

## South Carolina State Board of Environmental Certification

Board Meeting-November 28, 2006

The Board held a regular scheduled meeting on November 28, 2006, at 110 Centerview Drive, Synergy Business Park, Columbia, South Carolina.

It was noted for the record that official notification of the meeting had been sent to the Offices of LLR-Public Information and LLR-General Counsel, appropriate newspapers and WIS-TV in compliance with Section 30-4-80 of the S. C. Freedom of Information Act.

Board Chair, Mike Bailes, called the meeting to order at 10:06 a.m. The invocation was given by Hank Rutland. Other members and guests were William Armes, David Baize, and Drennan Park; Dona Caldwell, Administrator, DeLeon Andrews, Investigator, Theresa Garner, Board Staff; Mike Anderson, Chief of Investigations, OIE, and Dwight Hayes, Attorney, OIE; John Young, Savannah River National Laboratory; Jo Ellen Trueblood, City of Camden; Dee Bennett, City of Columbia; Elizabeth Williams, Environmental Training Center. Absent were excused Board Members, Frankie Burden, and Dwight Johnson.

Section 40-23-40

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 this chapter collectively as Environmental Systems Operators.

**Where action is recorded below, it was taken in each case on motion duly made, seconded and carried.**

**Motion:** Hank Rutland moved, seconded by William Armes, to approve the September 12<sup>th</sup> Board Minutes. **Approved.**

Chairman Bailes informed everyone that in the interest of time, Public Comments had been removed from the Board Agenda. He asked, that in the future, if anyone had any questions or comments that needed to be addressed by the board, put them in writing and forward to Administrator, Dona Caldwell, and they would be placed on the agenda for the next board session.

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### **Certified Pool Application Hearing-Gordon N. Jackson**

Administrator, Dona Caldwell, informed the board members, that due to medical reasons, Mr. Jackson had requested his application hearing be rescheduled to the January 9, 2007 Board Meeting.

### **Discussion of Administrative Citations**

#### **Mike Anderson-Chief of Investigations, OIE**

Mr. Anderson suggested the board approve a process of issuing citations to individuals for unlicensed practice and licensee violations, verses bringing them before the board. He stated by doing so, it would make it much easier, and would be a more effective way to issue citations from the office, and in the field. He stated the board could approve a policy of what issues and offenses warrant a citation being issued, and they could also set an appropriate penalty fee (not to exceed \$500) that would correspond to the offense.

#### **Dwight Hayes, Attorney, OIE**

Mr. Hayes requested the board consider appointing a hearing panel; which would consist of past board members, or an outside attorney, or members of the IRC, anyone the board thinks is suitable to serve. The panel would also have legal Counsel. The panel would serve as a mechanism to hear cases at least every thirty (30) days, which would be a time saver for legal counsel, and the board members. The findings of fact, conclusions of law, recommendations, and a copy of the transcript, would be forwarded to the board members for their review. The respondent would have the right to appear before the board to make any statements he/she deems relevant to the case. The board would decide whether or not to adopt the panel report or if they did not agree with the sanctions, they could adjust by crafting their own sanctions. That would become a Final Order of the Board. The Board would still retain control of the process, and it would allow hearings to be scheduled quicker. He suggested the Board try the process on a trial basis, and on a preliminary basis, appoint Rebecca West, and Frankie Burden, contingent on his being replaced, to serve as hearing officers for the time being.

**Motion:** David Baize moved, seconded by Drennan Park to go into executive session for discussion, at 10:50 a.m. **The motion carried.** **Motion:** Drennan Park moved, seconded by William Armes to come out of executive session at 11:16 a.m. **The motion carried.**

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**It was noted for the record that no votes were taken or motions made while in executive session.**

**Motion:** Drennan Park moved, seconded by David Baize to approve the concept of a Hearing Panel Process. **Approved.**

Chairman Bailes, asked the board members to be thinking of names of who they would like to see serve on the hearing panel, and bring those names to the next board meeting.

Chairman Mike Bailes appointed the following to serve on the Citation Committee: William Armes, David Baize, DeLeon Andrews, and Dona Caldwell. The committee will meet with Mike Anderson, Chief of Investigations, OIE, and Dwight Hayes, Attorney, OIE, to set up guidelines for issuing citations, and submit a draft at the next board meeting.

Chairman Mike Bailes appointed a committee to review “Contract Operators” and Direct Supervision. The committee will consist of Mike Bailes, Dona Caldwell, Richard Welch, and David Baize.

Chairman Mike Bailes appointed William Armes, John Young, Dona Caldwell, and Hank Rutland to serve on the Lab Committee, to review experience for operators.

### **Discussion Matters**

There were no discussion matters.

### **Chairman’s Report**

There was no chairman’s report.

### **Committee Updates**

There were no committee updates.

**Investigator's Report**

40	Open Investigations
8	New Cases
2	Pending IRC
13	Legal
2	Closed

**Adjournment**

**Motion:** Drennan Park, moved, seconded by William Armes to adjourn the meeting at 11:29 a.m. **Approved.**