's Report – see attached

Report on Administrative Actions – Missy Jones

The Board reviewed the report.

Board Member Reports – Gene Dinkins

Mr. Dinkins reported recent NCEES activities.

Board Member Report – Miller L. Love

Mr. Miller reported recent activities of NCEES's ACCA Committee which he chairs.

Board Member Report – Theresa Hodge

Mrs. Hodge reported on recent activities of UPLG Committee on which she serves.

There being no further business, the meeting adjourned at 3:05 p.m.

Respectfully submitted,

Missy D. Jones
Program Assistant

Administrator's Report – Jan Simpson

LLR Updates

Travel Policy

The attached policy was distributed September 22 to all administrators. It is part of LLR's ongoing effort to ensure all travel is related to LLR's mission and the Board's mission and is beneficial to the mandates and responsibilities of this Board.

Office of Investigations and Enforcement

Personnel changes

Steve Freshley will retire on September 30th and his position will not be filled. Sharon Wolfe will serve as Chief Investigator for the Engineers and Surveyors Board; Stella Hammond and Sharon Cook will be responsible for investigations.

Office of General Counsel

Christa Bell will continue to be the litigating attorney for this board.

Financial Reports

Financial reports for July and August 2011 are 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)

Applications

When returning an application that has been denied or that you would like sent to another Board member for review, please state specifically the areas of concern and issues involved. Board staff needs specific information when responding to the applicant, sending to the other reviewing board member, or eventually, for the script if that application comes before the board for a hearing.

