

SOUTH CAROLINA
BOARD OF PROFESSIONAL ENGINEERS
AND SURVEYORS
Board Meeting
July 14, 2009
110 Centerview Drive, Room 108, Columbia, SC

Call to Order – Chairman Gene L. Dinkins, P.E. and L.S, called the meeting to order at 10:50 a.m. Board Members present were Anderson Kinghorn, Jr., P.E.; Nancy Cottingham, Public Member; Theresa Hodge, P.E.; and Cecil O Huey, Ph.D., P.E.. Also present were Jan Simpson, Board Administrator; Melissa Jones, Program Assistant; Todd Bond, Investigator; and Sharon Dantzler, LLR Attorney; Miriam Berry, Administrative Assistant; Joe Jones, Executive Director of SCSPE; Larry Sweatt, Applicant; Shawn Clarke; Bill Botts; and Mitch Tibshirany. Miller L. Love, Jr. and Thurl M. Amick were absent due to family illness and were excused by the Chairman.

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.

The Board held an Application Hearing on Larry Sweatt from 9:30 a.m. to 10:30 a.m.

Review Agenda – In public session, Administrator Simpson reviewed the agenda.

May Board meeting minutes -- Motion by Joye, Second by Cottingham to approve the minutes from the Board meeting on May 26, 2009. Motion carried.

Administrator's Report

We recently finalized a contract between LLR and the Colonial States Boards of Surveyor Registration (CSBSR) to allow this Board to use the newly created Mapping Science Exam (photogrammetry) at a cost of \$2000.00 per year regardless of the number of exam candidates. (One candidate is eligible at this time.) CSBSR will own the examination and will send it to the Board office by secure means for the staff to administer, proctor, score and distribute score reports. NCEES is responsible for housing, updating, and transmitting the exam. The contract is valid until June 30, 2010.

The revised Regulations became effective upon publication in the State Register on June 26, 2009. They have been posted on the Board's web site.

Excused Absence Requests

Requests for Excused Absence from this meeting:

Miller L. Love, Jr., requested to be excused due to his wife's knee surgery today in Beaufort.

Thurl M. Amick requested to be excused due to his son's admission to a hospital in Charleston today.

Licensure Statistics

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	4902	176	809	25	13,819
ASSOCIATE ENGINEER	11	0	0	0	15
LAND SURVEYOR – A	563	23	38	0	874
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	924	39	219	0	2681
EMERITUS – ENGINEER	26	0	18	0	48
EMERITUS – SURVEYOR	3	0	3	0	7
RETIRED – ENGINEER	534	0	60	0	1141
RETIRED – SURVEYOR	63	0	12	0	111

Date of This Report: **June 30, 2009**

Date of Last Report: **May 4, 2009**

Revised Building Officials Manual

Assistant Deputy Director Randy Bryant has authorized Administrator Simpson to explore the possibility of producing a Reference Guide for Building Officials and the Public (formerly published as the Building Officials Manual) with the cooperation of

relevant licensing boards and the Fire Marshal. The new Guide would be more comprehensive and would address questions relevant to the public as well as practitioners and building officials. (Other boards include: Residential Builders Commission, Contractors Licensing Board, Building Codes Council, and Board of Architecture. Information regarding Landscape Architects would be included as well.) The Guide would be published on each board's web site. [END OF REPORT]

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

SCSU proposed curriculum for Surveying degree—Motion by Joye, Second by Hodges to accept a surveying curriculum proposed by South Carolina State University as a board-approved curriculum for survey licensure under Section 40-22-225. The curriculum is not the substantial equivalent of an ABET accredited degree.

Consider waiver of LSIT if applicant hold Ph.D. -- Motion by Huey, Second by Cottingham: Upon consideration of past practice and approving similar applications to waive the Fundamentals of Engineering Exam for engineer applicants, the Board will consider requests that the Fundamentals of Surveying (FS) examination be waived for a person with a related Ph.D. degree. All other requirements--experience, references, and the Principles and Practice exams—are necessary for licensure.

Clarification on Engineer certification letters and project specifications – DHEC employees Shawn Clarke, P.E., and Bill Botts, P.E. requested clarification from the Board regarding the number of construction inspections needed to certify that a project has been installed properly and conforms to approved plans and specifications, who may perform field inspections for the PE of record, and a course of action if a PE certifies a project but did not properly inspect the installation. The Board agreed they cannot determine the number of inspections needed, but at least one final inspection should be made by a PE. They also agreed that DHEC could establish standards regarding these issues. Engineers who perform inspections may be employees of the contractor, the owner, or may be hired independently. The Board further agreed that anyone with knowledge of a violation should report it to the Office of Investigations and Enforcement.

Engineering Degree Curriculum – Mitchell Tibshrary, PE, former Board member, updated the Board on the joint degree initiative between South Carolina State University and the University of South Carolina. The Board remains committed to its long-time goal of facilitating the establishment of a joint curriculum for South Carolina State University students enrolled in the Engineer Technology degree program to meet licensing requirements.

Distinguished Service Award – The Board congratulated Mitchell Tibshrary on being awarded the Southern Zone's Distinguished Service Award in May. Board Chairman Dinkins announced that Mr. Tibshrary has also been selected to receive the same award nationally during the NCEES Annual Meeting in August.

Proposed Policy for Posting Disciplinary Actions on LLR web site – Motion by Kinghorn, Second by Joye to post administrative actions on LLR web site for two years and to post practice-related disciplinary actions for five years.

Repeat Applications – After a brief discussion, the Board decided that if an applicant has not satisfied licensure requirements in two application submittals, the applicant will be rejected. The applicant must start a completely new application with new forms, fees, and references. A written Policy will be voted on at the October 13, 2009, Board Meeting.

Update on Board Policies – Carried over to October 13, 2009, Board meeting.

Request for Opinion on Laser Scanning as Professional Work – It was noted that a laser scanner is a tool that can be used by licensed and unlicensed individuals. The Board concluded that if the laser scanner is used to perform surveying work, it is professional work and must be performed by a licensed surveyor.

Digital Terrain Modeling Policy – Carried over to October 13, 2009, Board meeting.

Issuance of Comity license – An applicant who holds no other license applied for a Professional Engineer license in South Carolina by comity. The reviewing Board member denied the application. The applicant asked for a Board ruling on the issue. After a brief discussion, the Board decided that they would not issue a comity license if the applicant had no other current license.

Survey Affidavit – A licensee asked for a Board ruling on whether a Survey Affidavit should be signed only by a licensed surveyor, and if an individual signing such an affidavit would be practicing surveying. Title transfers used to require a survey of property. In lieu of a survey, title insurance companies may require the property owner to sign a form stating that no changes to the property have been made during the period of ownership. The Board concluded that the property owner is not practicing surveying when he signs the form. They further discussed that it appears the affidavit requires inappropriate certification by a non-licensure. Motion by Joye, Second by Kinghorn to write the S.C. Department of Insurance and offer for Chairman Dinkins to attend their meeting to discuss the Survey Affidavit.

Set meeting dates for 2010 – The following meeting dates were set for 2010: January 19, March 16, May 11, July 20, and October 19.

Set hearing date for September 24, 2009 – Hearings will be scheduled for September 24, 2009.

There being no further business, the Board meeting adjourned at 1:00 p.m.

Respectfully submitted,



Melissa D. Jones
Program Assistant