

Transcript of the Testimony of
SOIL CLASSIFIERS ADVISORY MEETING

Date: November 23, 2011

CREEL COURT REPORTING, INC.
Condensed Transcript and Word Index

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1 BEFORE THE SOUTH CAROLINA
2 SOIL CLASSIFIERS ADVISORY COUNCIL
3
4
5 COUNCIL MEETING
6 CONFERENCE CALL
7
8
9 -----
10 Wednesday, November 23rd, 2011
11 10:30 a.m. - 10:44 a.m.
12 -----
13
14 The Council Meeting Conference Call
15 before the South Carolina Soil Classifiers
16 Advisory Council was held at the Synergy Office
17 Park, Kingstree Building, 110 Centerview Drive,
18 Columbia, South Carolina, on the 23rd day
19 of November, 2011, before Jill H. Vickers,
20 Certified Court Reporter and Notary
21 Public in and for the State of South Carolina.

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1 MR. DEFRANCESCO: Let's call the
2 meeting to order right now. This is Dennis
3 DeFrancesco. The meeting has been properly
4 posted at all the appropriate places, I'm
5 Assuming, Sherri?
6 MS. MOORER: Yes.
7 MR. DEFRANCESCO: So, it's a legal
8 meeting. Let's introduce everybody in
9 attendance. Again, I'm Dennis DeFrancesco.
10 Randy and Dave, if you'll go next and
11 then everybody else.
12 MR. HARGETT: David Hargett is
13 here.
14 MR. DEFRANCESCO: And who else is
15 there in the room? I guess we should do
16 that, also.
17 MS. MOORER: I will ask those of
18 you who are on the conference call, when we
19 make motions or have discussions, if you
20 would say your name before you make your
21 statement for the benefit of the court
22 reporter so she can get an accurate record,
23 that will be very helpful.
24 And I will start the introductions of
25 the people here.

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1 APPEARANCES:
2 BOARD MEMBERS:
3 Via Telephone:
4 Dennis DeFrancesco, Chairman
5 Randall Fowler, Vice-Chairman
6 David Hargett
7
8 ADVISING THE BOARD:
9 Dean Grigg, Esquire.
10 Jennifer Cooper, Assistant to Advice Counsel
11 Also Present:
12 Jan Simpson (Board Administrator)
13 Sherri Moorer (Program Assistant)
14 Chris Fincham (DHEC)
15
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1 MS. MOORER: I'm Sherri Moorer.
2 I'm the Program Assistant for the Soil
3 Classifiers Advisory Council.
4 MR. FINCHAM: I'm Chris Fincham
5 with DHEC.
6 MS. COOPER: I'm Jennifer Cooper,
7 Assistant to the Advice Council.
8 MS. SIMPSON: Jam Simpson, Board
9 Administrator.
10 MR. GRIGG: And I'm Dean Grigg.
11 I'm your Advice Counsel.
12 MR. DEFRANCESCO: This is Dennis.
13 Is that everybody, then?
14 MS. MOORER: That's everybody.
15 MR. DEFRANCESCO: Okay. We have
16 really one main item on our new business to
17 attend to. That's the repeal of the current
18 regulations. And Advice Counsel can
19 describe why, but I'm assuming because our
20 new regulations, for some reason, have to
21 be done intact and not as part of the old
22 regulations. Is that correct?
23 MR. GRIGG: Well, sort of. I mean,
24 they could have been done -- and Jan was
25 just filling me in, actually, on the new

1 regulations and the step that they're in,
2 and apparently, they're going to be approved
3 coming up this next ---

4 MS. SIMPSON: They're going to be
5 submitted.

6 MR. GRIGG: Yes, that's what I
7 mean. They're being submitted hopefully to
8 be approved at the upcoming next General
9 Assembly session which will be in January.
10 I was actually not your advisor back then,
11 I don't believe, when those were drafted and
12 proposed, so I'm not overly familiar with
13 them, but I believe there were significant
14 enough changes and a significant enough
15 overhaul of your regulations that it was
16 just easier and cleaner to basically start
17 from scratch and redo them as a whole, and
18 what your left with today is repealing the
19 old ones to make way for those new ones, if
20 and when ultimately they are approved. And
21 Sherri has maybe some input on that, as
22 well.

23 MS. MOORER: It was decided that it
24 would be easier to completely rewrite the
25 old regulations instead of modifying the old

1 as to how it works, if anybody has any other
2 thoughts on that.

3 MS. MOORER: I believe we already
4 have a time-out date on the new regulations
5 of May 9th, I believe.

6 MS. SIMPSON: Yes, that sound
7 right.

8 MS. MOORER: So, it's a very good
9 possibility that the new regulations will go
10 into effect at the same time that the old
11 ones are repealed, or it will be a very
12 close time frame. So, I don't -- I think
13 the main thing is, we don't want overlap
14 there. We don't want there to be confusion
15 over which regulations the program is using.
16 I think that's the main reason why they want
17 to repeal the old ones.

18 MR. DEFRANCESCO: Can I hear from a
19 motion from either Dave or Randy regarding
20 the repealing of the current regulations?

21 MR. HARGETT: This is Dave. I make
22 that motion as requested.

23 MR. FOWLER: This is Randy Fowler.
24 I second that motion.

25 MR. DEFRANCESCO: Could I hear a

1 ones. The continuing education was the
2 main reason why we did that, that section
3 had to be added, and a lot of things in the
4 statute, just some little adjustments here
5 and there, some tweaks, some things got
6 moved around, and we wanted to order the
7 regulations to match the order of items in
8 the statute. So, that's why we completely
9 rewrote them.

10 MR. GRIGG: And just so everybody
11 understands, the repeal of these regulations
12 will follow the same process as the approval
13 of the new regulations, so it's not that, as
14 of today, you're going to be without
15 regulations. You know, these will still be
16 in effect until they are, in fact, repealed,
17 you know, and likewise, the other ones won't
18 take effect until they're actually approved
19 by the Legislature. So, that's kind of what
20 you're looking for, and if at all possible,
21 I think the goal at that time will, you
22 know,
23 run as concurrent as it possibly can so
24 there won't be a lag in the regulations that
25 You have. At least, that's my understanding

1 voice vote among the three board members?
2 I vote yes.

3 MR. FOWLER: Yes.

4 MR. HARGETT: Yes.

5 MR. DEFRANCESCO: So, we have three
6 out of four repealing the current
7 regulations, so the motion carries.

8 MS. MOORER: At this point, I would
9 like for Jennifer Cooper to talk to y'all
10 about just the process that this is going to
11 go through now so you'll understand. We are
12 going to have to schedule a hearing date in
13 January just in the event that anybody has
14 comments, but I'm going to let her talk to
15 you a little bit about that.

16 MS. COOPER: Yes. The dates we
17 have available for scheduling a rec hearing
18 are January 23rd through the 30th. That's
19 because my deadline to get all final
20 regulations to the legislative council is
21 January 30th at 5 o'clock. So, we now have
22 to schedule a regulation hearing just as a
23 formality, if any comments are received, by
24 January 23rd. That's when the comment
25 period expires, one month after it's

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1 published in the State Register, and I've
 2 got time slots available from January 23rd
 3 through the 30th.
 4 MR. FOWLER: I'm going to step out
 5 and grab my calendar. It will take me about
 6 10 seconds.
 7 MS. MOORER: And just to let y'all
 8 know, the Landscape Architects have
 9 scheduled theirs for 10:00 a.m. on
 10 Wednesday, January 25th, so if y'all wanted
 11 to do that on the same day, either before or
 12 after. I think it's a high likelihood this
 13 meeting is going to be canceled. I believe
 14 we got all the comments we were going to get
 15 on the new regulations when they were
 16 proposed last year. I don't think a lot of
 17 people are going to comment on repealing the
 18 old ones, because everybody was fairly well
 19 satisfied with the ones that we proposed.
 20 MR. DEFRANCESCO: Sure. Let's take
 21 a date during that week. Randy, she was
 22 saying that it's a high likelihood that
 23 meeting willing be cancelled anyway, but
 24 let's keep in mind anyway, just in case we
 25 have it, let's take an open date for each of

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1 us, if we can. I'm open that whole week,
 2 folks.
 3 MR. FOWLER: I'm not available
 4 the 23rd and 25th.
 5 MR. DEFRANCESCO: Dave, do you
 6 have any particular days you would prefer or
 7 prefer to avoid?
 8 MR. HARGETT: I'm flexible that
 9 week, so whatever works for you. So, Randy
 10 you said that you cannot do it the 25th. Is
 11 that correct?
 12 MR. FOWLER: The 23rd or the 25th.
 13 The 24th and 26th and 27th are open.
 14 MS. MOORER: I actually have a
 15 meeting on the 24th. Would the 26th be
 16 good for y'all?
 17 MR. HARGETT: That's okay with me.
 18 MR. DEFRANCESCO: Same here for me.
 19 MS. COOPER: The 26th, I already
 20 have a meeting booked at 10:00 a.m.. Could
 21 it be after, like maybe 11:30 or 8:30 or any
 22 other time during the day?
 23 MR. DEFRANCESCO: 11:30, are you
 24 guys okay with that?
 25 MR. FOWLER: That's fine with me.

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1 MR. HARGETT: Yes.
 2 MR. DEFRANCESCO: 11:30 a.m.,
 3 Thursday, 1-26-12.
 4 MS. MOORER: And like I said, there
 5 is a high likelihood this meeting will be
 6 canceled, be as a formality, we do have to
 7 go ahead and schedule it just in case we get
 8 enough comments to warrant having it.
 9 The second item I had on the agenda were
 10 the review of changes to Policy 40, Chapter
 11 1. This is the Engine Bill that's pretty
 12 much over every board with LLR. I don't
 13 know that this is going to affect y'all very
 14 much except in the manner of disciplinary
 15 procedures which we rarely have, but I just
 16 wanted to give you an opportunity today. Do
 17 any of you have any questions about those
 18 proposed changes to that statute?
 19 MR. DEFRANCESCO: I have no
 20 questions per se, but I'm assuming that the
 21 changes are meant just to make the whole
 22 process more streamline. The Director, it
 23 depends on how she wanted to tweak the
 24 Engine Bill to suit her ideas, so that's why
 25 I'm assuming it's just meant to improve

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1 functions in LLR.
 2 MR. GRIGG: That's correct. It's
 3 meant to kind of bring uniformity to the
 4 process by which this agency administers the
 5 business of all boards. So, you're exactly
 6 right. It's just hopefully to streamline
 7 and smooth out some kinks that Ms. Templeton
 8 has seen in the way they're currently
 9 written.
 10 MR. DEFRANCESCO: I'm personally in
 11 favor of this. I don't see any issues that
 12 would affect our board at all.
 13 MR. FOWLER: I don't have any
 14 issues, either.
 15 MR. HARGETT: I have no questions
 16 or comments.
 17 MS. MOORER: Okay. Well, I will
 18 move down the agenda and just give the
 19 notice of the next meeting. The next
 20 official meeting of the South Carolina Soil
 21 Classifiers Advisory Council will be held on
 22 March 20th of 2012 at 10:00 a.m., Synergy
 23 Business Park, Kingstree Building, 110
 24 Centerview Drive, Room 204.
 25 And that is all the business that we

1 had on the agenda, so if there is no further
2 discussion from the council members, y'all
3 are welcome to entertain a motion to
4 adjourn.

5 MR. DEFRANCESCO: Any comments from
6 anybody there in the room or from the board
7 members? If not, I'll entertain a motion to
8 adjourn from either Dave or Randy.

9 MR. FOWLER: I make the motion to
10 adjourn.

11 MR. HARGETT: And I second that.

12 MR. DEFRANCESCO: All in favor say
13 Aye.

14 (Whereupon, all board members present said aye.)

15 MR. DEFRANCESCO: Motion carries.

16 We're adjourned.

17 (Whereupon, the Council Meeting Conference Call
18 concluded at 10:44 o'clock a.m.)

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1 STATE OF SOUTH CAROLINA)
2 : C-E-R-T-I-F-I-C-A-T-E
3 COUNTY OF RICHLAND)

4 I, Jill H. Vickers, Certified Court
5 Reporter and Notary Public, certify that I did
6 have Council Meeting Conference Call before me at
7 10:30 a.m., on Wednesday, November 23rd, 2011, at
8 the Synergy Business Park, Kingstree Building, 110
9 Centerview Drive, Columbia, South Carolina; that
10 the foregoing pages constitute a true and accurate
11 transcript of the proceedings held at that time
12 and place.

13 I further certify that I am not of
14 counsel or kin to any of the parties to this cause
15 of action, nor am I interested in any manner in
16 its outcome.

17 IN WITNESS WHEREOF I have hereunto set
18
19 my hand and seal this 30th day of December, 2011.

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21
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24
25

Notary Public for South Carolina.
My commission expires July 5th, 2016.

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