

MINUTES
SC Soil Classifiers Advisory Council
March 25, 2014 at 10 a.m.
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 202-02
Columbia, SC

Call to Order and Introduction of Council Members and All Other Persons Attending

Vice- Chairman Dennis D. DeFrancesco called the meeting to order at 10:00 a.m. Council members present included Bill R. Smith; Gene E. Hardee; and John H. Thorp.

Chairman Fowler called to indicate that he was delayed due to traffic and asked that Vice-Chairman DeFrancesco call the meeting to order on time.

Other persons attending included: Lenora Addison-Miles, Administrator; Sherri Moorer, Program Assistant; Georgia Lewis, Office of Advice Counsel; Tracy Perlman, Office of General Counsel; Todd Bond, Office of Investigations; Lance Brewington; Ben Stuckey, Jr.; Chris Fincham; and Jill Vickers, Creel Court Reporting.

Statement of Public Notice

Mr. DeFrancesco stated that public notice of this meeting was properly posted at the S.C. Soil Classifiers Advisory Council office, Synergy Business Park, Kingstree Building, and provided to all requesting persons, organizations and news media in compliance with §30-4-80 of the South Carolina Freedom of Information Act.

Approval of Minutes

Mr. DeFrancesco asked for proposed changes to the minutes of the October 8, 2013, meeting, and the February 5, 2014, conference call. There were none.

MOTION: To approve the minutes of the October 8, 2013, meeting, and the February 5, 2014, conference call. Smith/Hardee/approve.

Approval of Agenda

Mr. DeFrancesco asked for proposed changes to the agenda for the March 25, 2014, meeting. Mrs. Moorer stated that disciplinary parameters will be discussed under the Office of General Counsel report.

Staff Reports

1. Mr. Bond told Council there is one case in the Office of Investigations. That case is presented on the Investigative Review Committee report for March 18, 2014.

MOTION: To approve the March 18, 2014, Investigative Review Committee report. Smith/Hardee/approve.

2. Mrs. Perlman told Council there are no cases in the Office of General Counsel. She asked that Council establish a parameter for handling cases of non-compliance with continuing education audits. Her recommendation was:

If an individual fails to respond to a continuing education audit request the Office of General Counsel shall draft a Consent Agreement with the following parameters:

1. Public reprimand;
2. \$500.00 fine payable within 60 days of final execution of the Consent Agreement;
3. 90 days to comply with the audit request; and
4. Notification that failure to comply with the Consent Agreement parameters will result in the administrative suspension of the individual's license pending compliance with the Consent Agreement or a formal hearing on the matter.

Failure to comply or respond to the Consent Agreement will lead to:

1. Administrative suspension of the individual's license;
2. Issuance of a Cease and Desist Order;
3. Issuance of a Formal Complaint by OGC;
4. Hearing before the Soil Classifiers Advisory Council; and
5. Sanctions as deemed appropriate.

MOTION: To accept the consent agreement parameters in regard to continuing education as presented by Mrs. Perlman. Hardee/Thorp/approved.

Mr. Fowler took over chairing the meeting upon his arrival at 10:13 a.m.

3. Mrs. Addison-Miles reported that there are currently 47 actively licensed soil classifiers in the State of South Carolina. A letter appointing John Thorp to Council for the term of March 1, 2014 – February 28, 2019, was included in the meeting packets. Financial reports for September 2013 – February 2014 were also included in the meeting packets. Council had a cash balance of 2,492.91 as of February 28, 2014.

Council Member Reports

1. Mr. DeFrancesco welcomed Mr. Thorp to Council.
2. Mr. DeFrancesco said the American Society of Agronomy is offering an online ethics course on Friday, March 28, 2014, from 1:00 – 2:00 p.m. The cost is \$25 for society members and \$40 for nonmembers. This course would meet the continuing education requirement for one hour of professional ethics in our regulation. He will forward the email with registration information to Mrs. Moorer so she can inform licensed soil classifiers of this opportunity.

New Business

1. Mr. Fowler brought up a question as to whether candidates that have been grandfathered into licensure in their state of original licensure can be granted licensure by comity. Mrs. Moorer gave the history of the examination requirement since the inception of the program. Mrs. Lewis said it comes down to comparable qualifications at the time the application is submitted to the Council. The SC Code of Regulations, Chapter 108-2(B)(6) reads, "applicants for licensure by comity are required to provide verification of licensure by examination by a jurisdiction which

has requirements that are substantially equivalent to those in this state at the time of initial licensure." The grandfather clause in our statute was removed in the 2010 changes, so Council can no longer waive the examination requirement for applicants that have not taken the SSSA Examination or a comparable examination in another state.

2. Dr. Smith asked for an interpretation of the continuing education requirement in the SC Code of Regulations, Section 108-5(C)(2)(c)(ii), which reads, in part, "Teaching credit does not apply to full-time faculty." Mrs. Lewis discussed the interpretation of this requirement with Council. Dr. Smith objected to this restriction. Council discussed this requirement and determined that they aren't interested in changing the regulations.
3. Mrs. Addison-Miles reminded Council to complete the Statement of Economic Interest by noon on March 30, 2014.

Public Comments

1. Mr. Stuckey said that Travelers is putting on a one hour webinar on contracting and services for clients on Wednesday, March 26, 2014, from 1:00 – 2:00 p.m. The seminar is free.
2. Mr. Brewington asked if any new licenses have been issued since the last meeting. Mrs. Moorer said one approved applicant just submitted the licensure fee, and another applicant is in the review process.
3. Mr. Fincham asked Mrs. Moorer to email him when the online roster is updated. He forwards this link to DHEC employees involved in the permitting process.

Notice of Next Meeting

The next meeting of the SC Soil Classifiers Advisory Council will be held on Tuesday, October 14, 2014, at the SC Department of Labor, Licensing and Regulation, Synergy Business Park, Kingstree Building, 110 Centerview Drive, Room 204, Columbia, SC, and will begin at 10 a.m.

There being no further business:

MOTION: To adjourn. DeFrancesco/Smith/approved.

The meeting adjourned at 11:12 a.m.

Respectfully Submitted,



Sherri F. Moorer, Program Assistant