



The South Carolina EXAMINER

November 2001

Board of Registration for Professional Engineers & Land Surveyors

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South Carolina
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New Licensure Program

By: Sidney C. Miller, PLS

Beginning July 1, 2004, the practice of Geodetic, Photogrammetric and Geographic Information System (GIS) Surveying, as defined in the South Carolina Code of Laws and Regulations, will require a license in South Carolina. The law is not intended to be all-inclusive of these disciplines, but rather to regulate the parts of these disciplines that affect the health, safety and welfare of the public.

The Board will begin issuing licenses for these surveying disciplines starting this Fall under a grandfather provision in the law. However, the new licensing laws will not be enforced until July 1, 2004.

The new S.C. Code of Laws and Regulations specifies what is covered under the new law and lists certain activities that the practice does not include. Please log-on to the Board Web Site at www.llr.state.sc.us/POL/Engineers to review the new S. C. Code of Laws and Regulations. Refer to §40-22-20, §40-22-225, §40-22-290 (list of exemptions) R.49-201, and R.49-202 for specific details.

Because this is a new program, the Board will implement a more detailed, methodical and time-consuming review of applications. This process will slow down the application approval time for the new disciplines during this grandfather period, but should not adversely impact applicants since the license is not required until July 1, 2004. After the grandfather period is over, expect the process to be streamlined with no unusual delays.

Application packets may be obtained by contacting Therese Garwacki at 803-896-4429 or garwackit@mail.llr.state.sc.us.

Update: Biennial Renewals

Corporate and Individual Licenses

Pursuant to the new South Carolina Code of Laws, licenses will now be renewed biennially.

Corporate Renewals will be sent out January 15, 2002, for the period April 1, 2002 - March 31, 2004. The corporate renewal fee will be \$90 for the two-year period.

Individual PE and LS Renewals will be sent out April 15, 2002, and are due by July 1, 2002, for the period July 1, 2002 - June 30, 2004. The renewal fee for individual renewals will be \$100 for the two-year period. Dual registrant renewals will be \$200.

The number of **CPC hours** required for individuals for the 2002 renewal will be fifteen (15); however, the 2004 renewal will require thirty (30) CPC hours for the two-year period.

New Code of Laws & Regulations

The new Code of Laws and Regulations governing the South Carolina Board of Registration for Professional Engineers and Land Surveyors was signed by Governor Hodges and became law this summer.

Licensees should review the Code and note the changes.

Copies are available upon request from the Board office. The new law can also be accessed from the Board's Web Site:

www.llr.state.sc.us/POL/Engineers

A Letter From the Chairman

Dear Fellow Engineers and Land Surveyors,

As I write, I cannot help but feel an overwhelming sense of pride to be a member of the community of professional engineers and land surveyors. We are called to adhere to a higher standard of ethics, morals and credibility in order to maintain the level of professionalism that we all hold in such high regard. May we all strive to continue to demonstrate these qualities to each other and to those we serve.

We are pleased to report that a new focus on ambassadorship began with our September meeting. We held our regular meeting at the Swearingen Engineering Complex at the University of South Carolina's College of Engineering and Information Technology. The business session of the meeting took place in the morning followed by a pizza lunch shared by Board members, faculty and students. We took the opportunity to share information about the importance of examinations and licensure in this state.

After lunch, students and faculty joined us for presentations by Mike Shannon of NCEES and myself on "Outcome Assessment" and "The Importance of the FE Examination." The presentations provided an excellent forum for faculty and students to ask the Board members questions and for us to learn more about the needs of our constituents in the academic world. The Board thanks and is in debt to Mr. Shannon for traveling to Columbia and giving such an interesting and informative presentation.

Board members finished the day with a fascinating tour of the College of Engineering including visits to several labs. The lab faculty members showed incredible enthusiasm as they described their research and experiments in the various disciplines of engineering. We are honored to have been guests at the University of South Carolina and to have had the opportunity to experience the exciting and innovative directions in which the College is heading. On behalf of the entire Board, I extend our sincere gratitude to Dean Ralph White and his faculty, staff and students for their generous hospitality.

A major goal of the South Carolina Board is to increase contact with the engineering colleges of this state. As a part of this program of ambassadorship, we will increase our visits to these schools to meet with faculty and students and discuss the importance of licensure. We hope to travel to Clemson University and The Citadel within the next few months. Faculty and students will have the opportunity to share ideas and concerns with the Board as it travels to each campus. We also want to encourage students to take the FE examination as the first step toward becoming licensed in South Carolina. We are interested in holding an annual Board-sponsored seminar for juniors and seniors at engineering schools to discuss the value of being on a licensure track.

The Board has also remained busy in other areas. Over the last two years, legislation has been a major focus as our new Code of Laws and Regulations became law. The Board encourages each of you to go over the new law and become familiar with the changes that have been made. Copies can be downloaded from our Web Site at www.llr.state.sc.us/POL/Engineers. As you visit the Web Site, you will notice its new, user-friendly design oriented toward easy access and efficient customer service. Applications and forms are now available on the Web as well as publications, laws, meeting dates, minutes and other important licensing information.

We are pleased that the Board office is now fully staffed and continues to be committed to serving you, the customer. Please feel free to directly contact any staff member with questions you may have. Our staff members work hard and are happy to assist you at any time.

Lastly, I urge you to direct your attention to the article from our Staff Counsel, Sharon Dantzler. During the previous renewal period and audit cycle, the Board became aware of several licensees misrepresenting themselves on forms. Please read Ms. Dantzler's words and keep in mind the high ideals of professionalism and credibility that engineers and land surveyors hold in such high regard.

This newsletter serves as just one medium of communication between Board members and constituents and will be published three times a year. I encourage all of you to contact the Board at any time with any concerns you may have regarding engineering and land surveying in South Carolina. Our commitment is to serve you as well as to protect the safety and interests of the citizens of the Palmetto state.

Sincerely,
Mitchell S. Tibshirany, Jr., PE

New Web Page Design

The Board proudly reports that its Web Page has been redesigned to accommodate the needs of engineering and land surveying licensees. The new, user-friendly format provides licensees with an easy way to find important Board information.

Applications and forms are now available at the click of a mouse! Web-users can type their information on the computer and send hard copies of completed documents with original signatures to the Board office.

Log-on today to find out about upcoming Board meetings, examination dates, fee schedules, frequently asked questions, CPC requirements and the new SC Code of Laws and Regulations:

<http://www.llr.state.sc.us/POL/Engineers>

The Effect of False Statements on Applications

By: Sharon Dantzler, Staff Counsel

Engineers and Land Surveyors have historically valued good character, truthfulness and attention to detail. Each time an engineer or surveyor completes an application, whether for initial licensure or for renewal of a license, there is an opportunity to demonstrate those values. Those applicants who fail to do so face serious consequences.

South Carolina law provides that a license may be denied or may be disciplined or revoked when an individual uses a false statement or document or omits a material fact in the effort to attain or maintain licensure. S.C. Code §40-1-110. Therefore, any individual who fails to answer all questions on an application completely and truthfully must be brought to the attention of the Board of Engineers & Land Surveyors.

If the false statement is made on an initial application, no license can be granted until the Board as a whole has considered the matter and determined whether to deny the application or to allow the applicant a license with a reprimand, a fine, a probation or a suspension. The result is usually a public order, permanently available stating the facts of the false statement or misrepresentation. If the false statement is made on an application for renewal, the individual will face disciplinary action, again with a public order stating the facts of the false statement or misrepresentation.

In addition, where correcting the false statement means that the individual does not qualify for renewal of the license, the license must be immediately suspended until the qualifications are met. The most common example is found when the application for renewal states that all continuing education requirements have been met. When an audit of the continuing education shows that the individual did not, in fact, participate in the required number of hours, the individual must be suspended from practice until the qualifications for renewal are met. This action is separate from the discipline for giving the false or misleading answer.

Each applicant and licensee is held personally responsible for the accuracy of the application. Support staff often actually prepare the documents, however, the Board expects its licensees to read and be responsible for the accuracy of all documents submitted to the Board over their signatures, just as it holds them responsible for the quality of the professional work prepared under their direct supervision.

The Board has had discussions on this issue of false statements and views it as a severe violation. The Board has the authority to take action against violators by suspending licenses, assessing fines and issuing public reprimands. Board members will not hesitate to punish violators in order to maintain the high standard of ethics, morals and professionalism held in such high regard by members of the engineering and land surveying community.

The Investigator's Corner

By: Charles J. Ido

LICENSING FIRMS

Is a SC licensed engineer or land surveyor also required to license his or her firm?

Yes. Each corporation, professional corporation, partnership, firm or similar business entity engaged in the practice of engineering or land surveying in South Carolina must hold a valid Certificate of Authorization from the Board before undertaking such work. The COA is valid from April 1 through March 31 and must be renewed biennially.

No corporation, professional corporation, partnership, firm or similar entity can offer or engage in the practice of engineering or land surveying in South Carolina unless one or more persons in full authority and responsible charge of such work is duly licensed in South Carolina to provide such services. Each such business entity must comply with the "Resident Professional" requirements of South Carolina law.

SEALING DOCUMENTS

When must a SC licensed engineer seal, sign and date his/her design drawings and what is the proper procedure for sealing/signing such documents?

The SC Code of Laws requires that plans, specifications, plats and reports prepared by a registrant, or prepared under a registrant's direct supervisory control, be sealed, signed and dated when submitted to public authority and/or when issued for use as job site documents at construction projects in the state.

Where individual seals are to be affixed to engineering documents, the registrant must affix his/her signature and date below or across the face and beyond the circumference of the seal.

30 DAY RULE

What is the "30 Day Rule" in connection with COA requirements?

The failure to notify the Board within 30 days of changes in the status of a firm's COA is grounds for disciplinary action, up to and including the revocation of the organization's COA.

Also, the engineer or land surveyor serving on file with the Board as the organization's "resident professional" must notify the Board within 30 days of any change which removes him/her from the position of responsible charge. Failure to report same is punishable by a fine of not less than \$200 nor more than \$500 and/or sanctions up to and including revocation of the organization's COA.

CATEGORY B

What are the limits on the practice of the Category B Associate Professional Engineer?

The practice of the Category B Associate Professional Engineer is subject to certain restrictions. He/she may neither assume direct supervisory control as an independent practitioner nor may he/she act as the "resident professional" for a private practice organization offering/providing engineering services to the public.

The work by a Category B Associate Professional Engineer employed by a private practice organization must be under the direct supervisory control of a Category A Professional Engineer. Where documents are required to be submitted to public authority for review, approval or permitting and when such documents are required to be submitted under the seal of a professional engineer, the documents must be prepared by or under the direct supervisory control of a Category A Professional Engineer.

The Category B Associate Professional Engineer must not by title, verbal claim, sign, advertisement, letterhead, business card or any other way represent himself/herself to be a professional engineer. Such titles as Graduate Engineer, Engineer-in-Training, EIT, and Project Manager are acceptable, if appropriate.

REMINDER:

The new International Building Code ("IBC") was published in the Spring of 2000. The IBC replaces the three existing model codes - the Standard Building Code, the National Building Code, and the Uniform Building Code.

Copies of the new IBC may be purchased by contacting the regional office of the Southern Building Code Congress International in Greenville, South Carolina, telephone (864) 281-1006.

FORMAL DISCIPLINARY ACTIONS

May 2000 - April 2001

(Release Date)

By: CHARLES J. IDO - Chief Investigator

John Luther Engineers & Planners

(SC) 5/17/00 - Unlicensed practice (SC), \$500 fine, public reprimand.

Richard Allen Brandon (NC) 5/30/00 - Professional misconduct in NC and SC, public reprimand.

K & P Engineering, Inc. (SC) 6/05/00 - Unlicensed practice (lapsed license), \$500 fine, public reprimand.

HNTB Corporation (SC) 6/09/00 - Improper operation of a branch office, \$500 fine, public reprimand.

McCracken & Lopez, P.A. (NC) 6/16/00 - Unlicensed preparation of fire protection sprinkler system, \$500 fine, public reprimand.

Anastos Engineering Associates (NY) 6/26/00 - Unlicensed practice (SC), \$500 fine, public reprimand.

Radius Engineering & Design (SC) 6/30/00 - Unlicensed practice, \$500 fine, public reprimand.

Thomas Frank Sturniolo, PE (SC) 7/20/00 - Sealed and signed plans which he did not originate, \$500 fine, public reprimand.

Earl Herbert Sigman (NC) 7/20/00 - Unlicensed practice (SC), \$500 fine, public reprimand.

Hall, Blake, & Associates (TN) 08/08/00 - Unlicensed practice (SC), \$500 fine, public reprimand.

Richard S. Keagy, PE (NC) 8/18/00 - Sealed and signed plans which he did not originate, \$500 fine, public reprimand.

Jerry W. Cook (NC) 8/18/00 - Unlicensed practice (SC), \$500 fine, public reprimand.

Jesse F. McCullough, PE (GA) 8/25/00 - Practice Certificate placed under sanction in another jurisdiction, public reprimand.

Brittain Engineering, Inc. (NC) 8/25/00 - Unlicensed practice (SC), \$500 fine, public reprimand.

Donald G. Platt, PLS (SC) 8/28/00 - Violations of Minimum Standards Regulations in Lexington County, public reprimand.

Don Penn Consulting Engineers (TX) 9/14/00 - Unlicensed practice (SC), \$500 fine, public reprimand.

Robert F. Semmens, PE (AZ) 9/19/00 - Practice Certificate placed under sanction in another jurisdiction, public reprimand.

Jackson Associates, Engineering Consultants (NC) 9/28/00 - Unlicensed practice (SC), \$500 fine, public reprimand.

Thomas J. Wiener, PE (GA) 9/28/00 - Practice Certificate placed under sanction in another jurisdiction, public reprimand.

Arthur Alan Wallwork, PLS (SC) 10/25/00 - Violations of Minimum Standards Regulations in Tega Cay, SC. Public reprimand, required to make restitution of survey fee to his client.

Joel A. Smith, PE (SC) 11/09/00 - Fraudulently certified that three wells were drilled in accordance with SC Codes and Regulations. \$6,000 fine, public reprimand, 2-year license suspension, required completion of Board-approved ethics course (30 hours).

Huel C. Bailey, PLS (SC) 12/19/00 - Violations of SC Code of Laws for two counts of resisting arrest, public reprimand.

TBCE, Inc. (LA) 12/19/00 - Unlicensed practice (SC), \$500 fine, public reprimand.

Robson & Woese, Inc. (NC) 1/10/01 - Unlicensed practice (SC), \$500 fine, public reprimand.

Leathers Engineering, Inc. (NC) 1/29/01 - Unlicensed practice (SC), \$500 fine, public reprimand.

Alamance Consulting Engineers, P.A. (NC) 1/29/01 - Unlicensed practice (SC), \$500 fine, public reprimand.

Michael C. Hammack, PLS (SC) 2/02/01 - Violations of Minimum Standards Regulations in Richland County, \$500 fine, public reprimand.

Foresight Surveying Company (SC) 2/02/01 - Unlicensed practice (SC), \$500 fine, public reprimand.

Powell & Hinkle Engineers, P.A. (FL) 2/15/01 - Unlicensed practice (SC), \$500 fine, public reprimand.

C. Ashley Abel, PLS (SC) 3/15/01 - Violations of Minimum Standards Regulations in Edgefield County, \$500 fine, public reprimand, paid \$1,500 in restitution to aggrieved property owner.

Roessler Design Group (CA) 3/15/01 - Unlicensed practice (SC), \$500 fine, public reprimand.

PS Global, LLC (TX) 3/15/01 - Unlicensed practice (SC), \$500 fine, public reprimand.

dpb Engineers, Inc. (CA) 3/15/01 - Unlicensed practice (SC), \$500 fine, public reprimand.

Progressive Engineering, Inc. (IN) 3/16/01 - Unlicensed practice (SC), \$500 fine, public reprimand.

American Fire Technologies (NC) 3/19/01 - Unlicensed practice (SC), \$500 fine, public reprimand.

Henry Lawson Graham, PE/PLS (SC) 4/25/01 - Unlicensed practice (lapsed license), sealed and signed plans which he did not originate, \$2,000 fine, public reprimand.

Building Mechanical Systems, Inc. (CA) 4/25/01 - Unlicensed practice (SC), \$500 fine, public reprimand.

Albert Kahn Associates, Inc. (MI) 4/26/01 - Unlicensed practice (SC), \$500 fine, public reprimand.

Although every effort has been made to ensure the accuracy of this information, before making decisions based upon it, please seek verification at (803) 896-4422. Listings do not reflect pending appeals for rehearing or information that occurs near publication date.

Do you have questions, concerns or comments that you would like to see addressed in future issues of *The Examiner*? If so, just send them in, and we'll be happy to respond. You may send them to our mailing address, call 803-896-4422, or e-mail: engls@mail.llr.state.sc.us. We appreciate your input!

Groundhog Job Shadow Day

Feb. 1 - Feb. 28
2002

Groundhog Job Shadow Day is an initiative dedicated to engaging students in the world of work. Businesses and individuals across South Carolina are encouraged to begin working with students and the business community in preparing for successful job shadowing experiences.

For the past three years, the Department of Labor, Licensing and Regulation has been involved with this program. The number of students participating in this program has increased by 44 per cent. Over 26,400 students and 10,865 employers took part in last year's Groundhog Job Shadow Day.

We encourage you to get involved. If you are interested, please fill out the adjacent form and send it back at your earliest convenience.

Groundhog Job Shadow Day Participation Form

Name: _____

Title: _____

Address: _____

Phone: (W) _____ (H) _____

Email Address: _____

Occupation: _____

School District (where you work): _____

Please Return Form to: **Mr. Jay Pitts, Administrator**
Board of Engineers & Land Surveyors
P.O. Box 11597
Columbia, SC 29211-1597

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