

MINUTES
South Carolina Board of Registration for Professional Engineers and Surveyors
Board Meeting
9:30 a.m., February 4, 2010
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 202-02
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 9:30 a.m. Board Members present were Anderson Kinghorn, Jr., P.E.; Theresa Hodge, P.E., Miller L. Love, Jr., P.E.; Charles Joye, P.E. Also present were Jan Simpson, Board Administrator; David Christian, Administrator for OLC; Randy Bryant, Rion Alvey, Joe Jones, and Gary Wiggins.

Nancy Cottingham, public member, Thurl M. Amick, Sr., PLS, and Cecil O. Huey, Jr., P.E. were 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) Discussion on the reorganization of the Office of Licensure and Compliance (OLC)
Mr. Christian came before the Board to discuss Board staff moving to the Office of Licensure and Compliance beginning the first week of March 2010. He assured the Board the same people who have been processing applications for Engineers and Surveyors will continue to do so. Chairman Dinkins stated the Board is concerned about approvals and judgment calls for the applications. Mr. Christian stated that Board members will continue to review the applications; applications with "yes" answers will come to Ms. Simpson to recommend disciplinary action, if provided for under the Board's parameters. Applications will be sent to Board members by mail for their review, but eventually applications will be sent to the Board electronically. Mr. Christian gave an overview of OLC's intake procedures. After database entry and depositing fees, applications will be distributed to Miriam Berry and Tiffany Conelly for processing and licensure if acceptable. This process will extend to other OLC processors after one year of training with Mrs. Conelly and Mrs. Berry. Mr. Christian stated that applications for all Boards under LLR eventually will be consolidated into OLC for processing.

Mr. Bryant stated that the administrators will work closely with OLC to ensure the licensing procedures for the Engineering and Surveying Board are followed closely and that the Board's disciplinary parameters are followed.

Chairman Dinkins stated that the Board needs an assistant administrator to help Ms. Simpson and the Board. Mr. Bryant stated that Alice Richardson will be cross trained on Engineering and Surveying procedures. Mr. Bryant also stated that if Ms. Simpson were to retire or be out for illness, the agency would interview applicants and the Board may choose applicants for the position.

Mrs. Hodge asked how many employees are moving to OLC and how many will remain with Ms. Simpson. Ms. Simpson stated that four employees, Susan Hicks, Miriam Berry, Wanda Cooke,

and Tiffany Conelly, will be moving to OLC. Melissa Jones and Alice Richardson will remain with Ms. Simpson.

Joe Jones, Executive Director of SCSPE, expressed concerns about funding, investigators, staff downsizing. Mr. Jones stated that the engineering community, as a whole, is concerned about funding. Mr. Jones also expressed concerns about downsizing of employees for the Engineering and Surveying Board. Larry Hargrove, President of American Consulting Engineering Companies of South Carolina, expressed concerns about the transparency of funding for the Board of Engineers and Surveyors. Mr. Hargrove also expressed concerns about downsizing of the Board's staff.

Matthew Sylvester, Professional Engineer and Director of American Society of Professional Engineers, expressed concerns about the service the remaining Board staff will be able to provide, funding from licensee fees, and how the funding is allocated. Mr. Sylvester's main concern is to protect the health, safety and welfare of the people of South Carolina and to provide adequate resources to the Board of Engineers and Surveyors.

James O'Connor, Professional Engineer, expressed concerns regarding the funding for the Board and how it is allocated. Mr. O'Connor stated that the fees he pays for his license in South Carolina should be allocated to the Board and not to any other governmental agency or other Boards.

Warren Maddox, Professional Engineer and member of the National Society of Professional Engineers, expressed concerns about pooling investigators and application procedures for the Board of Engineers and Surveyors. Mr. Maddox asked if the Board would be able to make the decision on getting necessary staff to ensure the Board's application and disciplinary procedures run smoothly.

Ben Christensen, member of the Society of Professional Land Surveyors, reiterated concerns about the service that the Board's staff provides, funding that the engineering community provides to the Board, and how the funding is allocated. Mr. Bryant stated that OLC needs some time to implement the procedures for the applications and disciplinary actions; he will ensure the Board receives updated OLC progress reports.

4) Overview of OIE Complaint Procedure – Rion Alvey, Assistant Deputy Director
Mr. Alvey gave an overview of the Office of Investigation and Enforcement procedures. Mr. Alvey stated all complaints are screened to ensure the Board has jurisdiction over the alleged violation. If it is a clear violation of the Practice Act, a case is opened. If it is not a violation of the Practice Act or there is not enough information or if the matter is in civil litigation, OIE does not open a case. A letter is sent to the complainant with a copy to the Board Administrator explaining why the case was not opened. Such complaints are scanned in the database for possible future opening of a case should more information be submitted or the circumstances change.

Ms. Simpson or the Board investigator submits to the Board a summary report of open cases at Board meetings. The Board votes on IRC recommendations.
Cases may be resolved by Board hearing, Letter of Caution, Consent Agreement, Order to Cease and Desist, or dismissal.

5) Sealing requirements for fire sprinkler monitoring plans and fire alarm plans – David Koon, Robert Risinger
Mr. Koon and Mr. Risinger questioned whether or not engineers are required to sign and seal plans for fire sprinkler monitoring plans and fire alarm plans.

MOTION

Following discussion on this matter, Mr. Anderson made a motion that fire alarm plans and sprinkler systems for buildings not exempted by Section 40-22-200 must be sealed by a South

Carolina Professional Engineer prior to submission to permitting agencies. Mr. Love seconded the motion, which carried unanimously.

6) Emeritus/Retired status requests – Administrator Simpson

Ms. Simpson questioned if a licensee without a current license may change to emeritus/retired status without having to reactivate the license. Following discussion on this matter, the Board's policy is that emeritus/retired status is available only to individuals who have been licensed in South Carolina at some point. They also confirmed that the required 15 years of experience (for Emeritus status) may have been done in any state. It is not required that the individual make the license active prior to going to emeritus/retired status.

7) Proposed House Bill 4429 to prohibit Engineers and Surveyors from bidding public work

MOTION

Following discussion on this matter, Mr. Joye made a motion to support the proposed Bill to prohibit Engineers and Surveyors from bidding public work. Mr. Love seconded the motion, which carried four to one. Mr. Kinghorn voted against support of the Bill. Mr. Kinghorn believes consumers should be able to get the best value for a project where technical expertise and other factors are equal among individuals or firms. He is not opposed to quality-based selection but believes it is among the factors consumers should consider when awarding a project.

8) 2010 Statement of Economic Interests form

The Statement of Economic Interests form was distributed to the Board with a reminder of the April 15, 2010, filing deadline.

9) Explanation of Financial Report for FY09 and FY10 YTD

The Board reviewed a Financial Report for FY09 and FY 10 year to date. Ms. Hodge questioned a negative amount entered under Revenue during FY10.

10) Other Business

Warren Maddox, PE, urged the Board to support the International Residential Code's requirement for sprinklers in one-and two-family dwellings.

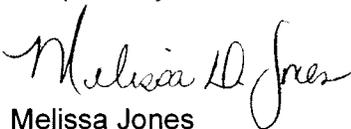
Adjournment

MOTION

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

The February 4, 2010, meeting of the SC Board of Registration for Professional Engineers and Surveyors adjourned at 1:25 p.m.

Respectfully submitted,



Melissa Jones
Board Staff

Attached: List of Attendees

List of Attendees, February 4, 2010
Board of Registration for Professional Engineers and Surveyors

Tom Haselden
Jim O'Connor
Michael Horton
Don Freeman
Larry Hargrove
Matt Silveston
Ben Christensen
L. Moore
Frankie Manhardt
David Koon
Robert Risinger
Jerry A. Carter
Michael A. Gearhart
Mike Beckman
Warren Maddox
Joe Jones