

South Carolina Soil Classifiers Open Membership Meeting

Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 105
Columbia, South Carolina 29210
Minutes

Tuesday, June 28, 2011

9:00 a.m.

Call to Order:

Dennis DeFrancesco, Chairman of the South Carolina Soil Classifiers Advisory Council, called the meeting to order at 9:00 a.m. Other Council members present for the meeting included: Mr. Randall Fowler (Vice-Chairman); Mr. Lance Brewington; and Dr. Dave Hargett. Dr. Bill Smith was excused from the meeting due to lack of transportation.

Dennis DeFrancesco, Chairman, announced that public notice of the meeting was properly posted on the bulletin boards at the main entrance of the Kingstree Building and by notice E-mailed to all requesting persons, organizations and news media in accordance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Staff members participating in the meeting included: Jan Simpson, Administrator; Sherri Moorner, Program Assistant; Christa Bell, Legal; and Jennifer Cooper, Legal.

Others present at the meeting included: Chris Fincham and Ben Stuckey.

Review of Changes to Proposed Regulations:

Mrs. Moorner distributed a copy of the changes Council proposed to the regulations as a result of comments received during the Open Comment Period in April 2011. The comments and changes that Council proposed were also posted on the Soil Classifiers website:

Comments are posted at http://www.llronline.com/POL/Soil/PDF/News/SC_CommentsRcvd.pdf

Updates to the proposed regulations are posted at
<http://www.llronline.com/POL/soil/PDF/Soil%20Revised%20Regs.pdf>

Mr. DeFrancesco asked if there were any questions regarding the changes to the proposed regulations. There were no questions.

Mr. DeFrancesco asked that Council discuss the continuing education audit process at the September 20, 2011 meeting of the South Carolina Soil Classifiers Advisory Council.

Council will vote on adopting the changes to the proposed regulations at the special meeting of the South Carolina Soil Classifiers Advisory Council, which will immediately follow the Open Membership Meeting.

There being no further questions, the meeting closed at 10:10 a.m.

Soil Classifier Regulations – Explanation of Changes

Section Number	Section Heading	Explanation of Change
All Sections	All Sections	The word “registration” has been changed to the word “licensure” to maintain consistent language with the statute.
108-2(A)(1)	Licensure	Language changed to clarify that applicants for certification as a Soil Classifier-In-Training must provide information for licensure on applications and forms provided by the Department.
108-2(B)(1)	Licensure	Language changed to clarify that applicants for licensure as a Professional Soil Classifier must provide information for licensure on applications and forms provided by the Department.
108-2(B)(6)	Licensure	Language changed to clarify that applicants for licensure as a Professional Soil Classifier by comity must provide verification of licensure from the state where they are licensed by examination.
108-3(C)	Seals	Date for use of previous seal design has been extended to licenses issued through July 1, 2012.
108-4(B)	License Expiration, Renewal and Reinstatement	Language added to remain consistent with statute. Section 40-65-38(B) only allows for reinstatement of a lapsed license for a period of three (3) years after the license has lapsed.
108-5(A)(1)	Continuing Education	Language modified to reduce the number of hours reported for the 2013 – 2015 renewal cycle to 6 CE Hours, with 1 CE Hour in the area of Professional Ethics.
108-5(B)(2)	Continuing Education	Item added to clarify that licensees must testify that they have fulfilled the continuing education requirement for the current renewal period on the license renewal form.
108-5(B)(3)	Continuing Education	Item added to allow for random audit of continuing education records.
108-5(B)(4)	Continuing Education	Item added to allow council to disallow credit for CE Hours that do not comply with the definitions of approved programs in the regulations.
108-5(B)(5)	Continuing Education	Item added to clarify that failure to comply with a CE audit shall be a violation of the Soil Classifiers Licensure Law.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION – SOIL CLASSIFIERS ADVISORY
COUNCIL
CHAPTER 108**

Statutory Authority: 1976 Code Section 40-65-60

Preamble:

The South Carolina Soil Classifiers Advisory Council proposes to draft regulations to conform to changes in S.C. Code Section 40-65-10, et seq., Act No. 249, effective June 11, 2010.

Section by Section Discussion

The following is a section by section discussion of the regulations proposed by the Soil Classifiers Advisory Council:

108-1. Definitions.

New section defining terms used in the statute and regulations.

108-2. Licensure.

New section regarding licensure of soil classifiers.

108-3. Seals.

New section detailing the seals for soil classifiers.

108-4. License Expiration, Renewal, and Reinstatement.

New section regarding license expiration, renewals, and reinstatement.

108-5. Continuing Education.

New section detailing continuing education requirements.

108-6. Examinations.

New section regarding examination requirements for professional soil classifiers and soil classifiers-in-training.

108-7. Fees.

New section regarding fees for licensure of soil classifiers.

108-8. Code of Ethics.

New section providing a code of ethics for the council.

Preliminary Fiscal Impact Statement:

There will be no additional cost incurred by the State or any political subdivision.

Statement of Need and Reasonableness:

The South Carolina Soil Classifiers Advisory Council proposes to promulgate regulations which address examinations, levels of licensure, license renewal, continuing education, and recognition of credentials from other licensing jurisdictions.

DESCRIPTION OF REGULATION:

Purpose: To add regulations for continuing education and licensure.

Legal Authority: Statutory Authority: 1976 Code Section 40-65-60.

Plan for Implementation: Administratively, the council will see that these provisions are implemented by informing the public through written and oral communications, and posting all changes on its website.

DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

These regulations need to be promulgated in order to implement 2010 Act No. 249.

DETERMINATION OF COSTS AND BENEFITS:

There will be no additional cost incurred by the State or its political subdivisions.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning these regulations.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no direct effect on the environment. The public health and the business environment of this State will be enhanced by conforming the regulations to the statute.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no direct detrimental effect on the environment and public health of this State if the regulations are not implemented in this State.

Statement of Rationale:

The regulations are added to conform to 2010 Act No. 249.

Text:

108-1. Definitions.

1. "CE Hour" means continuing education hour, to equal fifty (50) minutes of instruction time.
2. "CSSE" means the Council of Soil Science Examiners. This organization writes the Fundamentals of Soil Science exam and the Professional Practice of Soil Science exam.
3. "NSCSS" means the National Society of Consulting Soil Scientists, Inc.
4. "Seals" means rubber stamps, rubber seals, impression seals, or digital seals.
5. "SSSA" means the Soil Science Society of America.
6. "SSSSC" means the Soil Science Society of SC.

108-2. Licensure.

A. Applications for Certification as a Soil Classifier In-Training

1. **The application must be submitted on forms approved by the Department and must document education and examination as set out below.**

2. It shall be the responsibility of the applicant to ensure that the Department receives all information and documents necessary for the council to consider the application.

3. Education must be documented by official transcripts showing subjects and grades of all scholastic work which the applicant wishes to claim, degree issued, and date of issuance. It is the responsibility of the applicant to ensure that such a record is sent from the institution directly to the Department.

4. Successful completion of the Fundamentals of Soil Science Exam must be documented by SSSA.

B. Applications for Professional Soil Classifier

1. **The application must be submitted on forms approved by the Department and must document education, experience and examination as set out below.**

2. It shall be the responsibility of the applicant to ensure that the Department receives all information and documents necessary for the council to consider the application.

3. Experience must be documented by statement of employers or supervisors. It is the applicant's responsibility to provide names and current mailing addresses of those employers and supervisors and assure that work experience forms are promptly returned to the Department. If the applicant establishes that it is impossible to contact employers or supervisors, the council may consider additional evidence of experience.

4. Education must be documented by official transcripts showing subjects and grades of all scholastic work which the applicant wishes to claim, degree issued, and date of issuance. It is the responsibility of the applicant to ensure that such a record is sent from the institution directly to the Department.

5. Successful completion of the Fundamentals of Soil Science Exam and the Professional Practice of Soil Science Exam must be documented by SSSA.

6. **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.**

C. The council shall make determinations concerning the education, experience, methods of practice, and current professional ability of applicants.

1. "Approved Curriculum" means a degree in any of the agricultural, biological, earth or physical sciences, with at least thirty (30) semester hours or forty-five (45) quarter hours in these sciences and at least fifteen (15) semester hours or twenty-two (22) quarter hours in approved soil science courses from an accredited college or university.

2. "Approved Courses" means courses that have a significant aspect of soil science as their main topic of instruction. Examples include soil taxonomy, soil classification, soil interpretation, soil physics, soil chemistry, soil genesis, soil morphology, soil mineralogy, soil biology, soil fertility and wetlands soils. Special projects, seminars, and other courses will be considered on a case-by-case basis by the council.

D. Withholding information, misrepresentation, or untrue statements will be cause for denial of application.

- E. The applicant will receive notification of a final determination by the council concerning the approval or disapproval of an application.
- F. The effective date of **licensure** for a successful applicant shall be the date on which the license is issued.

108-3. Seals.

- A. A professional soil classifier shall not affix, or permit to be affixed, his/her name or seal to any document which was not prepared by him/her or under his/her direct supervision. No licensee shall affix his/her seal to any document unless the licensee has assumed the responsibility for the accuracy of the contract documents involved.
- B. Seals must meet the following specifications:
1. The seal shall be circular in shape and two (2) inches in diameter;
 2. Concentric with the outside of the seal there shall be a circle one and one-half (1½) inches in diameter;
 3. In the annular space between the circle and the outside of the seal shall be the words "State of South Carolina" on the top and "Licensed Soil Classifier" on the bottom.
 4. The name and license number of only one (1) individual shall be placed within the inner circle.
- C. Professional soil classifiers licensed before July 1, **2012** may continue to use the previous seal design approved by the council.

108-4. License Expiration, Renewal, and Reinstatement.

- A. Licenses issued to individuals expire biennially. The expiration date is noted on the license. Licenses must be renewed for the following licensure period by payment of the renewal fee and by reporting completion of the required continuing education hours. Licenses shall become invalid unless renewed.
- B. Lapsed licenses may be reinstated by the council **within three years from the date the license lapsed upon** demonstration of qualification, payment of the reinstatement fee, and completion of required continuing education hours. **After three years from the date the license lapsed, the person must apply for a new license, meeting all requirements for licensure in effect at the time of applying.**
- C. Applicants for reinstatement must certify that they have not practiced in South Carolina after the date that the license expired, must demonstrate continuing education as required by statute, and must pay a reinstatement fee in the amount of \$250.00.

108-5. Continuing Education.

A. Basic Requirements

1. Each soil classifier shall have completed acceptable continuing education requirements during the two (2) year period immediately preceding each biennial renewal date as a condition for license renewal. **Effective January 31, 2013, completion of six (6) hours will be required for license renewal; this includes a minimum of one (1) continuing education hour in the area of professional ethics roles, responsibilities, and conduct of professional soil classifiers, or review**

of the South Carolina Statute and Regulations. Effective January 31, 2015, and thereafter, completion of thirty (30) hours will be required for license renewal.

2. All continuing education hours shall be earned by completing structured educational activities that directly address the health, safety, and welfare issues of the public as related to the practice of soil classifying. A minimum of one (1) continuing education hour must be in the area of professional ethics roles, responsibilities, and conduct of professional soil classifiers, or review of the South Carolina Statute and Regulations.

3. Self directed study may count toward a maximum of ten (10) continuing education hours.

4. If a licensee exceeds the total continuing education requirement in any renewal period, the licensee may carry a maximum of fifteen (15) continuing education hours forward into the next renewal period.

B. Records

1. Responsibility for documenting the fulfillment of the continuing education requirements provided for in this section rests with the licensee and the licensee must retain for a period of four (4) years the evidence to support fulfillment of the requirements.

a. Such evidence shall include evidence of completion of each course or program, a description of the contents of each course or program, and verification of the number of hours of each course or program; or, for other activities which meet the requirements, such documentation as to ascertain their completion; or

b. a copy of fulfillment of SSSA requirements for continuing education under the Soils Certifying Board.

2. Each licensee shall submit, on a form provided by the council, an affidavit attesting to the fulfillment of continuing education requirements during the preceding period.

3. Each affidavit may be subject to audit for verification of compliance with requirements. Licensees must comply with audit deadlines and requirements.

4. The council may disallow claimed credit for continuing education hours. The licensee shall have one hundred eighty (180) calendar days after notification of disallowance of credit to substantiate the original claimed credit or earn other continuing education credit which fulfills minimum requirements. These hours will be credited to the delinquent renewal period.

5. Failure to fulfill the continuing education requirements, to file the required report or to comply with audit and verification requests shall be considered a violation of the Soil Classifiers Licensure Law.

C. Approved Programs

1. Activities and field days organized or sponsored by SSSA, NSCSS, SSSSC or similar organizations acceptable to the board qualify to fulfill the continuing education requirement.

2. The following types of activities are acceptable:

a. Attendance at technical presentations or workshops on soil classifying subjects which are provided by independent sponsors or held in conjunction with colleges, universities, conventions or seminars and are related to materials use and function;

b. Self directed study may include:

i. Webinars on practice related topics.

ii. Public service activities that draw upon the soil classifier's expertise.

iii. Articles or other study materials that the soil classifier has not previously utilized for self directed study.

iv. Hours spent in soil classifying self directed study programs such as those organized or sponsored by SSSA, NSCSS, SSSSC, or similar organizations acceptable to the council.

c. Teaching soil classifying courses or seminars:

i. A maximum of one (1) CE credit may be claimed per class hour spent teaching soil classifying courses or seminars.

ii. Licensees may not claim credit for teaching the same course or seminar more than once. Teaching credit does not apply to full-time faculty.

iii. Each semester hour of credit from a college or university shall be deemed to be fifteen (15) hours and each quarter hour of credit shall be deemed to be ten (10) hours. University and college courses offered in a degree program are permitted so long as the course is not taken to meet the education requirements for **licensure** as a professional soil classifier.

D. Exemptions

1. Continuing education requirements may be waived for the following reasons:

a. New licensees shall be exempt for their first renewal period, not to exceed two (2) years.

b. A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a year shall be exempt from obtaining the continuing education hours required during that year.

c. Licensees experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the council may be exempt. Supporting documentation must be furnished with any such exemption request made to the council.

108-6. Examinations.

A. The examination for a professional soil classifier shall be the Fundamentals of Soil Science Exam and Professional Practice of Soil Science Exam, written by CSSE.

B. An applicant for soil classifier in-training shall be required to pass the Fundamentals of Soil Science Exam, written by CSSE.

C. An applicant for professional soil classifier shall be required to pass the Fundamentals of Soil Science Exam and the Professional Practice of Soil Science Exam, written by CSSE.

D. Applications for examination shall be made to SSSA.

108-7. Fees.

The Department shall prescribe reasonable fees in the following categories:

	Item	Not Less Than	Not More Than
Initial Application Fee		\$5.00	\$25.00
Licensure Fee--Professional Soil Classifier		\$20.00	\$100.00
Licensure Fee--Soil Classifier-in-Training		\$10.00	\$50.00
Biennial License Fee--Certificate of Licensure		\$50.00	\$200.00
Duplicate Certificate Fee		\$10.00	\$20.00
Late Payment Penalty Fee		\$25.00	\$50.00

108-8. Code of Ethics.

A. Relation of Professional to the Public

1. A licensee shall avoid and discourage sensational, exaggerated, and/or unwarranted statements that might induce participation in unsound enterprises.

2. A licensee shall not give professional opinion or make a recommendation without being as thoroughly informed as might reasonably be expected considering the purpose for which the opinion or recommendation is desired, and the degree of completeness of information upon which the opinion is based should be made clear.

3. A licensee shall not issue a false statement or false information even though directed to do so by employer or client.

B. Relation of Professional to Employer and Client

1. A licensee shall protect, to the fullest extent possible, the interest of his/her employer or client insofar as such interest is consistent with the law and professional obligations and ethics.

2. A licensee who finds that obligations to their employer or client conflict with their professional obligation or ethics should work to have such objectionable conditions corrected.

3. A licensee shall not use, directly or indirectly, an employer's or client's information in any way that would violate the confidence of the employer or client.

4. A licensee retained by one client shall not accept, without the client's written consent, an engagement by another if the interests of the two are in any manner conflicting.

5. A licensee who has made an investigation for any employer or client shall not seek to profit economically from the information gained, unless written permission to do so is granted or until it is clear that there can no longer be a conflict of interest with the original employer or client.

6. A licensee shall not divulge information given in confidence.

7. A licensee shall engage, or advise employer or client to engage, and cooperate with other experts and specialists.

8. A licensee protects the interests of a client by recommending only products and services that are in the best interest of the client and public.

9. A licensee protects his/her credibility by disclosing to clients how he/she will be compensated for providing recommendations to the client.

C. Relation of Professionals to Each Other

1. A licensee shall not falsely or maliciously attempt to injure the reputation of another.

2. A licensee shall freely give credit for work done by others, to whom the credit is due, and shall refrain from plagiarism of oral and written communications and shall not knowingly accept credit rightfully due another person.

3. A licensee shall not use the advantage of public employment (i.e., university, government) to compete unfairly with other licensed or certified professions.

4. A licensee shall endeavor to cooperate with others in the profession and encourage the ethical dissemination of technical knowledge.

D. Duty to the Profession

1. A licensee shall aid in exclusion from licensure those who have not followed this Code of Ethics or who do not have the required education and experience.

2. A licensee shall uphold this Code of Ethics by precept and example and encourage, by counsel and advice, other licensees to do the same.

3. A licensee having positive knowledge of deviation from this Code by another licensee shall bring such deviation to the attention of the council.

E. Any violation of this Code of Ethics shall constitute grounds for disciplinary action.

Respectfully Submitted,

Sherri F. Moorer

Sherri F. Moorer, Program Assistant
SC Soil Classifiers Advisory Council