

S.C. Code Ann. § 40-1-120(E). A board may establish a procedure to allow a licensee who has been issued a public reprimand to petition the board for expungement of the reprimand from the licensee's record.

Expungement Procedure

Pursuant to S.C. Code Ann. § 40-1-120(E), the South Carolina State Board of Registration for Professional Engineers and Surveyors ("Board") hereby establishes the following procedure to allow a licensee/registrant who has been issued a reprimand to petition the Board for expungement of the reprimand from the licensee/registrant's Board record.

If the Board grants a licensee/registrant's Petition, the relevant records relating to the reprimand previously issued by the Board shall be sealed, subject only to production in response to lawful requests by state or federal agencies, or appropriate third parties. Subject to the aforementioned limited exceptions for producing records, the records will not be available to the public and will be removed from the Board's website. Further, the proceedings and the resulting reprimand shall be deemed by the Board to have not occurred.

Reprimands resulting from any of the following conduct by licensees/registrants shall **not** be eligible for expungement:

- (a) practice of fraud or deceit in applying for or obtaining a certificate of registration
- (b) gross negligence, incompetency, or misconduct in professional practice
- (c) felony or misdemeanor which adversely affects the licensee's ability to satisfactorily perform
- (d) aiding or abetting unlicensed practice
- (e) obtained fees or assisted in obtaining fees under fraudulent circumstances
- (f) dishonorable, unethical or professional act that is likely to deceive, defraud or harm the public
- (g) lacks the professional or ethical competence to practice the profession

The Board will not consider a Petition for Expungement until a minimum of five (5) years has passed after the licensee/registrant's satisfactory completion of any conditions imposed by the Board in the related disciplinary action, including the payment of all fines or fees assessed against the licensee/registrant. The Board will only consider a Petition for Expungement where it involves a first offense and no other additional or subsequent charges or findings supporting discipline have been filed against the licensee/registrant. A licensee/registrant shall not have their record expunged more than once.

A licensee/registrant must file a Petition for Expungement with the Board Administrator attesting under oath that the licensee/registrant's Petition falls within the guidelines set forth above. The Petition for Expungement should be in writing, notarized, and include any supporting documentation.

A properly supported Petition for Expungement for any of the following violations may be eligible for expungement by the Chair or Vice Chair without a Board hearing:

- Criminal conviction that has been expunged by court order
- Professional discipline in another jurisdiction that has been expunged by order of that jurisdiction
- Mental competency or physical or mental disability that has been restored by court order
- Failure to timely renew license/registration resulting in unlicensed practice for less than six months
- Unlicensed practice for less than six months before obtaining a license/registration
- Failure to comply with PDH requirements

For all other violations, the Board will consider the Petition for Expungement at a later meeting of the Board and determine whether the Petition should be granted. The Board will consider each case on its merits and reserves the right, in its sole discretion, to deny any Petition for Expungement if it believes that the expungement of the reprimand would not be in the public interest. Petitioner shall be required to attend any hearing involving Petitioner's request.