

MINUTES
South Carolina Board of Environmental Certification
Board Meeting
10:00 a.m., November 10, 2015
Synergy Business Park
Kingstree Building, Room 108
110 Centerview Drive
Columbia, South Carolina

Meeting Called to Order

Vice-chair, Elizabeth Williams, of Sumter, called the regular scheduled meeting of the South Carolina Environmental Certification Board to order at 10:00 a.m. Other members participating in the meeting included: David Baize, of Columbia; Charles Cortez, of Pelzer; Robert Davis, of Pawleys Island; Ken Rentiers, of Columbia; Jimmy Rodgers, of Greenwood; Phillip Thompson-King, of Columbia, and Ken Tuck, of Spartanburg.

Staff members participating during the meeting included Molly Price, Administrator; Theresa Garner, Program Assistant; Erin Baldwin, Office of Disciplinary Counsel; Hardwick Stuart, Office of Advice Counsel, and Todd Bond, Office of Investigative Enforcement.

Mr. Cortez delivered the invocation, which was followed by the Pledge of Allegiance.

Elizabeth Williams announced that public notice of this meeting was properly posted at the S. C. Board of Environmental Certification office, Synergy Business Park, Kingstree Building, and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Section 40-23-40

Elizabeth Williams announced the purpose of this board is to protect the general public through the regulation of persons engaged in occupations appointed by the legislature for regulation by the board. These occupations are referred to in Chapter 23 collectively as Environmental Systems Operators.

Approval of Excused Absences

MOTION

Phillip Thompson-King made a motion the board approves Bob Davis' late arrival, due to car trouble, and approves the excused absence of Dwight Johnson. Ken Tuck seconded the motion which carried unanimously.

Approval of the September 1, 2015 Minutes

MOTION

Charles Cortez made a motion the board approves the minutes of the September 1, 2015 meeting. Jimmy Rodgers seconded the motion which carried unanimously.

Vice-chair's Remarks-Elizabeth Williams

Ms. Williams welcomed new boards members, Robert Davis, Ken Tuck, and Phillip Thompson-King. She also acknowledged outgoing board members, William Armes, Hank Rutland, and Mitch Dew, and thanked them for their many years of service to the board.

Administrator's Remarks-Molly Price

Mrs. Price congratulated Elizabeth Williams on her reappointment to the board; her term will end on July 1, 2017. She stated the board would be sending plaques to the outgoing board members in recognition of their years of service.

She reported the Board's current account balance as of September was \$431, 670.17. Currently the board has 8,736 active licensees.

Board staff sent out 77 CE Audit letters on July 28, 2015. Three individuals were sent Orders to Cease and Desist practicing due to failure to respond to the audit. Another individual was sent the same Order for failing to meet the requirements of the audit with the hours he provided to the Board. As of the board date one of those individuals had satisfied the CE requirement and had been reinstated.

Mrs. Price gave an overview of the 28th Annual WEASC Operator Conference held in Myrtle Beach, on October 29th through 31st.

She thanked the WEASC for having her as a guest, and thanked Elizabeth Williams for representing the board, and presenting a wonderful presentation to the operators.

Mrs. Price said that she was able to speak with many individuals one on one, and enjoyed meeting the operators in this state. She stated this was a great event which gives operators the opportunity to get all of their CE hours in just three days. She was encouraged by the number of young professionals who attended the conference and showed an interest in their field.

Mrs. Price reminded board members not to talk to licensees about law "interpretations" and board business. She asked that they have them contact the board office if they have an issue, and noted they are always welcome to participate in a board meeting during public comments.

Advice Counsel, Hardwick Stuart, asked board members to try to avoid being tainted before someone appears before the board. It's better not to have a conversation with anyone regarding information that may later be presented to the board. If that occurs, the board member may have to recuse themselves. Mr. Stuart suggested board members ask licensees to contact staff if they had any questions.

She informed board members as part of her LLR CPM course project, she was instrumental in obtaining (30) tablets for board meeting use.

She informed board members that LLR has recently upgraded the building security and therefore, issued new ID badges to employees and board members.

Mrs. Price stated that staff has been receiving quite a number of calls regarding Trainee supervision and what constitutes direct supervision. She said she would like to place this as a discussion topic for the next board meeting.

She said since the board approved her and a board member to attend the ABC Conference in January 2016, did anyone have any input on Elizabeth Williams attending. No one voiced any opposition.

She stated that the Office of Disciplinary Counsel (ODC) will give a presentation to board members regarding a variety of things but primarily the procedures for disciplinary hearings. She asked board members if they would be interested in scheduling this for the next meeting. It should take about an hour and they would go over the investigative process; which would be a good refresher course and good for the new board members. Board members agreed to have the presentation at the next meeting.

Advisory Opinions, If Needed, Office of Advice Counsel

No advisory opinions were given during this meeting.

OIE Report-Office of Investigations and Enforcement-Todd Bond

Todd Bond presented the OIE Report. He stated the board did not have an IRC prior to the meeting since there were no cases ready for review. Currently OIE has received nine complaints, and has three active cases. They have closed seven cases this year.

ODC Report-Office of Disciplinary Counsel-Erin Baldwin

Erin Baldwin presented the ODC Report. She stated they had one disciplinary case that is scheduled for the January meeting.

Application Hearing

a. Mark D. Loving-Water Treatment

This application hearing was recorded by a certified court reporter in the event a verbatim transcript is necessary.

Vice-Chair, Elizabeth Williams, called the Application Hearing to order.

Mr. Loving was sworn in by the court reporter, and waived his right to legal counsel.

Staff received Mr. Loving's Water Treatment Application on June 10, 2015. Under the Personal History section of the application, he answered "Yes", to the Question: Have you been convicted of or pled guilty to any felony, non-felony or crime involving drugs or moral turpitude or environmental law?

Included in his application packet was a current SLED Report, a letter from Greenville County Department of Public Safety Criminal Justice Division, showing no convictions in the past five years, and a letter from Mr. Loving asking the board to consider granting him a license. His file was complete.

He was notified in writing on September 7, 2015, that based on his convictions, his application could not be approved at the staff level, and he would need to appear before the board to answer any questions board members might have regarding his charges.

Mr. Loving stated that he left his old life behind him when he became employed with Columbia Farms. He said he has worked in the wastewater division of Columbia Farms for six years, and enjoys his work.

Executive Session

MOTION

Ken Rentiers made a motion the board enter into executive session for legal advice. David Baize seconded the motion which carried unanimously.

Return to Public Session

MOTION

Phillip Thompson-King made a motion the board return to public session. Ken Tuck seconded the motion which carried unanimously.

Vice-chair, Elizabeth Williams noted for the record, that no actions or votes were taken while in executive session.

MOTION

Phillip Thompson-King made a motion that the board approves Mr. Loving's request for licensure. David Baize seconded the motion which carried unanimously.

Election of Officers

Charles Cortez nominated David Baize for Vice-chairman.

MOTION

Jimmy Rodgers made a motion that David Baize be elected as Vice-chairman of the board. Elizabeth Williams seconded the motion which carried unanimously.

Jimmy Rodgers nominated Elizabeth Williams for chairman.

MOTION

Jimmy Rodgers made a motion that Elizabeth Williams be elected as Chairman of the board. Charles Cortez seconded the motion which carried unanimously.

Discussion Topics

Mrs. Price stated that she was looking forward to attending the ABC Conference in January, and will be attending the two day workshops regarding young professionals. She is hoping to bring back some ideas on how to get young professionals interested in the fields, and what the general trends are throughout the United States. She said it would be interesting to see what other states are doing to get them involved in the industry.

Committee Reports

Education Review Committee

Elizabeth reported that she had spoken with ABC regarding adding a survey to the exams. There will be about 10-12 demographic questions, and will be included at the time of registration. ABC will not charge the board any additional fees for this request. This will give the board an idea of why the pass rates are so low, and how many times someone has retested. The survey should be in place in a couple of months.

Public Comments

Jo Ellen Trueblood stated she thought the board was doing a good job.

Adjournment

MOTION

There being no further business to be discussed at this time, Charles Cortez made a motion the meeting be adjourned. Phillip Thompson-King seconded the motion which carried unanimously.

The November 10, 2015 meeting of the S. C. Board of Environmental Certification adjourned at 10:55 a.m.

The next meeting of the S. C. Environmental Certification Board is scheduled for January 12, 2016, in room 108.