

SOUTH CAROLINA
BOARD OF PROFESSIONAL ENGINEERS
AND SURVEYORS
Board Meeting
May 26, 2009
110 Centerview Drive, Room 202-02, Columbia, SC

Call to Order – Chairman Gene L. Dinkins, P.E. and L.S., called the meeting to order at 9:35 a.m. Board Members present were M. L. Love, Jr., P.E.; Thurl Amick, Sr., L.S.; Anderson Kinghorn, Jr., P.E.; Nancy Cottingham, Public Member; Theresa Hodge, P.E.; Charles Joye, II, P.E.; and Cecil O Huey, Ph.D., P.E.. Also present were Jan Simpson, Board Administrator; Melissa Jones, Program Assistant; Todd Bond, Investigator; Steven Everhart; Richard Schultz; Thomas Bellace; Richard Cottingham; Gregory Rogers; Todd Wigfield; Ned Nicolson; Tom Carson; James Bowie; Alex James; and Sharon Dantzler, LLR Attorney.

Administrator Simpson stated the **public notice** of the meeting was properly posted at the Board office and provided to organizations and news media in compliance with Section 30-4-80 of the S.C. Freedom of Information Act. A quorum was present at all times.

Review Agenda -- Administrator Simpson reviewed the agenda.

From 9:30 a.m. until 11:45 a.m., the Board held an Application Hearing on Steven H. Everhart and Alliance Structural Engineers and a Hearing regarding the reinstatement of a suspended license for Gregory Rogers.

Overlap of Engineering and Architectural Practice -- Richard Cottingham, P.E., came before the Board to discuss his concerns about certain information in the Building Officials Manual jointly published by the Board of Architecture, Board of Engineers and Surveyors and the Building Codes Council. He requested that the Board meet with the Board of Architectural Examiners to discuss revising and reissuing the Building Officials Manual. The Board will invite representatives of the Board of Architectural Examiners to meet with Chuck Joye, Andy Kinghorn, and Dick Cottingham to review the Manual.

March Board meeting minutes -- Motion by Amick, Second by Hodge to approve the minutes of the meeting on March 17, 2009. Motion carried.

Appointment of alternate IRC Surveyor member – Motion by Joye, Second by Kinghorn to elect Dennis Johns as the alternate IRC Surveyor member. Motion carried.

Request for funding – South Carolina Society of Professional Engineers – Motion by Dinkins, Second by Amick: To approve the request for \$12,000 in funding from the Board's Education and Research Fund for speakers at a one-day continuing education seminar sponsored by ACEC, SCSPE, and ASCE. The request was presented by Joe Jones, Executive

S.C. Board of Professional Engineers and Surveyors
May 26, 2009
Page 2

Director of SCSPE. The seminar will be held in June 2009 in Myrtle Beach, SC. Motion carried.

LLR Online Service Change of Address – Given to the Board as information.

LLR Office of Licensure and Compliance Phone Listings – Given to the Board as information.

Director Youmans – Letter concerning budget -- Given to the Board as information.

Future Change to the NCEES Structural Examination – Given to the Board as information.

Sprinkler Protection in Concealed Spaces – James Bowie and Alex James came before the Board to discuss sprinkler requirements in non-combustible attic spaces above lay-in ceilings. After a brief discussion, the Board decided this issue does not fall within the Board's authority.

Administrator's Report -- We have one candidate for the Photogrammetry exam. We are working with NCEES and Colonial States Board of Surveyor Registration (CSBSR) to create a defensible exam for Mapping Sciences. As soon as the contract is finalized, we will know more about how and when the exam will be delivered.

Mitchell Tibshirany, Jr., was awarded the Distinguished Service Award at the Southern Zone meeting in New Orleans, Louisiana, May 16, 2009.

The next Portfolio Committee meetings are scheduled for September and October 2009. We have scheduled dates for reviews and interviews for civil, mechanical, structural, and electrical committees and are still in the process of assembling the committees.

**STATISTICS FOR BOARD OF REGISTRATION FOR PROFESSIONAL
 ENGINEERS AND SURVEYORS**

LICENSE TYPE	# IN-STATE	# ADDED SINCE LAST REPORT	# ADDED SINCE 07/01/2008	# LICENSED VIA THE PORTFOLIO PROCESS	TOTAL # OF LICENSEES
DUALS (ENGINEER & SURVEYOR)	140	0	1	0	180
ENGINEER	4809	77	633	2	13,609
ASSOCIATE ENGINEER	11	0	0	0	15
LAND SURVEYOR – A	546	15	15	0	851
LAND SURVEYOR – B	26	0	0	0	34
GEODETTIC SURVEYOR	1	0	0	0	16
GEOGRAPHIC INFORMATION SYSTEM SURVEYOR	20	0	0	0	52
PHOTOGRAMMETRIC SURVEYOR	3	0	0	0	125
CERTIFICATE OF AUTHORIZATION	955	33	179	0	2686
EMERITUS – ENGINEER	25	0	17	0	47
EMERITUS – SURVEYOR	3	0	3	0	7
RETIRED – ENGINEER	534	1	59	0	1141
RETIRED – SURVEYOR	64	0	12	0	112

2009 COA RENEWAL	NUMBER
Online Renewals	2002
Still Left to Renew	335

Date of This Report: **May 4, 2009**
 Date of Last Report: **March 11, 2009**

[END OF ADMINISTRATOR'S REPORT]

IRC Recommendations – Todd Bond, Investigator

Mr. Bond reviewed his case list. Motion by Joye, Second by Love to dismiss Case # 2002-32 and to issue a Consent Agreement in Case #2008-33 and Case #2009-4. Motion carried.

The list of Consent Agreements, Letter of Caution, and Cease and Desist Orders resulting from applications-related issues was reviewed.

Board Appointment Guidelines -- Motion by Joye, Second by Love to adopt guidelines for individuals seeking to become a Board member and to change the title to the “General Qualifications and Requirements for Service on the Board of Registration for Professional Engineers and Surveyors.” Motion carried.

Commissioning Reports – Motion by Love, Second by N. Cottingham to adopt Items 1, 3, and 4 outlined in a letter from the North Carolina Board of Examiners for Professional Engineers dated July 18, 2005, regarding commissioning as policy of the Board and to consider the preparation of commissioning reports as the practice of engineering in South Carolina. Motion carried. See attachment.

Proposed Fee Schedule for Parameters and Request for clarification – Member Hodge presented a proposed fee schedule that utilizes a formula for determining fines based on professional fees for projects performed while a company or individual is not licensed in South Carolina. This will become part of the parameters for IRC and administrative staff for Consent Agreements. After a brief discussion, the Board decided to accept it as a guideline for IRC and staff.

Engineer Technology Portfolio Review Committee Report - Administrator Simpson reported on recommendations from four Portfolio Committees. The following applicants were recommended for licensure under Section 40-22-222:

- David St. John -mechanical experience
- Tim Sievers- mechanical experience
- Peter Kraut– mechanical experience
- Patrick Sadek – civil experience
- Gary Taylor – civil experience
- Phyllis Pelzer – civil experience

Motion by Joye, Second by Amick: To approve Mr. St. John, Mr. Sievers, Mr. Kraut, Mr. Sadek, Mr. Taylor and Ms. Pelzer for licensure as a Professional Engineers in South Carolina. Motion carried.

Request for waiver of LSIT exam for individual with doctoral degree -- After a brief discussion, the Board decided that applicants hold a doctoral degree should submit an application to the Board with a letter requesting waiver of the LSIT. Such applications will be handled on a case-by-case basis.

Board consideration of Civil engineering program at South Carolina State University for surveyors -- Dr. Ali Eliadorani presented information on a four-year surveying program anticipated to be implemented in the Fall of 2009. The program does not yet have approval of the Commission on High Education. After a brief discussion, the Board decided to take an official vote at the Board's next meeting, July 14, 2009.

The following agenda items were carried over to the July Board meeting:

- **Proposed Policy for Posting Disciplinary Actions on LLR web site**
- **Repeat Applications**
- **Elliotte Quinn's question about certain practices meeting Surveying Standards**
- **Update on Board Policies**
- **Set meeting dates for 2010**

NCEES Washington Accord Programs and Evaluations of Distant Education Programs – Motion by Love, Second by Amick to stop accepting Washington Accord Programs. Motion carried.

Adoption of 3-D Modeling Policy -- Motion by Amick, Second by Love to adopt the attached statement as Policy with revisions and to change the title to Digital Terrain Models. Motion carried. See attachment.

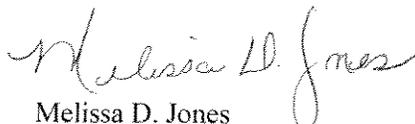
NCEES elections -- Motion by Kinghorn, Second by Hodge to support Leonard Timms as the President-Elect of NCEES.

Legislation Update – Administrator Simpson reported the proposed Regulations have “timed out” in the Senate. They will not become law until they are published in the State Register the end of June 2009.

Licensing Ceremony date -- After a brief discussion, the Board decided to hold the Licensing Ceremony on July 14, 2009 at 4:00 p.m.

There being no further business, the Board meeting adjourned at 4:35 p.m.

Respectfully submitted,



Melissa D. Jones
Program Assistant

**SOUTH CAROLINA BOARD OF REGISTRATION FOR
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POLICY ON DIGITAL TERRAIN MODELS

The creation and design of the controls, profiles and cross sections for the electronic data used in Digital Terrain Models is a service or creative work falling within the scope of the practice of engineering and/or surveying and must be conducted in accordance with South Carolina Code 40-22-2 et seq. The mere execution by a contractor with in house staff of the work designed by the engineer or surveyor is not considered the practice of engineering or surveying.

Policy adopted by Board 5/26/09

Consent Agreement Log for
2009

Name	Date Sent	CA #	# of Projects	Violation	Fines, other sanctions
David W. Holtsclaw	1/22/2009	CA 001-09	10	Practice while license in lapsed status	\$2000 fine and Public Reprimand
Brian Smith	2/12/2009	CA 003-09	1	Practice while license in lapsed status	\$1000 fine and Public Reprimand
Gary Dernlan	2/4/2009	CA 002-09	0	Noncompliance w/CE Audit	\$2000 fine and Public Reprimand
Michael J. Fradua	2/24/2009	CA 004-09	1	Practice while license in lapsed status	\$1000 fine and Public Reprimand
Eric A. Perry	4/13/2009	CA 006-09	19	Practice while license in lapsed status	\$4000 fine and Public Reprimand
Jeffrey A. Caviness	4/14/2009	CA 008-09	5	Practice while license in lapsed status	\$1000 fine and Public Reprimand

Engineers Cease and Desist Orders for 2009		
Name	Date Issued	Reason
David Holtsclaw	1/22/2009	Practice while license lapsed
Brian Smith	2/12/2009	Practice while license lapsed
William Mixson	2/12/2009	Unlicensed practice
Eastover Engineering and Surveying, Inc.	2/12/2009	Practice while license lapsed
Urban Design Partners, PLLC	2/17/2009	Firm did not have licensed Eng. In Responsible Charge
Peter Arsenault	2/18/2009	Failure to comply with 2008 CE Audit
Angelo Chopelas	2/18/2009	Failure to comply with 2008 CE Audit
Dealis W Gwyn	2/18/2009	Failure to comply with 2008 CE Audit
William Rhoney	2/18/2009	Failure to comply with 2008 CE Audit
Anthony Spata	2/18/2009	Failure to comply with 2008 CE Audit
Doug Estes & Doug Estes Associates	3/13/2009	Unlicensed practice
Bill Harvey & Harvey and Associates	4/2/2009	Misuse of engineering title
Greg Stewart & Dezin Solutions	4/6/2009	Unlicensed practice

Engineers and Surveyors LOC for 2009	
Date Issued	Nature of Violation
1/30/2009	For providing consulting engineering services in SC without an COA
2/25/2009	Oklahoma Bd sanction for practicing without an COA
3/13/2009	Arkansas Bd sanction for practicing w/out COA
3/23/2009	WV Bd sanction for practicing w/out COA & at least 1 employee practicing w/out PE license
4/15/2009	TX Bd for failure to submit design plans to the TX Dept. of Licensing & Regulation w/in the required 5 days
4/15/2009	FL Bd sanction for displaying firm provided architectural & interior design services & for not displaying COA # on website
4/16/2009	Providing consulting surveying services prior to obtaining a COA

**SOUTH CAROLINA BOARD OF REGISTRATION FOR
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POLICY ON ISSUANCE OF COMMISSIONING REPORTS

The South Carolina Board of Registration for Professional Engineers and Surveyors considered the issuance of commissioning reports and specifically, whether such reports are considered the practice of engineering. The Board determined that the preparation of commissioning reports is considered the practice of engineering in South Carolina and adopted the following guidance at their meeting on May 26, 2009:

1. Commissioning work must be done under the responsible charge of a professional engineer.
2. Corrective action undertaken as a result of the validation process may require the responsible charge of a professional engineer if design changes or re-commissioning is required.
3. Activities, including, but not limited to, design validation that certifies that the installation conforms to the initial engineering design; the start-up and turnover of facilities, systems, and equipment to the owner in a manner that ensures a safe and functional environment that meets established design requirements (commissioning); and corrective actions taken during validation that require design changes and/or re-commissioning that require the education, training or experience of an engineer to successfully perform must all be done under the responsible charge of a South Carolina professional engineer and as applicable, by a South Carolina licensed engineering company.