

SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND
REGULATION BEFORE THE SOUTH CAROLINA
SOIL CLASSIFIERS ADVISORY COUNCIL

(COPY)

**BOARD MEETING VIA
TELECONFERENCING**

Monday, April 2, 2012
9:03 a.m. - 9:32 a.m.

The South Carolina State Board of Soil Classifiers Advisory Council Board meeting was taken at Synergy Office Park, Kingstree Building, Room 108, 110 Centerview Drive, Columbia, South Carolina, on the 2nd day of April 2012, before Diane M. Hendricks, Court Reporter and Notary Public in and for the State of South Carolina.

APPEARANCES:

BOARD MEMBERS:

Dennis D. DeFrancesco, Chairman (via telephone)
Randall K. Fowler, Vice Chairman (via telephone)
David L. Hargett, Member (via telephone)

ADVISING THE BOARD:

Sara McCartha, Esquire
Jennifer Cooper, Legal Assistant

BOARD ADMINISTRATOR:

Jan Simpson

ADMINISTRATIVE ASSISTANT:

Sherry Moorer

Also present:

Ben Stuckey, Investigative Review Committee

INDEX

PAGE

**INTRODUCTION OF BOARD MEMBERS AND
ALL OTHER PERSONS ATTENDING 4**

CALL TO ORDER:

Mr. Chairman 4

STATEMENT OF PUBLIC NOTICE:

Mr. Chairman 4

**NEW BUSINESS, REVIEW OF CHANGES TO PROPOSED
REGULATIONS, ITEM 4(a):**

Mr. Chairman 5

MOTIONS REGARDING EXAMINATION FEE

Motion by Mr. Hargett 22
Second by Mr. Fowler 22

MOTIONS REGARDING FEE REGULATIONS

Motion by Mr. Fowler 23
Second by Mr. Hargett 23

MOTIONS TO ADJOURN

Motion by Mr. Hargett 29
Second by Mr. Fowler 29
Certification 30

PROPOSED REGULATIONS:

1
2 **MR. CHAIRMAN:** This is Dennis D. here again. We
3 have to review the proposed changes to our new
4 regulations. These are being done because the
5 Senate LCI Subcommittee, it's my understanding,
6 has requested that we insert the exact fee that
7 we're proposing and not just a range, how it
8 was in our original proposal. And we aren't
9 the only Board that is being asked to do this.
10 There are several others, so it's not just us.
11 So I want to echo Sherri's comments to Jennifer
12 Cooper. Jennifer, thanks so much for working
13 overtime on this and getting this done kind of
14 in a record-setting fashion here.

15 **MS. COOPER:** No problem.

16 **MS. MCCARTHA:** She's pretty amazing. I'll vouch for
17 that, so --

18 **MS. MOORER:** Yes.

19 **MR. CHAIRMAN:** I appreciate that. I meant to
20 mention that Bill Smith could not attend this
21 morning. He has a dental appointment so he is
22 officially excused from this meeting. So it's
23 just Dave, Randy and myself here on the Board.
24 So we'll get to everybody who wants to make any
25 comments but, have the Board members read the

1 proposed changes to the fee schedule?

2 **MR. HARGETT:** Yeah, I have.

3 **MR. FOWLER:** Yes.

4 **MR. CHAIRMAN:** I've got several -- Sara, but do you
5 guys have any comments you want to get to first
6 or anything about the fees?

7 **MS. MCCARTHA:** Dennis, I think you summed it up
8 exactly. It's just we have to do this for a
9 very large portion of our Boards right now.
10 And it is what it is, so thank you guys for
11 making time in your schedules so quickly.

12 **MR. CHAIRMAN:** Sure.

13 **MR. FOWLER:** Dennis, this is Randy and I have a
14 question under 108-7, their fees.

15 **MR. CHAIRMAN:** Okay.

16 **MR. FOWLER:** If you look at Number 2, licensure fee,
17 professional soil classifier, it says, \$200.

18 **MR. CHAIRMAN:** Uh-huh.

19 **MR. FOWLER:** If you look on Number 4, bi-annual
20 license fee, certificate of licensure, \$200.

21 **MR. CHAIRMAN:** Right.

22 **MR. FOWLER:** I guess I'm a little confused the
23 difference between those two.

24 **MR. CHAIRMAN:** So would you address that Sherri?

25 **MS. MOORER:** I can address that. And the reason why

1 those fees are listed separately is because of
2 the way they read in the statute. They have a
3 licensure fee to get the license started for
4 the first two-year licensure period. And it is
5 the same as the renewal fee. So basically what
6 that means is, Number 2 means when they're
7 first licensed, they have to pay \$200 to get
8 the license activated for that first period.
9 And then thereafter, every two years, it's a
10 \$200 fee to renew.

11 **MR. FOWLER:** Okay.

12 **MS. MOORER:** So it's really the same fee that
13 they're paying. It's just because it was
14 listed separately in the statute. I'm not sure
15 why it was listed that way, if that was a
16 carryover from the old law or what happened.
17 But really most of these fees, with the
18 exception of, I think, Number 6 and 7 are in
19 statute and they're being repeated in
20 regulation for the sake of clarity, because in
21 the statute they're listed with the
22 requirement. There's not a list of fees. So
23 when it says, here are the requirements for
24 initial applications. You pay this much for
25 your application fee. You pay this much for

1 your initial licensure fee. And then in the
2 next section when it talks about renewals, they
3 say here's your renewal fee. And then, you
4 know, if you let it lapse, the fee is set by
5 the Council. And the Council voted in 2011 to
6 set one fee of \$250 for reinstatement. You
7 really have the authority to set that anywhere
8 you want. But in 2011, you decided it would be
9 most helpful to licensees to know exactly how
10 much it was going to cost them if they let it
11 lapse and chose to reinstate. So we added that
12 reinstatement fee to the regulations because we
13 didn't want to open the law back up to put it
14 in there. So we just did it by regulation.

15 **MS. McCARTHA:** And Sherri, would you -- do you just
16 want to remind me -- and none of these are fee
17 increases, are they?

18 **MS. MOORER:** No. They are not.

19 **MS. McCARTHA:** Okay. I just want to get that on the
20 record.

21 **MR. CHAIRMAN:** I had that exact same question, too.
22 That was a good question. Any other comments
23 from Randy or Dave before I have a few of my
24 own?

25 **MS. MOORER:** I wanted to add, too. You notice I

1 removed the duplicate certificate fee. That
2 was a holdover from when we were at DNR and it
3 took a little more effort to print those
4 certificates. We have a database now that
5 automatically generates those certificates when
6 a license or renewal is issued, so everybody
7 gets a new certificate, I believe, every
8 renewal period now. So it seemed kind of
9 ridiculous to have a duplicate certificate fee
10 in there when everybody's going to get a new
11 one every renewal period anyway. So I just
12 took that out since we don't need to charge
13 that fee anymore.

14 **MR. CHAIRMAN:** Sherri, I have a question for you.
15 Would you tell us the difference between Item
16 5, late payment penalty fee, and Item 6,
17 reinstatement fee?

18 **MS. MOORER:** Sure. That late payment penalty fee is
19 if you were late paying your license renewal,
20 the licenses come up due on January 31st of odd
21 number years. I believe we give -- the first
22 month after that is considered a 30-day grace
23 period. But if you renew in, and I believe
24 it's in March, we add a late penalty fee, just
25 for not renewing your license by the deadline.

1 And that \$40 late payment penalty fee is if you
2 renew your license basically during the month
3 of March. The reinstatement fee is if you
4 don't renew your license at all and online
5 renewal is closed, the renewal period closes.
6 Let's say, your license lapses on January 31st
7 and you decide in August, oh, I should have
8 renewed my license. The renewal period will be
9 over by that point in time. You would have to
10 reinstate your license. And that reinstatement
11 fee is what it would cost to get your license
12 active if you did it after the renewal period
13 closed. And the reason Council set that at
14 \$250 is because they figured if you renewed it
15 late, it would be \$240 total if you renewed it
16 late, and they just added an extra \$10 penalty
17 fee for going outside the regular renewal
18 period, because that would be if you renewed
19 after the renewal period had ended on March
20 31st.

21 **MR. CHAIRMAN:** Thank you, Sherri. This is Dennis
22 again. I have one question for Sara or
23 Jennifer or Jan. Item 7, the examination fee
24 established by SSSA, I've got some heartburn on
25 that because my understanding, these fees is

1 what South Carolina will be receiving. And I
2 hate to muddy the issue up with the senators by
3 including something that is not coming to South
4 Carolina. This is strictly up to SSSA to
5 decide their fees. It's not in our authority
6 to set any of their fees. So my question may
7 be to you first, Sara. Can we delete this from
8 here?

9 **MS. MCCARTHA:** What is -- if somebody would refresh
10 me. I don't have it right in front of me, but,
11 I mean, I'm guessing that your Practice Act
12 says something along the lines of that you have
13 to take the examination in order to be
14 licensed.

15 **MR. CHAIRMAN:** Right.

16 **MS. MCCARTHA:** And it's a pre-req, right? It's not
17 --

18 **MR. CHAIRMAN:** Right.

19 **MS. MCCARTHA:** I mean, it's a pre -- I don't know.
20 Jennifer, correct me if I'm wrong, but I don't
21 see a problem with just deleting that, do you?
22 You don't think so?

23 **MS. COOPER:** I'm not sure.

24 **MS. SIMPSON:** In the other Boards that I have, it is
25 spelled out that the exam fee is charged

1 elsewhere. I don't know if it's crucial or
2 not.

3 **MR. CHAIRMAN:** Okay.

4 **MS. SIMPSON:** But you're right. But putting it in
5 this way allows changes in the fees. I guess
6 if you take it completely out, that would be
7 okay, also. But the other ones, the architects
8 just say the exam is administered by, and then
9 they give the name. And then the engineers
10 say, fees established by NCEES, National
11 Council.

12 **MS. MCCARTHA:** What about in 108-2 in your
13 requirement for licensure under A. I believe
14 it's 4. It says, "Successful completion of the
15 fundamentals of the Soil Science Exam must be
16 documented by SSSA." We could maybe add
17 something there that says, notes that, you
18 know, that exam, the fees -- whatever fees
19 charged for that exam is charged by the SSSA.
20 I don't know. Something like that --

21 **MS. SIMPSON:** Why would we not put that statement,
22 though, in the fees section?

23 **MS. MCCARTHA:** And not every -- I understand what
24 Dennis' concern is, is that we're going to take
25 that in and the first question that, quite

1 frankly, either Sherri or I are going to have
2 to answer will be something along the lines of,
3 "Well, why don't you have that specified?" And
4 we can't really specify it, because as I
5 understand from Sherri, those fees are subject
6 to change annually. Quite frankly, we do
7 change annually. So we couldn't -- it just
8 wouldn't be practical to put a fee, that fee,
9 and the particular fee in the regulation,
10 because it will be very hard for us to charge
11 it every year. And your point, Dennis, about
12 the fact that it doesn't go to South Carolina,
13 I think, is also valid. So I'm just trying to
14 figure out what the best way to, you know,
15 handle is.

16 **MR. CHAIRMAN:** Yeah. I would rather take it out of
17 108-7 out of our fee section and put it, like
18 I said, in 108- -- whatever that one, Sara --

19 **MR. FOWLER:** Four.

20 **MR. CHAIRMAN:** Four?

21 **MS. MOORER:** Well, we have a section, 108-6, right
22 before that on examinations that spells out
23 what the examinations are. And on 108-6(D), it
24 says, "Applications for examination shall be
25 made to SSSA." We could add something,

1 perhaps, in that statement, "Applications and
2 fees go directly to SSSA," something along
3 those lines to indicate that the Soil Science
4 Society of America is going to take the
5 applications and will handle all fees for the
6 exam. I think that would be the easiest way to
7 put it, is in 108-6 for examinations. Because
8 that way we don't have to go back through every
9 other place where we mention the exam. Because
10 most of the states in the southeast are giving
11 that exam now. So it's a requirement for
12 initial licensure here; it's a requirement if
13 they apply by comity. That way, if it's in the
14 examination section, it makes it clear, if you
15 take this exam, whether you're applying for
16 initial or by comity, you're going to do it
17 directly through the Soil Science Society of
18 America, because we don't pre-approve exam
19 candidates.

20 **MS. MCCARTHA:** What do you think, Jan?

21 **MR. FOWLER:** I agree. I think it would be better
22 put in 108-6(D), applications for examination
23 shall be made to SSSA, simply to add fees to be
24 establish by SSSA.

25 **MR. CHAIRMAN:** Yeah. Dave, do you have any comments

1 on this?

2 **MR. HARGETT:** I think keep it simple and flexible.
3 I'm driving so I apologize. I don't have the
4 papers in front of me.

5 **MR. CHAIRMAN:** I'm sorry.

6 **MR. HARGETT:** No, that's my problem. You know, like
7 the other Boards, you're having a service
8 provided by a third party, and that's not
9 purview of this council or statute. So just
10 word it in a way that allows us to continue to
11 direct the licensees to purchase that service,
12 you know, that fee's set by that third party.

13 **MR. CHAIRMAN:** I like Sherri's idea and Randy's idea
14 about putting it in that item "D" in the
15 previous section. Jan or Sara, do you have any
16 comments on this? Is this appropriate to do it
17 this way? I mean, is it possible.

18 **MS. MCCARTHA:** Here's my -- I think it's possible.
19 Jan, do you want to speak to your opinion again
20 on this? Because she's got some other Boards
21 that do it in the fee schedule. And, again,
22 this may just -- it may be easier quite frankly
23 to leave it. Jan thinks to leave it where it
24 is and I don't disagree with her on that. I
25 think that it may be -- while it may be more

1 logical to leave it and put it in examinations,
2 and I understand your point, Dennis. The
3 truth of the matter is we're trying to appease
4 this Committee. So Jan would you want to speak
5 to that or --

6 **MS. SIMPSON:** As long as it's clear to everybody.
7 I'm looking at the engineers' section right
8 now. They've got it in the exam section, and
9 it says, "Examination fee set by the National
10 Council of Examiners for Engineering and
11 Surveying, NCEES," which for you all would be
12 the same language. I don't -- I don't know
13 that it matters where you put it as long as it
14 says the same thing wherever you put it, that
15 it is not a Board fee, that's it's -- and I
16 think that language makes it clear. But what
17 we maybe could do on this call is to say if the
18 senate wants it in, the Senate LCI Committee,
19 wants it under "fee" section, we'd put it
20 there. If they don't really care, we can put
21 it wherever you all want to put it or we could
22 put it in both places. As long as it's
23 consistent and it says what you want it to say.
24 My preference would be to put it in the fee
25 section, but that is entirely up to you all.

1 **MS. McCARTHA:** So guys, this is Sara again. What
2 Jan's basically asking or suggesting that maybe
3 you consider doing is give us some latitude.
4 We could do it by your preference if we're able
5 in 108-6 for examinations if we're told that
6 they don't care. But this way, Jennifer, Jan,
7 Sherri and I can go back to the statehouse, and
8 if we get any inkling they want it in a
9 particular place and you've given us the
10 authority to put that language, wherever it's
11 going to make them happy, more or less. So --

12 **MS. MOORER:** I would suggest --

13 **MR. CHAIRMAN:** Frankly, I agree with that approach.
14 I think that's the best way.

15 **MS. MOORER:** Given that, I wonder if we shouldn't
16 leave it --

17 **MR. HARGETT:** I have complete confidence in what
18 these ladies have suggested. They can read the
19 situation and position accordingly.

20 **MR. CHAIRMAN:** I agree, Dave and Randy. I like this
21 approach also. Do you have any comments you
22 want to make?

23 **MR. HARGETT:** No, uh-uh.

24 **MR. CHAIRMAN:** Oh, okay.

25 **MS. SIMPSON:** And Sherri may have more input.

1 **MR. CHAIRMAN:** Okay. Sherri.

2 **MS. MOORER:** I wonder with the questions that we
3 have been getting on fees throughout this
4 session, because we got several questions from
5 the House as well. I wonder if it would make
6 more sense to have it under "examinations."
7 But I wonder, since it was sent back if we
8 shouldn't leave it under "fees." Just because
9 we have been questioned so much about fees.
10 And that makes it explicitly clear that
11 everything that our licensees could potentially
12 be charged for is on this list, whether it's
13 through us or through an outside entity, that
14 we are requiring them to do business with like
15 SSSA to pass the exam. Maybe we could add
16 something under 108-6, but I think we might
17 need to leave something under 108-7. Because
18 Jennifer brought up a good point that this was
19 sent back by the request of the Committee. And
20 we might want to leave it there just to make it
21 explicitly clear that we are aware that a fee
22 is charged for the exam, but it does not come
23 through us. That is just our way of
24 acknowledging, "Yes, you will have to pay an
25 outside entity to meet this requirement that we

1 set, but we have no say-so on what they
2 charge."

3 **MR. STUCKEY:** This has been -- maybe if you have to
4 leave it under "fees," you could say,
5 established by and paid to SSSA. That would
6 clear up that it's not coming to the State.

7 **MS. MOORER:** Yeah. I think that's a good
8 suggestion.

9 **MS. MCCARTHA:** That's a good suggestion.

10 **MR. CHAIRMAN:** Yeah. I just want to avoid any
11 confusion at the Subcommittee hearing. This is
12 not South Carolina money that is being
13 controlled by some outside interest. This is
14 controlled by an outside interest and going to
15 that outside interest. So --

16 **MS. MOORER:** And we can justify that because the
17 reason we started to require that exam by SSSA
18 is because it's nationally recognized. North
19 Carolina and Georgia are now requiring it. It
20 makes comity registration a lot easier amongst
21 our states, which is something we worked very
22 long and hard to establish. So I think it
23 would be a good thing. We'll leave it under
24 "fees" just to eliminate any potential
25 questions, if that's okay with the Council.

1 **MR. CHAIRMAN:** Well, I'm in favor of following Sara's
2 suggestion of letting Sara and Sherri and Jan
3 do more research, maybe approach the
4 Subcommittee and see what their preference is,
5 that we're not trying to hide anything, but we
6 want to avoid confusion at the same time. So
7 if it should remain in 108-7, where it's at
8 now, that's fine. If it should go to the
9 previous section under item D, that is fine
10 too. Simply like Ben said, tweak the wording
11 so there's no confusion as to what we're trying
12 to do here.

13 **MR. HARGETT:** Functionally, it doesn't really matter.
14 I mean, we're trying to pacify a subcommittee
15 and we can't read their minds. Our staff can
16 go meet with them and ask what their
17 preferences are and then they have to buy in.

18 **MR. CHAIRMAN:** Right. Right. Randy, are you good
19 with that?

20 **MR. FOWLER:** Yes, yes, I am.

21 **MR. CHAIRMAN:** Yeah.

22 **MS. MCCARTHA:** Well, gentlemen, if we could, at
23 least, we need -- we do need, before we let you
24 all go, you know, get approval for the regs in
25 general. But we'll also need -- let's get

1 approval kind of on some just, I mean, general
2 language. I mean, if we need to tweak the
3 wording, you know, in a minor and
4 inconsequential manner, we can do that. But we
5 do need to know, I guess, kind of what you want
6 us to say as far as, you know, this exam fee
7 and fees being paid towards the SSSA. Give us
8 approval to move it if we need to. And we need
9 the regs kind of approved as a whole. And I
10 think you can -- I don't know if there's a
11 magic order to those motions, but we will need
12 those motions made.

13 **MR. CHAIRMAN:** Okay. Well, Jan, would you give us
14 again the wording of, I think the engineers
15 regarding their examination fee paid to their
16 private examiners? I mean, we could -- it
17 sounded pretty good when you read it before.
18 I think it was the engineers.

19 **MS. SIMPSON:** Here it is. I couldn't find my paper.
20 One second.

21 **MR. CHAIRMAN:** Sure.

22 **MS. SIMPSON:** It says "Examination fee - set by the
23 National Council of Examiners for Engineering
24 and Surveying, and in parenthesis NCEES."

25 **MR. CHAIRMAN:** Does it clarify it?

1 **MS. SIMPSON:** No exam fees are in here at all.

2 **MR. CHAIRMAN:** If that's a model that works, I would
3 suggest that you simply substitute the Soil
4 Science Society of America.

5 **MR. FOWLER:** Yeah.

6 **MR. CHAIRMAN:** And beef up the language.

7 **MS. MOORER:** And we could put established by and
8 paid to SSSA because we already have a
9 definition for SSSA at the very beginning of
10 the regulation.

11 **MR. CHAIRMAN:** Sure. I'm in favor of that approach.
12 Do I hear a motion to follow that approach?

13 **MOTIONS:**

14 **MR. HARGETT:** So moved.

15 **MADAME COURT REPORTER:** Who was that, please?

16 **MR. FOWLER:** Second.

17 **MADAME COURT REPORTER:** Who made the motion?

18 **MS. MCCARTHA:** Can we do that motion again with you
19 all identifying yourselves by first name,
20 please.

21 **MR. HARGETT:** Okay. Dave moves.

22 **MR. FOWLER:** Randy seconds.

23 **MR. CHAIRMAN:** Those in favor say aye.

24 **COUNCIL MEMBERS:** (Collective affirmative response.)

25 **MR. CHAIRMAN:** So it passes three votes. Sara, do

1 we need a motion to approve the overall
2 regulations again?

3 **MS. McCARTHA:** The overall changes to the
4 regulations, specifically to the fees, yeah.

5 **MR. CHAIRMAN:** Do I hear a motion to approve the
6 overall regulations specifically as it relates
7 the fees?

8 **MOTIONS:**

9 **MR. FOWLER:** This is Randy. So moved.

10 **MR. HARGETT:** Dave seconds.

11 **MR. CHAIRMAN:** All those in favor say aye?

12 **COUNCIL MEMBERS:** (Collective affirmative response.)

13 **MR. CHAIRMAN:** Carries three-nothing.

14 **MS. MOORER:** So we have a motion to change that
15 exam fee to read, "Established by and paid to
16 SSSA," and we also have a motion to approve the
17 overall regulations, specifically in relation
18 to the fees. Do we need any more motions to
19 move these regulations forward?

20 **MS. McCARTHA:** No, we should be fine with those.

21 **MR. CHAIRMAN:** Okay. I do have two more questions,
22 I guess for Sara or Jan, that don't relate to
23 the fees. But how do these changes affect the
24 House version, because it already passed the
25 House Ag Committee under the old version with

1 the range of fees. Is that going to cause any
2 kind of problems for us?

3 **MS. McCARTHA:** We're probably going to have to
4 withdraw and resubmit those, won't we,
5 Jennifer?

6 **MS. COOPER:** (Nods head.)

7 **MS. McCARTHA:** Yeah, we will. So --

8 **MS. SIMPSON:** We can't ask the House to look at the
9 Senate version?

10 **MS. McCARTHA:** We'll do some type of mish-mashing.
11 I don't know what the proper procedure is.
12 But, yeah, they'll -- I think that the new
13 version with the fees specified is what's going
14 to carry in both.

15 **MS. COOPER:** And with withdrawal and re-submittal --
16 this is Jennifer. Withdrawal and re-submittal
17 -- let me get closer. Withdrawal and re-
18 submittal, basically, if it happens for the
19 Senate or the House, it will affect the other,
20 you know, House or Senate.

21 **MR. CHAIRMAN:** I would think it would. This is
22 Dennis.

23 **MS. COOPER:** Yeah.

24 **MR. CHAIRMAN:** How does that effect the overall time
25 line? Could we get it done before they

1 adjourn -- I forget when it is, June or
2 whenever it is?

3 **MS. COOPER:** Of course. We'll have time.

4 **MR. CHAIRMAN:** Well --

5 **MS. McCARTHA:** Gentlemen, it's --

6 **MS. COOPER:** Especially now that we're prepared
7 ahead of time to --

8 **MR. CHAIRMAN:** Well, it's already April. We just
9 have two months basically. Can we get it done?

10 **MS. McCARTHA:** It's a little bit different when
11 they're the ones asking you to do it. So the
12 time table's a little bit quicker.

13 **MS. SIMPSON:** Well, what happens is you have "X"
14 number of days for regs to time-out. I think
15 it's 120 for regs to time-out. When they ask
16 you to withdraw and resubmit, the clock stops
17 when they ask you to withdraw. The clock
18 doesn't start again until you resubmit. So
19 today we've taken care of the procedure behind
20 resubmitting. So if we withdraw and resubmit
21 almost simultaneously, it does not really
22 affect the time line. So we should have plenty
23 of time for these to time-out this session.

24 **MR. CHAIRMAN:** Okay.

25 **MS. SIMPSON:** It depends on what they do with it.

1 But if it all goes well, as we expect it would.
2 Of course, we did not expect this. But if all
3 goes well the way we expect it will go, it
4 should have plenty of time to pass this
5 legislative session.

6 **MR. CHAIRMAN:** Yeah, that's my only concern is
7 getting it done this session. So we still have
8 to go through the Senate LCI Subcommittee and
9 full Committee hearings and possibly the House
10 Ag Subcommittee and full Committee again?

11 **MS. MCCARTHA:** Potentially, but I mean, those
12 committees are pretty quick like those schedule
13 -- once they schedule it in Subcommittee, it
14 usually comes up on the next full Committee,
15 which is within a week.

16 **MR. CHAIRMAN:** All right. Okay.

17 **MS. SIMPSON:** They can also do a joint resolution,
18 which both Houses agree to just approve it.

19 **MS. COOPER:** That doesn't become effective until
20 it's published in the *State Register*.

21 **MS. SIMPSON:** Okay. Which -- did you hear that?
22 Jennifer said it does not become effective
23 until it's published in the *State Register*. So
24 depending on when they do it, everything that
25 goes -- that will be printed in the *State*

1 Register has to be into the *State Register* by
2 the first Friday in the month, or first Monday
3 maybe, and then it's published the last Friday
4 in the month. So if it's approved on, say, May
5 the 10th, it's not going to get published until
6 the end of June, because we can't get the
7 changes in until early June for publication the
8 end of June.

9 **MR. CHAIRMAN:** Okay. So as far as the Board goes,
10 we're just going to stay on-call to attend any
11 subcommittee hearings that we should go to when
12 the regs come up, basically. That's our next
13 -- our next point of -- our next date to be
14 aware of. Is that correct, Jan?

15 **MS. SIMPSON:** Right. That's correct.

16 **MS. McCARTHA:** And Sherri or Jan will let you know
17 or Jennifer will let you know as soon as we get
18 that information. But those schedules
19 generally come to us on a Thursday or a Friday,
20 almost always a Friday. So that's -- and don't
21 look for it in the next week or two, because
22 they're all on furlough. But that's about the
23 time table of when we find out, so --

24 **MR. CHAIRMAN:** Okay. So in the meantime, Jan or
25 Sara will contact the Senate LCI Subcommittee

1 to kind of get things smoothed out with them?

2 **MS. MCCARTHA:** Yeah. I'll run it by our contact,
3 either myself or Dean Grigg. I mean, I think
4 he used to be you all's advice counsel.

5 **MR. CHAIRMAN:** Okay.

6 **MS. MCCARTHA:** But we're the two people that are
7 doing most of the contact as far as the lawyers
8 that are assigned to those committees, that
9 generally are the ones dishing out the, "You
10 need to change this orders." So we'll run that
11 by them and I'll just, you know, let them know
12 what your reasoning is as far as, you know,
13 say that you set a fee, it's not a fee
14 increase; your fees are now static instead of
15 arranged. And that there's one, you know, one
16 item that you all were concerned about but that
17 it's out of your control, and just note that,
18 you know, you did this. You're not the only
19 Board that approved, as far as the examination
20 fee. And if it's going to be an issue, then
21 we'll let you know. But I don't think it will
22 be, especially, you know, once it's explained
23 that, you know, it's, you know, we keep this
24 -- this is, you know, included so that, you
25 know, your licensees can go between states.

CERTIFICATE

This is to certify that the within Board Meeting consisting of Twenty-Nine (29) pages, is a true and correct transcript of the testimony given; said hearing was reported by the method of Stenotype with Backup.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on May 15, 2012.



Diane M. Hendricks
Court Reporter

Notary Public for South Carolina
My Commission Expires: May 27, 2021