

SOUTH CAROLINA
BOARD OF PROFESSIONAL ENGINEERS
AND SURVEYORS
Board Meeting
January 8, 2008
110 Centerview Drive, Room 202-02, Columbia, SC

Call to Order – Chairman M. L. Love, P.E., called the meeting to order at 9:40 a.m. Board Members present were Gene L. Dinkins, P.E. and L.S.; Andy Kinghorn, P.E.; Gaye Garrison Sprague, P.E., Thurl Amick, Sr., L.S; and Nancy Cottingham, Public Member.

Also present were Jan Simpson, Board Administrator; Miriam Berry, Administrative Assistant; and Melissa Jones, Program Assistant.

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.

Administrator Simpson reviewed the agenda.

Proposed Parameters – The Board reviewed a revised draft of proposed parameters for guidance in dealing with lapsed licenses and other application issues. A separate set of parameters was reviewed for use by the Investigative Review Committee for disciplinary issues.

Discipline-specific Licensure – Eric Tobias, P.E., principal of Tobias & West, LLC, Mount Pleasant, SC, appeared before the Board to discuss the issue of a separate practice act and credentials for structural engineers. He believes it is more important than ever for engineers with responsibility for structural projects to have appropriate credentials, to stay current in the field and to demonstrate sound judgment that comes only with experience. Board members noted that, by law, engineers must practice within their area of expertise; anyone who does not do so should be reported to the Board. Mr. Tobias conceded that no structures in South Carolina have failed due to engineering-related issues since Hurricane Hugo in 1979. Board members noted that a statute change is usually dependent on data showing the need for the change. A few states license individuals by discipline, but as a profession, “splintering” is discouraged. Specific exams for structural engineers were discussed. The Board asked Mr. Tobias to clearly define the perceived problem, suggest remedies including the logistics of accomplishing a separate license, and provide data showing how the public is not adequately protected under existing licensure. They also asked that he encourage others to report to LLR anyone practicing engineering outside their scope of experience and expertise.

Ethics in Engineering – Administrator Simpson distributed information on Ethics in Engineering courses for possible use as a requirement in Consent Agreements or Board Orders in disciplinary cases. The information includes online courses and other structured learning activities.

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Memorandum of Understanding Regarding practice of Engineering and practice of Geology -

Administrator Simpson distributed for the Board's information and files a Memorandum of Understanding developed years ago between this Board and the Geology Board (copy attached).

NCEES Emeritus and Associate Members – Board members asked Administrator Simpson to contact former Board members Ed Britt and Bill Knowles to determine if they wish to be designated as Associate members so they will be eligible to serve on NCEES committees.

Meeting packets – The Board members asked Administrator Simpson to provide materials at Board meetings but to continue sending the material electronically prior to the meeting.

NCEES Committee assignments – Board members were encouraged to volunteer to serve on NCEES committees.

Computer-Based Testing – Mr. Dinkins reported on a recent meeting of the NCEES Computer-Based Testing (CBT) Task Force. The main concerns about computer-based testing involve the cost to create the exam, cost to the examinees, security, adequate number of venues, adequate pool of questions, and an anticipated drop in revenue for both NCEES and ELSES if the exam is administered on computer. Mr. Dinkins said the Task Force will continue to study the issue.

The Board recessed for a one-hour lunch, reconvening at 1:40 p.m.

Disciplinary Report – Neither Todd Bond nor Charlie Ido was able to attend the meeting. There was no IRC report. Case 2007-4, a proposed Consent Agreement with Bob Collingwood, was discussed. Due to questions posed by Board members, the Consent agreement was deferred until the Board's meeting the following day, January 9, 2008.

Approval of Minutes of Meetings on November 6 and 7, 2007 – After minor corrections, the Minutes were approved.

Administrator's Report was accepted as information. See attached report

GIS Surveyor Examination – Mr. Dinkins reported the exam is ready to be administered. He thanked NCEES staff and Dave Gibson, consultant, for their work in bringing this initiative to fruition. This exam is the first geographic information systems surveyor examination administered in the United States. An article will be published in Licensure Exchange featuring the new GIS exam and South Carolina's experience with the process.

Other Business – Member Dinkins reminded the Board about previous discussions regarding appointment of an alternate member of the Investigative Review Committee (IRC) for instances when current IRC professional members are unavailable or must recuse themselves from deliberation of a case. Mr. Dinkins proposed Rick Inman, PLS, as an alternate; Mr. Inman has

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agreed to serve if the Board appoints him. This appointment in no way replaces Al Whitworth, who currently serves as the surveyor on the IRC.

Motion by Sprague/Dinkins: To appoint Rick Inman to serve as an alternate surveyor to the Investigative Review Committee as needed. Motion passed.

Licensing Ceremony –The Licensing Ceremony jointly sponsored with the SC Society of Professional Engineers will be held on January 17 at 3:00 p.m. in the State House, followed by a reception at the Palmetto Club. The SCSPE Legislative Reception will be held on January 22 at 6:00 p.m. at the Clarion Town House.

Senate Committee on Labor, Commerce and Industry – Administrator Simpson reported that Sen. Greg Ryberg, Committee Chair, asked LLR to provide information on the professions and occupations regulated by the Department with a long list of specific questions to be answered. The Committee is taking a holistic look at the issue of regulation. LLR has complied with an extensive report.

Speaking Engagements – Mr. Dinkins reported that he spoke to about 40 engineers in November at a meeting of the American Society of Mechanical Engineering. In December, Mr. Dinkins and Administrator Simpson spoke to about 30 engineers at DHEC. In both meetings, the topic of advanced education requirements (“BS + 30”) was discussed as well as Board initiatives for technology degree holders and other engineering-related topics. He encouraged other Board members to speak to as many professional organization or colleges as possible, to discuss the Board’s work, to explain proposed changes to statutes and regulations, and to request feedback from members of the professions.

Technology Review Committee – Administrator Simpson reported there are three applications ready for portfolio review on January 23, 2008. The follow-up interview will be held on February 15. The addition of other reviewers was discussed, including non-voting observers from South Carolina State University. Administrator Simpson will continue to attempt to reach the Dean.

Reinstatement of Licenses – There was extended discussion about reinstating a license for an individual who does not hold a current license in any jurisdiction. Administrator Simpson will research the outcome of a similar situation in April 2005 and report to the Board at the next meeting. She will also draft a policy on this topic for the Board’s review.

There being no further business, the meeting adjourned at 2:30 p.m.

Respectfully submitted,

Jan B. Simpson
Administrator

SOUTH CAROLINA
BOARD OF PROFESSIONAL ENGINEERS
AND SURVEYORS

Board Meeting

January 9, 2008

110 Centerview Drive, Room 202-02, Columbia, SC

Call to Order – Chairman M. L. Love, P.E., called the meeting to order at 9:00 a.m. Board Members present were Gene L. Dinkins, P.E. and L.S.; Thurl Amick, Sr., L.S.; Mitchell Tibshirany, P.E., and Nancy Cottingham, Public Member.

Also present were Jan Simpson, Board Administrator; Miriam Berry, Administrative Assistant; and Melissa Jones, Program Assistant; Attorney Sharon Dantzler, Charles Ido and Todd Bond, Investigators.

The Board's brief meeting prior to an Application hearing was to consider the proposed Consent Agreement signed by Bob Collingwood in resolution of Case 2007-4. Questions posed during the meeting on January 8 were deferred until today so they could be addressed by LLR investigators. Attorney Dantzler noted the Board cannot change findings of fact in a proposed Consent Agreement but they may change sanctions. Investigator Charles Ido reported that Mr. Collingwood was previously sent a letter of caution for unlicensed practice and that the surveyor member of the IRC thought the sanction proposed in this case was appropriate. Sharon noted the Board has a duty to reject a Consent Agreement if 1) findings of fact do not appear to warrant sanction, 2) there were mitigating or aggravating circumstances, and 3) the board is unable to determine by findings of fact that a violation occurred.

There was a discussion about the extent of information provided to Board members in a Consent Agreement. It was agreed that more specific information may be included in the language of a proposed Consent Agreement to better inform the Board of the established facts in the case and aid them in understanding the violation. As long as both parties have signed the proposed agreement, there is no ex parte communication.

Motion: Amick/Cottingham – To accept the Consent Agreement as proposed and as signed by Bob Collingwood and an LLR attorney. Motion carried with a vote of 4 in favor, one against.

Surveyor Plats submitted with applications – There was a discussion regarding substandard or inadequate plats submitted by applicants where the plat was signed and sealed by a licensed surveyor. Several sets of such plats have been referred by reviewing Board members for investigation by LLR's Office of Investigation and Enforcement (OIE). It was decided that a statement should be added to applications cautioning applicants that all plats must meet Minimum Standards. Plats that do not comply with Minimum Standards may lead to disciplinary action. A link will be provided to the Minimum Standards Manual on the Board's web site.

Referring Board members should identify the problems found on the plats to aid the investigators. The Board member should recuse himself from voting if a hearing is held later on the matter.

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Motion: Amick/Cottingham – To approve the November 2007 Board meeting minutes.
Motion carried.

The meeting adjourned at 10:15 a.m. after which time the Application Hearing for George Bradley was convened.

Respectfully submitted,

Jan B. Simpson
Administrator

**Administrator's Report
Board of Engineers and Surveyors
January 8, 2008**

STATISTICS

LICENSE TYPE	# IN-STATE	# ADDED SINCE LAST REPORT	# ADDED SINCE 07/01/2007	TOTAL
ENGINEER	4897	160	357	13,534
ASSOCIATE ENGINEER	16	0	0	21
LAND SURVEYOR – A	670	10	10	1026
LAND SURVEYOR – B	29	0	0	35
GEOGETIC SURVEYOR	1	0	0	17
GEOGRAPHIC INFORMATION SYSTEM SURVEYOR	22	0	0	55
PHOTOGRAMMETRIC SURVEYOR	2	0	0	146
CERTIFICATE OF AUTHORIZATION	906	22	98	2514
EMERITUS – ENGINEER	0	0	0	0
EMERITUS – SURVEYOR	0	0	0	0
RETIRED –	501	2	2	1008

ENGINEER				
RETIRED – SURVEYOR	55	0	0	93

Date of This Report: **December 21, 2007**

Date of Last Report: **October 31, 2007**

Staff Changes

Jackie Phillips took a civilian position at Fort Jackson, effective 12/31/07. We hope to have another person for that job in the next few weeks. Thanks to Miriam Berry for being responsible for the Board meeting today.

GIS Exam

The GIS exam is ready to be administered to the one candidate who has been approved to take it. NCEES and Dave Gibson were instrumental in assisting the Board with this initiative.