

**MINUTES**  
**South Carolina Board of Registration for Professional Engineers and Surveyors**  
**Board Meeting**  
**9:30 a.m., January 19, 2010**  
**Synergy Business Park**  
**110 Centerview Drive, Kingstree Building, Room 204**  
**Columbia, South Carolina**

1) Call to Order (All items are numbered in accordance with the meeting agenda)  
Chairman Gene L. Dinkins, P.E. and L.S., called the meeting to order at 9:32 a.m. Board Members present were Anderson Kinghorn, Jr., P.E.; Theresa Hodge, P.E., Miller L. Love, Jr., P.E.; Thurl Amick, L.S.; Charles Joye, P.E.; and Cecil O. Huey, Ph.D., P.E. Also present were Jan Simpson, Board Administrator; Melissa Jones, Program Assistant; Todd Bond; Investigator, OIE; Sharon Dantzler, LLR Attorney; and Sandra Dickert, Administrative Assistant.

Nancy Cottingham, public member, was granted an excused absence.

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.

2) Review of Agenda

Administrator Simpson reviewed the agenda and the Board accepted the agenda as presented.

3) Steven Branyon and Branyon Land Surveying

Mr. Branyon was scheduled to appear at a previous meeting; however, he signed a consent agreement prior to the hearing. Senator O'Dell sought relief from the fines amount at a previous Board meeting on Mr. Branyon's behalf. The Board requested that Mr. Branyon attend a meeting to discuss the issues related to the Consent Agreement.

Mr. Branyon stated he is guilty of failing to renew his license and is asking the Board's to consider reducing the \$3,000.00 fine, which has been paid. He had been working in an office in Anderson, SC, but moved the office to his home to reduce expenses and neglected to notify the Board of the change of address. The Post Office will forward mail for one year only, so he did not receive the renewal notice and failed to renew his license, although he didn't realize it. He was intimidated by the Board during the meeting in which his hearing was scheduled. He now knows it is his responsibility to notify the Board of a change in address. He was going through some major health issues as were members of his immediate family and other significant personal issues during the period his license lapsed. He emphasized he did not intentionally practice without a license.

**MOTION**

Mr. Joye made a motion the Board enter executive session to seek legal advice in this matter. Mr. Amick seconded the motion, which carried unanimously.

**MOTION**

Mr. Amick made a motion the Board return to public session. Mr. Joye seconded the motion, which carried unanimously.

**MOTION**

Mr. Kinghorn made a motion the Board reduce Mr. Branyon's fine from \$3,000.00 to \$1,500.00, that the Board place his license on probation for three years, but if he appears before this Board at any time in the next three years, the balance of the \$3000 fine must be paid. Mr. Amick seconded the motion, which carried unanimously.

4) Application Hearings – Eastover Engineering and Surveying, Inc.; Soney FM, LLC; Thomas W. Brooks, Jr., and Eswar Burra  
From 9:45 a.m. to 2:00 p.m. the Board conducted hearings.

5) Approval of November 10, 2009, Board Meeting Minutes

**MOTION**

Mr. Amick made a motion the Board approve the November 10, 2009, meeting minutes as presented. Mr. Love seconded the motion, which carried unanimously.

6) Board Reports

a. Engineer Technology Review Committee: (William Merritt King, Christopher W. Partain, and Paul K. Harmon – Civil)

The committee met and recommended three candidates for licensure. Merritt King was present for the meeting; however, Chris Partain and Paul Harmon were not able to attend. The Board thanked all members who participated in the process.

Ms. Simpson listed the committee members who reviewed these portfolios.

**MOTION**

Mr. Joye made a motion the Board accept the committee's recommendation and approve the three candidates for licensure. Mr. Love seconded the motion, which carried unanimously.

7) Overview of OIE Complaint Procedure – Rion Alvey, Administrator for OIE  
This matter was carried over to the next Board meeting.

8) Administrative Reports

a. Administrator's Report – Jan Simpson

Ms. Simpson delivered her administrator's report. Four staff members will be moved to third floor to the Office of Licensure and Compliance (OLC) where Mr. David Christian, III, is Assistant Deputy Director. These employees are Miriam Berry, Tiffany Connelly, Wanda Cooke, and Susan Hicks and these employees may issue licenses for the Engineers Board or any of the other boards within the agency. Alice Richardson and Melissa Jones are not being transferred to OLC. The final move won't happen until early March 2010. Ms. Simpson's duties are still a little undefined. Randy Bryant, who was her supervisor, is now in charge of all of the boards; Ms. Simpson will now report to Mr. Gary Wiggins. She has spoken with Mr. Bryant who agreed to her suggestion of hiring an engineer to review all applications. She said any application which is red flagged would be forwarded to a board member for review.

Discussion ensued regarding a contingency plan. The Board asked that David Christian attend the next meeting. The Board set a special meeting date of February 4, 2010, to speak with Mr. Christian. Mr. Joye asked that Mr. Dinkins draft a letter to Mr. Christian asking for information regarding the Office of Licensure.

Ms. Simpson stated staff recently came across an administrative problem with continuing education audits which would also affect any board that requires continuing education and follows up with an audit. A licensee who fails an audit is still listed in the LLR database as

“active” until the matter is resolved. A general procedure for all boards was created with duties tied to various LLR licensure divisions to eliminate confusion and ensure accuracy of records. She distributed the post-audit procedures.

Ms. Simpson presented the members with the latest licensure statistics.

b. Investigative Report – Todd Bond

Mr. Bond presented two cases, #2009-24 and #2009-47, for the Board’s approval to dismiss.

**MOTION**

Mr. Love made a motion the Board approve the two cases for dismissal. Mr. Joye seconded the motion, which carried unanimously.

c. Report on Consent Agreements related to application issues – Melissa Jones

Mrs. Jones presented the Board members with consent agreements related to application issues, cease and desist orders, and letters of caution for 2009 issued by the administrative staff.

d) Financial Statements for Fiscal Years 2009 and 2010

Ms. Simpson provided the financial statements for fiscal years 2009 and 2010 (as of October 31, 2009).

9) Request for Board consideration:

a. Acceptance of Non-NCEES Exams

Ms. Simpson stated this matter comes before the Board in terms of specific individuals. She further stated Mr. Kinghorn had an individual who had 40 years of experience in engineering but did not have the NCEES exam. She went on to say the issue brought to the Board regarding the individual from Mr. Kinghorn was that the Board had issued a statement in writing on that verification that they considered their exam to be an equivalent of the NCEES exam. She said the Board issued the license based on the other board’s equivalency statement. She stated a real issue is about not doing something not supported by statute. She said it is up to the Board to determine if will accept an equivalency statement and can determine if an equivalency statement can be obtained.

The Board asked Ms. Simpson to draft a policy regarding acceptance of non-NCEES exams for review at the March 2010 meeting.

b. Clarification of requirements for taking FS and PS exams

Mr. Dinkins stated he realizes the Board had already covered this matter, but he wanted to clarify the surveyors four year degree requirement. He said if the Board receives a complete and acceptable application from an individual by June 30, 2010, who has completed four years of experience and has completed a two-year accredited degree with additional survey courses, the applicant would be allowed to sit for all of the FS and PS exams.

c. Evaluation Standard for Work Experience Calculation – Chairman Dinkins

Mr. Dinkins has had a request from an individual who states that his company’s standard operating schedule is 32 hours per week. The individual has been working weekends and more than 32 hours per week in order to compress four years of experience into less than four years. Mr. Dinkins did not believe the time should be approved and asked the other Board members’ opinion and Ms. Dantzler’s legal advice.

Ms. Dantzler stated there is no such thing as full time employment in the legal sense; full-time employment is whatever the employer says it is. She noted because no board can determine what is full time and what is part time, the Board must use the calendar to set experience duration.

Following a brief discussion the Board determined that one year of experience is equal to work spanning a calendar year.

d. Residency requirement for taking the PE exam

Mr. Dinkins stated the residency requirement is no longer required.

e Sealing requirements for fire sprinkler monitoring plans and fire alarm plans – David Koon

Mr. Koon asked for a Board interpretation regarding requiring a professional engineer's (PE) signature on fire alarm plans.

The Board deferred this matter to the next meeting in order to invite Mr. Koon to explain the situation.

f DHEC RFP for Beach Erosion Surveys – Les Bodkin & Lewis Moore

Mr. Dinkins stated the Board has previously addressed this issue. He reminded everyone that Ms. Dantzler had previously stated anything pertaining to a piece of property could be recorded as long as the clerk of court accepted it. However, the second part, the RFP regarding beach erosion surveys, clearly requires the actions of a licensed surveyor, not just someone who is "qualified."

#### **MOTION**

Mr. Amick made a motion to notify DHEC the scope of work in the RFP clearly requires a surveyor's license. Ms. Hodge seconded the motion, which carried unanimously.

g. Tier B Surveyors License Questions – Robert C. Hooks, PLS

Mr. Dinkins stated Mr. Hooks doesn't understand why he can't go straight to the Tier B requirements to get information. He noted no road design can be done by Tier B surveyors.

Mr. Dinkins recommended the Board inform Mr. Hook that roads cannot be designed by Tier B surveyors and he should consult the Tier B requirements. Mr. Amick stated Tier B only grants the surveyor the authority to do drainage incidental to the subdivision.

h. SCSPLS request for funding

Mr. Joe McIntyre made a presentation regarding SCSPLS' request to support the continuing education conference scheduled for February 25-26, 2010. He noted \$8,468.00 represents the expenses for speakers. He stated the society anticipates 350 to 400 participants, but the number could go as low as 275 participants. He said the registration fee is \$160.00 per day for members, and \$240.00 per day for non-members.

#### **MOTION**

Mr. Joye made a motion the Board grant the SC Society of Professional Land Surveyors the budget support of up to \$8,468.00 and wish them every success. Mr. Amick seconded the motion, which carried unanimously.

i. Funding Request Form (Carried over)

The Board is currently using the form which worked well for the request discussed during this meeting.

j. USC-SCSU Joint Curriculum Initiative – progress report – Chairman Dinkins  
Mr. Dinkins stated the Board is not getting anywhere with the USC-SCSU joint curriculum initiative. Mr. Love noted USC is having an advisory meeting on January 20, 2010.

**MOTION**

Following discussion on this matter, Mr. Amick made a motion the Board contact Representative Gilda Cobb-Hunter to get the negotiations on track. Mr. Love seconded the motion, which carried unanimously.

k. Review of fine chart and model of violations  
This matter was carried over to the next meeting.

l. Draft Policy for Engineers' Signature on Record Drawings (Carried over)  
Ms. Simpson presented the members with a draft policy regarding engineer's signature on record drawings. She stated the policy needs final approval by the Board.

Mr. Joye stated he likes NCEES' policy and would like to incorporate that language into the Board's policy.

The Board carried this matter over to the next meeting.

m. Web Site Updates (Carried over)  
Ms. Simpson stated Mr. Dinkins was going to poll the Board to find a volunteer to work with her regarding the web site update. She went on to say the updates are needed on policies which she cannot change. She went on to say most of the items are reiterations of the regulations which must be reviewed by whole board. The Board asked Ms. Simpson to draft revisions for the Board's review.

n. Request for clarity of rulings in hearings – Administrator Simpson  
Ms. Simpson reminded the Board she is not allowed to sit with them during executive session following a hearing. She asked the Board to be very specific when they impose requirements on a respondent to ensure the licensee and LLR's Compliance division staff understands what is required. The Board deferred this matter to the next meeting.

o. Annual Review of NCEES Emeritus and Associate members  
Mr. Dinkins stated no names have been added or deleted. The current list will be submitted to NCEES.

p. Plans Examiner Questions -- Curt Whaley  
Ms. Simpson stated staff frequently receives this type of request for information and assistance. Sometimes the Board's technical IRC members can assist her and sometimes she needs the Board's assistance. Mr. Whaley is asking whether or not he should accept plans that have been changed by an engineer who was not the original sealing engineer.

Mr. Dinkins stated he believes she would refer the individual to the statute. Discussion ensued regarding the second engineer contacting the original engineer, requesting permission to make changes, accepting responsibility for any and all changes made to the original design.

q. SCSPE Request for funding – Joe Jones, Executive Director of of the S.C. Society of Professional Engineers, submitted a request for \$4,000.00 from the Board’s Education and Research Fund for a program scheduled for March 10, 2010, an increase of \$1000.00 over the Board’s funding in 2009. The program will be open to engineers and surveyors they expect 100-150 participants in March 2010. The Corps of Engineers and the SC Department of Health and Environmental Control (DHEC) will conduct seminars for the environmental track; Mel Lester will conduct seminars for the business track. This year the Society is adding a third track for project management courses, necessitating an increase of \$1000 in the funding request. Mr. Jones said he has not finalized plans for every seminar to be offered and is not able to provide detailed information at this time.

**MOTION**

Ms. Hodge made a motion the Board support SCSPE by approving the \$4,000 in funding. Mr. Kinghorn seconded the motion, which carried. Mr. Joye and Mr. Love abstained from voting in this matter.

r. International Residential Code (IRC) Change to require residential sprinklers – David Blackwell

David Blackwell, P.E., of the State Fire Marshal’s Office made a presentation to the Board regarding sprinkler systems in one- and two-family residential dwellings. He noted the Building Codes Council will be holding hearing regarding the change in building codes to require residential sprinklers in one- and two-family homes and manufactured homes. Mr. Blackwell wanted the Board to be aware of the impending change.

10.) Other Business

a. New Mileage Rate

Ms. Simpson stated the IRS has changed reimbursement for mileage to 50 cents per mile.

Adjournment

**MOTION**

Mr. Love made a motion the meeting be adjourned. Mr. Hodge seconded the motion, which carried unanimously.

The January 19, 2010, meeting of the SC Board of Registration for Engineers and Surveyors adjourned at 4:21 p.m.