

MINUTES

South Carolina Board of Registration for Foresters

October 24, 2000

110 Centerview Drive, Kingstree Building
Columbia, South Carolina

Mr. Don Handley, Chairman, of Florence called the regular meeting of the Board of Foresters to order at 10:00 a.m., with a quorum present. Other members participating in the meeting included: Mr. Raymond Boozer of Gilbert, Vice-Chairman; Dr. Larry Nelson, of Clemson; Mr. Dwight Stewart, of Summerton; Mr. Fred Gantt, of Columbia; and Ms. Marietta McConnell, of Georgetown. Mr. Charles Moore was absent.

Staff members participating during the meeting included: Ms. Lou Ann Pyatt, Administrator; Ms. Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Mr. Damon Jeter, Assistant Legislative Liaison, LLR Legislative Liaison Office; Ms. Jackie Carter, Administrative Assistant; Mr. Larry Hall, LLR Investigator; and Ms. Sandra Dickert, Administrative Assistant.

Mr. Handley noted the meeting was being held in accordance with Section 30-4-80 of the S. C. Freedom of Information Act by notice mailed to The State Newspaper, Associated Press, WIS-TV and all other requesting persons, organizations, or news media. In addition, notice was posted on the bulletin boards at the two main entrances of the Kingstree Building.

Invocation

Mr. Stewart gave the invocation.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Approval of the July 25, 2000 Meeting Minutes

Dr. Nelson noted two changes to the minutes of the July 25, 2000 meeting. Following a brief discussion, Dr. Nelson moved to approve the minutes as amended. Mr. Stewart seconded the motion, which carried unanimously.

Chairman's Remarks

Mr. Handley welcomed Ms. McConnell to the Board. He stated he and Mr. Stewart met with Ms. McConnell at the Board Symposium on September 8, 2000.

Mr. Handley stated it is time for another newsletter. He further stated he would appoint members to committees later in the meeting and would discuss this matter later in the

meeting.

Mr. Handley stated he met with the Clemson Advisory Panel and that another meeting would be held in January 2001. He indicated the board has a seat on that panel and that he would probably represent the board at that meeting as well.

Administrator's Remarks

Ms. Pyatt introduced Ms. Jackie Carter, her new Administrative Assistant. She indicated Ms. Carter has transferred from another section of the agency.

1. Report of Renewals

Ms. Pyatt stated there are currently 841 individuals who have renewed. The late renewal season has now ended and anyone now renewing would have to be reinstated.

Ms. Pyatt stated ten individuals took the exam on September 11, 2000. She indicated two individuals took the exam for the second time. She noted that nine individuals passed, including the two individuals who took the exam for the second time.

Review Revised Application

Ms. Pyatt presented the members with the revised application based on comments made at the July 25, 2000 meeting. She noted the changes had been made including the attorney's changes to question 11 and that the two-year degree requirement had been removed on the second instruction sheet.

A discussion regarding grammatical changes and language changes to question number six and number nine ensued.

Mr. Stewart asked if being a citizen of the United States is a requirement. Ms. Dantzler stated no, however, if the individual were not a citizen additional documentation would be needed.

Mr. Gantt moved the board table action on the application to the January 2001 meeting so the members may carefully review the application for all corrections. Dr. Nelson seconded the motion, which passed unanimously.

Mr. Handley asked all members to note any changes and have them to him two weeks prior to the next meeting. He would meet with Ms. Pyatt prior to the meeting regarding the changes and another draft application would be available for the members at the next meeting. Ms. Pyatt will send a reminder to the members to send their changes to Mr. Handley.

Ms. Pyatt stated the board had expressed concerns on the format of the roster. She has met

with the programmer and learned that if the program is changed some of the information will be deleted. She noted that the current format would have to be used until such time that an agency-wide license format could be implemented. At this time, she does not know when the agency-wide license format would be implemented.

Ms. Pyatt stated she has followed up on the exam system as requested. She has received a program from the State of Mississippi and has forwarded it to the agency programmer. The programmer is currently unable to open the program sent by Mississippi. She further stated she and Mr. Handley are attempting to contact Mississippi to discover the type of program so the programmer may review it.

Legislative Update

Mr. Damon Jeter, of the LLR Legislative Liaison Office, stated the board, at its last meeting, approved filing the proposed legislation as it was presented last year. He asked the members if this is still the board's decision. Mr. Handley stated the board had voted to move forward with the bill as it was presented. Mr. Jeter stated Mrs. Goldstein would return on November 1, 2000. He has been speaking with Mrs. Goldstein and she is well aware of the board's position.

Mr. Jeter stated he would be contacting the chairman for member support in getting the bill passed.

Advisory Opinions, If Needed, Sharon Dantzler, Office of General Counsel

Ms. Dantzler stated she has not prepared any formal opinions, however, the board has asked for an opinion on two items.

Ms. Dantzler discussed the agency's position regarding license applications. Staff should not use discretion regarding applications – that is the board's duty. The board could direct a committee to review questionable applications. The board is responsible for approving guidelines for the staff to use in reviewing applications. Any application that falls outside of the guidelines would then be presented to the committee or the full board for review.

Ms. Dantzler discussed unlicensed practice with the members. She noted that Ms. McKinney has recently met with the solicitors' association. During this discussion the solicitors stated an unlicensed individual would be prosecuted in court on the second offense, provided pertinent documentation such as cease and desist orders, are provided to them.

Ms. Dantzler asked that the board not vote on these items today since they were not on the agenda and that the board place these items on the agenda for the next meeting.

Old Business

Review of Budget/Fee Increase

Ms. Pyatt presented the members with copies of revenues and expenses. She asked the members for feedback on recommending fee increases. The members reviewed the document and asked questions regarding the document.

Ms. Dantzler indicated the board would be approached at sometime by the agency with proposed fee increase information. She noted that the Accounting Department would have checked all points within the board's budget prior to bringing the proposal before the board.

Mr. Handley stated the licensees would have to be informed that a fee increase would be forthcoming.

The board acknowledged that a fee increase would no doubt be needed at some point but offered no recommendation during the October 24, 2000 meeting.

Committee Appointments

Mr. Handley stated that at the last meeting the members had discussed committee assignments. Four committees should start working right away. He noted that the four committees are: continuing education, newsletter, legislative, policy and procedures and regulations. He said each member would need to serve on two committees. He asked Ms. Dantzler to work on the regulation committee.

The continuing education committee would discuss the audit and how they are conducted, and be charged with reviewing how the CFE audits are conducted, and question whether the board should continue to use all six categories of the SAF. Mr. Handley stated he believes there was a decision a long time ago that is not part of policy. The committee would also need to review the carry-over policy. Another question to consider is, can the board accept non-residents CFEs if they meet the requirement of their resident state even if they don't match South Carolina's? He asked Mr. Stewart, Mr. Boozer and Dr. Nelson to serve on this committee

The newsletter committee would also consist of Mr. Stewart, Mr. Boozer and Dr. Nelson.

The legislative and the policy, procedure and regulation committees would consist of Mr. Handley, Mr. Gantt and Ms. McConnell. He will ask Mr. Moore to serve on the regulation committee. This committee would review past minutes to ensure all policies and procedures are set in the guidelines.

The board took a five-minute recess at 12:15 p.m.

New Business

Applications for Registration Approval

John Bell Hane

Richard H. Howard

Robert C. Huff

Mr. Boozer moved the board approve Mr. Howard's application and that the applications of Mr. Hane and Mr. Huff be approved after the board has received their supervised employment documentation. The motion was seconded by Dr. Nelson and unanimously carried.

Applications for Reciprocal Registration Approval

William Jason Andrews

Steve W. Carter

Kevin Todd Dowdle

Todd R. Reeves (Employment)

Hans-Christian Rohr

Glen Settles (Employment)

Christopher T. Sewell

Thomas John Margo, Jr.

Charles F. Warnell, Jr.

Mr. Boozer moved to approve the above applications. Mr. Stewart seconded the motion. Following some discussion regarding the applications and policies, the motion carried unanimously.

Applications for Registration Reinstatement Approval

Jacob Franklin Almond, Jr.

Mr. Gantt moved the board disapprove Mr. Almond's application, as it appears his real estate continuing education does not appear to be category one continuing foresters' education credits. Mr. Stewart seconded the motion, which carried unanimously.

Steven G. Scott

Mr. Gantt moved the board approve Mr. Scott's application. The motion was seconded by Dr. Nelson and unanimously carried.

Timothy W. Tabak

Mr. Boozer moved the board approve Mr. Tabak's application. Mr. Stewart seconded the motion, which carried unanimously.

Discussion Item

Administrative Procedures Review

Ms. Dantzler presented the members with copies of a model disciplinary procedure and reviewed the procedure with the members. She explained that the recommendations made by the IRC are presented to the members during the executive session of the next board meeting. She noted that an individual who has agreed to a consent order has the right to appear before the meeting when the order is presented for board approval. The settlement agreement is the decision of the entire committee, not one individual.

She recommended the board approve the disciplinary process as presented or a similar procedure.

Mr. Handley suggested the board members review the document at length and asked that board approval in this matter be tabled to the January 18, 2001 meeting.

Ms. Pyatt stated the board had approved Mr. Paul Major and Mr. Hugh Ryan of the South Carolina Forestry Commission as consultants. Mr. Ryan is available and should he not be available, would provide one of his staff members. A consultant is contacted for advice concerning investigations and case dispositions.

Other Business

1. Travel Support & Travel Request Documents

Mr. Handley asked that the members sign their travel voucher.

Executive Session

Mr. Stewart moved the board enter executive session to discuss disciplinary matters. The motion was seconded by Dr. Nelson and carried unanimously.

Return to Public

Mr. Handley noted for the record that no votes were taken while the board was in executive

session.

Mr. Stewart moved the board accept the IRC's recommendation. Mr. Gantt seconded the motion, which carried unanimously.

Mr. Handley recused himself at this time.

Mr. Kent Lesesne, Litigation Attorney, LLR Office of General Counsel, presented the members with a consent order in regard to Mr. E. Gene Lambrecht. He recommended the board accept the consent order.

Mr. Stewart moved the board approve the recommendation that the board accept the consent order. Dr. Nelson seconded the motion. A brief discussion regarding the Conclusions of Law ensued. The board voted unanimously to accept the consent order.

Adjournment

Mr. Gantt moved the meeting be adjourned. The motion was seconded by Mr. Stewart and unanimously carried.

The meeting adjourned at 1:40 p.m.

The next meeting of the S. C. Board of Registration of Foresters has been scheduled for January 18, 2001.

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