

**South Carolina
Board of Professional Engineers and Land Surveyors
Meeting Minutes
June 6, 2006**

The Board held a regular meeting on June 6, 2006, at 110 Centerview Drive, Kingstree Building, Columbia, SC.

Official notification of the meeting was sent to LLR's Office of Communications and Governmental Affairs and the Office of General Counsel; appropriate newspapers; WIS-TV; and the South Carolina Society of Professional Engineers (SCSPE).

Chairman Mitchell S. Tibshrary, P.E., called the meeting to order at 9:30 a.m. Board Members present were M.L. Love, P.E.; Gene L. Dinkins, P.E. and L.S.; Cecil Huey, Jr., P.E.; Andy Kinghorn, P.E.; Gaye Sprague P.E., and newly appointed Member Thurl Amick, Sr., L.S.. Public Member Preston Young notified the Administrator, before the meeting, that he would be late due to a prior engagement. Chairman Tibshrary, along with Members of the Board, welcomed Thurl Amick, Sr. as the newly appointed Board Member.

Also present were Jan Simpson, Board Administrator; Stacy Johnson, Administrative Assistant; Todd Bond, Investigator; and Sharon Dantzler, Advice Counsel. Charlie Ido, Chief Investigator, and Geoffrey Bonham, Litigation Counsel, briefly attended the meeting. Visitors included Bill Geen, P.E., CSA, Inc.; Terrell Mills of the Greenville law firm Wyche, Burgess, Freeman & Parham, P.A.; Bill Knowles, I.R.C.; Al Whitworth, I.R.C.; Vernon Atkinson, Chairman of SCSPE, and Joe Jones, Executive Director of SCSPE.

Administrator Simpson reviewed the agenda.

Where action is recorded below, it was taken in each case on motion duly made, seconded and carried.

Compliance/Violations Report:

Todd Bond reported on behalf of the Investigative Review Committee on cases recommended for Dismissal and Formal Complaints. Those cases are as follows:

Dismissals

Case #2005-44
Case #2005-75
Case #2005-83
Case #2005-85
Case #2006-19
Case #2006-8

Formal Complaints

Case #2005-39
Case #2006-13
Case #2006-23

Mr. Bond also reviewed the signed consent agreement for case #2006-13 and reported that the Respondent has reinstated his license for the 2006 renewal period.

Member Sprague also noted that Mr. Bond's detailed report was very appreciated.

Motion by Sprague/Huey: To accept the recommendations report on dismissals and formal complaints. Motion to approve recommendations carried.

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Control Systems and Control System Integrators:

Visitor Bill Geen, with CSA, INC., voiced his concerns regarding the issues of the operation and structure of control systems and whether it is considered the practice of engineering. He relayed to the Board that some firms do not have a COA registration because they believe they are not practicing engineering. Extensive discussion followed. It was the consensus of the Board members that designing control systems is considered the practice of engineering, but assembling and/or constructing systems from the engineer's design would not be considered the practice of engineering.

Terrell Mills, with Wyche, Burgess, Freeman & Parham, P.A., spoke on behalf of his client, a manufacturing company, in the discussion concerning control system integrators. His client's concern was whether they would be in violation of the law if they retain the services of third party control system integrators that do not employ licensed S.C. engineers. Board members directed all inquiries to Section 40-22-20(22) for the definition of the "practice of engineering;" they declined to create a list or comment on lists of tasks that would not be considered engineering.

Chairman Tibshrary asked that Administrator Simpson publish a paragraph on the website of this discussion and the distinction between designing control systems and constructing/assembling them.

Motion by Dinkins/Love: To add the information to the website and to place the discussion, in its' entirety, on record. Motion carried.

Applications:

James Kelly Davis: Mr. Davis is currently a Tier A Land Surveyor seeking additional licensure as a Professional Geodetic Surveyor, Geographic Surveyor and Photogrammetric Surveyor. He requested reconsideration of the denial of his application. Member Dinkins noted an insufficient level of experience in responsible charge as the reason the application was denied. The Board suggested that he work under a licensed supervisor to gain experience in each of the classifications in order to qualify for licensure.

Action was not taken by the Board.

Bimal Karki: Mr. Karki did not attend the meeting but requested that the Board consider waiving the Fundamentals Examination as a requirement for licensure as a Category A Engineer. Mr. Karki's application was denied because he does not have 15 years of work experience as required in Regulation 49-200. It appears he will have 15 years of experience in May 2007. Dr. Castro approved Karki's education after including his Masters degree to meet the State's education criteria.

Motion by Sprague/Love: To require Mr. Karki to obtain additional work experience until May 2007. If Mr. Karki documents additional, acceptable work experience to equal 15 years, the FE exam will be waived. Motion carried.

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Charles E. Knight: Mr. Knight's comity PE application came before the Board at the request of two reviewing board members who preliminarily denied the application due to insufficient documentation of work experience. Mr. Knight's application was thoroughly reviewed by the full Board.

Motion by King/Love: To ask Mr. Knight to provide examples of completed projects, an in-depth description of his responsibilities as Project Manager with Raytheon Engineers and Construction and any additional, verifiable experience. Motion carried. Upon receipt of the documentation, the board members will again review the application.

Timothy G. Kearns: Mr. Kearns requested the Board reconsider their previous denial of his reinstatement application. [At the April 4, 2006, Board Meeting, the Board denied Mr. Kearns' application and required him to take and pass the Principles and Practice examination for reinstatement, based upon section 40-22-240(A) of the law.] Mr. Kearns submitted as documentation a report of Continuing Education acquired over the years he was not licensed. The Board reviewed the report and decided that Mr. Kearns exceeded the required number of hours of continuing education, and they reversed their previous decision.

Motion by Sprague/Dinkins: To reinstate Mr. Kearns license. Motion carried.

CE Waiver Request:

Billy Cockcroft requested the Board waive continuing education requirements for renewal based on medical hardship under Regulation 49-606.C. Mr. Cockcroft submitted a physician's documentation of serious health issues that prevented his fulfilling the requirements for renewal.

Motion by Sprague/Dinkins: To grant Mr. Cockcroft a 6-month extension to complete 30 hours of continuing education. Once courses are completed, he will need to send proof of completion no later than December 31, 2006. The license will be renewed conditionally now.

Roundtable Discussion:

Investigative Review Committee members Bill Knowles, Al Whitworth, Charlie Ido, Todd Bond, Geoffrey Bonham and Jan Simpson discussed general disciplinary issues and concerns identified by the IRC. The Board's policy regarding handling of routine cases was reviewed. It was agreed that the "parameters" policy would be evaluated by the new chairman. Administrator Simpson believes the current 15-month grace period that allows unlicensed individuals who have practiced engineering or surveying to receive a Letter of Caution is unfair to individuals who renew their registrations on time.

2006 Southern Zone Meeting:

Chairman Tibshrary reported that the Southern Zone Meeting was successful and commended Member Dinkins on his very close race for Southern Zone Secretary/Treasurer. Although he lost by a small margin, his participation and willingness to become a leader in NCEES will help shape important issues in the future.

Chairman Tibshrary also reported that guests' fees at NCEES events will not be capped and Mississippi's resolution to alter the Model Law to add Geotechnical & Geologic Engineers was approved by the Southern Zone.

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Committee Reports:

Legislation: Members Sprague and Love had nothing to report on this issue at this time.

Communication with Licensees: Member Kinghorn asked that Administrator Simpson give an update on publishing a newsletter.

Administrator Simpson presented the Board with a preview of the upcoming newsletter and commented that her goal is to have the electronic newsletter published by August with the help of others. The newsletter will be e-mailed to as many licensees as possible and will be posted on the board's website. She asked the members to identify topics for articles and policies that should be printed.

Career Enhancements/Licensure: Member Young reported that he has contacted Spring Valley High School Administration in reference to having someone speak to their students regarding Engineering as a career as well as how to obtain licensure in our state.

Member Dinkins will invite Mr. Ben Christensen, with SCSPLS, to the Board meeting in September to discuss retention of graduates in our state.

Interface with Engineering Colleges:

Member Huey informed the Board of the newly selected Dean of Engineering and Sciences Department at Clemson University.

Chairman Tibshrary suggested the Board re-establish the Deans Forum.

Joint Degree Initiative:

Chairman Tibshrary had nothing new to report.

Administrators Report:

License statistics as of May 31, 2006:

Professional Engineer – A	13,278
Professional Engineer – B	23
Land Surveyors – A	1054
Land Surveyors – B	36
Geodetic Surveyor	20

GIS Surveyor	68
Photogrammetry Surveyor	158
COA (FIRMS)	2118

2006 Individuals Renewals	
Renewals Mailed on 5/2/06	14,176
Renewals Process as of 5/31/06	3320
Renewals Processed Online	1457

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2006 Firm Renewals	
Renewals Mailed 2/3/06	2278
Second Notices Mailed 4/20/06	443
Renewals Processed	2127

Other Business:

Prototypical plans policy: Discussion was not held regarding this issue. The Board requested to add this topic to Septembers' Board Meeting Agenda.

Finance Report: The Board Members reviewed the report for the period ending March 31, 2006.

Funded Delegate: The Board designated Member Love as the Funded Delegate for the NCEES annual meeting in Anchorage, Alaska, in September.

2006 Hail & Farewell: Plans for this event will be made at the next Board Meeting.

Displaying Certificates of Authorization: Chairman Tibshrary confirmed that there is no regulation that requires Certificates to be displayed.

Sealing Specification Books: The Board was asked if the index page only of a Specification book may be sealed instead of sealing every page. In some instances, books may be 200+ pages. The consensus was that each page should be sealed.

Election of Officers for 2006-2007

Motion by Sprague/Dinkins: To elect Member Love as Board Chairman. Motion carried
Motion by Sprague/Huey: To elect Member Dinkins as Board Vice-Chairman. Motion carried.

Motion by Kinghorn/Love: To elect Member Sprague as Board Secretary. Motion carried

Member Sprague, along with other Board Members, thanked Chairman Tibshrary for his many years of dedicated service and leadership.

Approval of Minutes

Board meeting minutes for April 4, 2006 were amended to add the Parameters Guidelines for Disciplinary cases.

Motion Love/Dinkins: To approve April 4, 2006, Board Meeting Minutes as amended.
Motion carried.

Photogrammetry Exam Development

Member Dinkins gave a report on the upcoming examination for licensure as a Photogrammetric Surveyor. He commented that there is still some fine-tuning that needs to be done but the exam is expected to be completed by Spring of 2007 if everything is accomplished at the National meeting in Anchorage, Alaska.

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NCEES Proposed Resolutions

Chairman Tibshrary noted there were no significant changes made to the Resolutions since the Zone meeting in April.

Panel Discussion

Vernon Atkinson, President of SCSPE, and Joe Jones, Executive Director of SCSPE, discussed upcoming legislative issues such as the possible increase in educational requirements, removing Category B licensure, and re-writing the current qualifications for licensure as an engineer.

Mr. Jones proposed that the Board initiate town meetings to discuss pertinent topics with engineers. He also asked the Board to consider the possibility of setting aside a certain amount of money from renewal fees, or other funding, for an education and research fund as other boards have done. Administrator Simpson will draft language for consideration by the Board in September.

There being no further business, the meeting adjourned at 4:35 pm.

Respectfully submitted,


Stacy Johnson
Administrative Assistant