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# The South Carolina

## Engineering Examiner

Vol 3, No. 3

Newsletter of the South Carolina  
State Board of Registration  
for Professional Engineers & Land Surveyors

August, 1988

### New Legislation

The following definitions have recently been added by the General Assembly to South Carolina Code of Laws, 1976, Section 40-21-10:

**"Resident registered engineer" or "resident registered land surveyor"** means a licensed practitioner who spends a majority of each normal work day in the principal or branch office.

**"Branch office"** means a place of business separate from the principal place of business where engineering services or land surveying services are provided. A specific project or construction site office is not a branch office. Nothing contained herein prevents a registered engineer or registered land surveyor from undertaking an engineering or a land surveying project anywhere in the State.

**"Registered"** means the engineer or land surveyor is duly registered in the State.

Also, Section 40-21-405 regarding the operation of branch offices has been added to the South Carolina Code of Laws as follows:

"Registered engineers and registered land surveyors engaged in business as sole proprietorships, partnerships, corporations, or other type of firms involving the practice of engineering or land surveying may maintain a princi-

### BOARD ENACTS NEW POLICY

At a Board Meeting on February 3, 1988, the Board Investigator was delegated the responsibility of mailing, as applicable, a copy of final Board and Court orders involving disciplinary/legal matters to The State newspaper, the newspaper local to the area from which the complaint originated, the Executive Director of S. C. Society of Professional Engineers, Consulting Engineers of South Carolina, each local Chapter and Executive Director of the S.C. Society of Professional Land Surveyors, the National Council of Engineering Examiners (NCEE), the Clerk of Court or Register of Mesne Conveyance in the county from which the formal complaint originated, local building officials and/or the Director of the Building Codes Council and others upon written request as stipulated in the Freedom of Information Act. The same or more detailed information will also be published in the annual roster published by the Board as well as newsletters originating from the Board office.

pal place of business as well as branch offices. Each principal place of business as well as each branch office must have a resident registered engineer or registered land surveyor in responsible charge of the field and office surveying or engineering work provided. A registered engineer must supervise the engineering branch office and a registered land surveyor must supervise the land surveying branch office. The resident registered engineer or registered land surveyor is considered in residence in only one place of business at a given time. The provisions of this section do not apply to a registered land surveyor or

registered engineer with only one place of business. In this section, engaged in business means holding oneself out generally to the public as qualified and available to perform engineering or land surveying services or both, for a "fee".

REMEMBER  
TO REPORT ALL  
ADDRESS CHANGES  
TO THE BOARD  
OFFICE.



**South Carolina State Board  
of Registration for  
Professional Engineers  
and Land Surveyors**

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Greenville, S. C. 29615  
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**DIRECTOR**  
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S. C. State Board of Registration for  
Professional Engineers & Land Surveyors  
P. O. Drawer 50408  
Columbia, S. C. 29250

**Telephone (803) 734-9166**

**Broughton Leonard Baker  
1912 - 1988**

*This newsletter is dedicated to the memory of Dr. Broughton Leonard Baker, member of the South Carolina State Board of Registration for Professional Engineers and Land Surveyors from 1963 to the time of his death on January 3, 1988. He had served as Chairman of the Board since 1985 and as Secretary for the prior 28 years.*

**Board Welcomes New Member**

L.G. (Skip) Lewis, Registered Professional Engineer, was appointed by Governor Campbell to a five-year term as a member of the Board. He succeeds C. T. Wise, who had served for twenty years and whose term expired June 30, 1987.

Mr. Lewis is Executive Vice President, Treasurer and a member of the Board of Directors of The Piedmont Group, an engineering, architectural planning firm headquartered in Greenville, S. C. He has a bachelor of science and a master's degree in civil engineering from Clemson University, and serves on the Advisory Board of the Department of Civil Engineering, Clemson University.

The Governor has not yet appointed anyone to replace Dr. Baker.

**RENEWAL FEE INCREASE**

The \$10 increase in renewal fee for licensure of Professional Engineers and Land Surveyors for the period July 1, 1988 to June 30, 1989 resulted from increased administrative costs and increased costs relating to investigative and disciplinary actions and the following proviso in the State Appropriation Act:

"129.39. Professional and Occupational Licensing Agencies must generate revenue equal to 115 percent of their appropriation and are exempt from budget reductions. In any year during which any Professional and Occupational Licensing Agency does not generate the required revenue as provided above, it shall generate sufficient revenue in the succeeding year to offset the prior deficit, in addition to meeting requirements for the current year. Professional and Occupational Licensing Boards may adjust fees, if necessary, to generate revenue at least fifteen percent above the 1988-89 state appropriation."

Renewal notices were mailed in May 1988 and licenses expire as of June 30. You should be aware that if you fail to pay your renewal (Continued on Page 3)



## FORMAL HEARINGS/DISCIPLINARY ACTION

*July 1, 1987 to June 30, 1988*

The Board has taken disciplinary action concerning the following licensees. Although every effort is made to ensure that the information is correct, before making any specific decision based upon the information, you should check with the Board office to assure accuracy. The listing may not reflect a change occurring near or following the publication date. Further, the listing does not reflect pending appeals for rehearings. Each order is listed as follows with the name, charges and action taken.

**H. P. Thompkins, PE/RLS #5772; File No. 86-923**

Charges: Failure to observe Minimum Standards; As act of misconduct; Date of Order: June 11, 1987 - Consent Order (2 Counts); Disposition: Re-examination in land surveying practice; \$800.00 fine. Reprimand; Passed exam 4/88.

**Joe P. Miley, PE/RLS #1344; File No. 86-956**

Date of Order: August 29, 1987 - Consent Order; Disposition: Certificate to practice land surveying in South Carolina voluntarily relinquished.

**Elmer L. Driggers, RLS #3489; File No. 86-948**

Charges: Failure to comply with Minimum Standards Manual, Incompetence, Gross Negligence, Misconduct; Date of Order: November 20, 1987 - Consent Order; Disposition: Revocation of license to practice.

**M. Kenyon Millard, RLS #635; File No. 87-969**

Charges: Failure to comply with Minimum Standards Manual, Incompetence, Gross Negligence, Misconduct; Date of Order: November 20, 1987; Disposition: Revocation of license to practice.

**Vernon E. Amick, PE #3618; File No. 87-1000**

Charges: Misconduct, deceit and fraud; violation of Regulations 49-13 and 49-14 (Rules of Professional Conduct); Date of Order: February 3, 1988 - Consent Order; Disposition: Six months suspension and \$1,500.00 fine

**Robert J. Sample, PE #6135; File No. 87-1015**

Charges: Misconduct; Date of Order: February 9, 1988; Consent Order; Disposition: Public Reprimand.

**Marion D. Dorn, PE #4384; File No. 87-1047**

Charges: Misconduct; Date of Order: February 10, 1988; Consent Order; Disposition: Public Reprimand.

**David F. Thomas, PE #4701; File Nos. 87-1015; 87-1016; 87-1018; 87-1044**

Charges: Misconduct; unlicensed practice of architecture; violation of Sections 49-13, 49-14(c) of the Rules of Professional Conduct (Four Counts); Date of Order: March 23, 1988; Disposition: Public Reprimand and \$4,000.00 fine.

**Gerald M. Padgett, PE #6314; File No. 87-1051**

Charges: Misconduct; unlicensed practice of architecture; violation of Sections 49-13 and 49-14 of the Rules of Professional Conduct; Date of Order: April 4, 1988 - Consent Order; Disposition: Reprimand and \$750.00 fine.

**John F. Collins; File No. 87-993**

Charges: Unlicensed Practice of Land Surveying; Date of Order: December 9, 1987 - Consent Order; Disposition: Injunction.

### RENEWAL FEE INCREASE

(Continued from Page 2)

fee but continue to practice engineering and/or land surveying with an inactive license you will be in violation of Section 40-21-330 of the Code of Laws of South Carolina (1976), and subject to possible discipline by this Board. We call your attention to the fact that it is the responsibility of the registrant to renew his/her license prior to the expiration date. Changes of address should be reported in writing to the State Board.

### DESIGN/BUILD PRACTICES UNDER REVIEW

In its effort to control unlicensed design activity by Design/Build contractors and others the Board, on February 8, 1988, in a letter directed to all South Carolina County and Municipal Building Officials issued the following Board policy statement:

“There are many contractors in South Carolina who are making proposals to owners for Design/Build packages which include construction as well as engineering design aspects. It is understood that in some instances, a promise is made that the final plans will  
(Continued on Page 4)



## DESIGN/BUILD UNDER REVIEW

(Continued from Page 3)

bear proper seals for permitting purposes although the plans are actually being prepared by unlicensed individuals who develop the final design sheets and/or make final engineering decisions. This practice is frequently an encouragement to the dangerous and unlawful act of **Rubber Stamping** by a licensed engineer.

"To be within statutory requirements with respect to the practice of engineering, a firm representative or other person who holds himself out as able to perform (or does perform) any engineering service must be registered by this Board. Engineering work as described above, must be done under the direct responsibility, checking and supervision of a person holding a current certificate of registration to practice engineering in this state, and such plans, specifications and reports shall be stamped with the licensee's seal when filed with public authorities.

"Conceivably, any engineer registered with this Board, could provide any professional engineering services because the State of South Carolina does not register engineers by discipline. If, however, a professional engineer performs or seals project plans for which he is unqualified by education or experience such action may become grounds for disciplinary proceedings by this Board.

"If you become unsure as to an engineer's area of competency, it is suggested you contact the Board office for further information.

"Your continued assistance in enforcing the engineering registration laws in South Carolina as well as your cooperation in other matters of mutual interest is most appreciated."

**NEXT PE & LS EXAM 10/28/88  
EIT EXAM 10/29/88  
NEXT BOARD MEETING  
SEPTEMBER 13-14**

**S. C. State Board of Registration for  
Professional Engineers & Land Surveyors  
P. O. Drawer 50408  
Columbia, South Carolina 29250**

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