

South Carolina State Board of Environmental Certification

Board Meeting-March 11, 2008

The Board held a regular scheduled meeting on March 11, 2008, 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.

Vice-Chair, William Armes called the meeting to order at 10:02 a.m., in the absence of Board Chair, Mike Bailes. The invocation was given by Hank Rutland. Other members and guests were David Baize, Dwight Johnson, Drennan Park, and Hank Rutland; Dona Ferguson, Administrator, Theresa Garner, Board Staff; Sharon Dantzler, Legal Counsel, Dwight Hayes, OIE Attorney, and Gwen Green, Attorney; Fred and Mark Wrigley, SCDC; Ricky Ingram, and Jeffery Douglas, Town of Cheraw; Mike Caston and Lawrence K. Smith, SJWD. Absent was excused Board Chair, Mike Bailes.

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: Dwight Johnson moved, seconded by Hank Rutland to approve the January 8th 2008 Minutes. **The motion carried. Approved.**

Hearing Recommendations

- a. **Case No. OIE 2005-0004**
- b. **Case No. OIE 2003-56**

Dwight Hayes, OIE Attorney, stated Mr. Wrigley (Case No. OIE 2003-56) was present at the September 25th 2007 hearings and was not represented by legal counsel. Mr. Hayes presented the results of the hearing cases; outlining the recommendations and findings of the hearing officer to the board. It reads as follows:

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- 1) A five-year probation period.
- 2) The Respondent will receive six (6) additional CE hours every year during the five-year probation period, in either Core Competency or Plant Operation.
- 3) The payment of the administrative costs associated with the September 25, 2007 hearing.
- 4) Should any violation occur during the five-year probation period, the Respondent's license shall be immediately suspended pending a hearing before the board.

Fred Wrigley, Respondent, and his witness, Mark Wrigley, were sworn in by the court reporter.

The board allowed Mr. Wrigley to make any comments that he felt would be relative to the sanction in this matter. Mr. Wrigley stated he objected to all findings and charges.

Mark Wrigley, who spoke on his brother's behalf, also stated that he thought the charges were overboard and harsh.

Dwight Hayes, OIE Attorney, stated that Randy McCracken (Case No. 2005-004) was properly served and notified; and that he had spoken with Mr. McCracken the day before regarding appearing before the board, and he stated he was not sure he would be able to attend the board meeting because his daughter was having surgery. Mr. Hayes informed him that if he wanted to request a continuance he needed to fax that information and a statement from the physician describing what was going on. Mr. Hayes said as of this morning he had not heard or received anything from Mr. McCracken. Vice-Chair, William Armes said the board would take the document under consideration since he was not present.

Motion: Dwight Johnson moved, seconded by Drennan Park to go into executive session at 10:20 a.m. **The motion carried.** **Motion:** Dwight Johnson moved, seconded by Hank Rutland at 10:52 a.m. to come out of executive session. **The motion carried. It was noted for the record that no votes or motions were made while in executive session.**

Motion: Drennan Park moved, seconded by David Baize to accept the recommendations and findings of the hearing officer for Randy L. McCracken, (Case No. OIE 005-0004). **The motion carried. Approved.**

Motion: Drennan Park moved, seconded by David Baize to accept the recommendations and findings of the hearing officer for Frederick A. Wrigley (Case No. OIE 2003-56). **The motion carried. Approved.**

Application Hearings

**Jeffery D. Douglas-Water Distribution
Lawrence K. Smith-Water Distribution**

Vice-Chair, William Armes called the application hearings to order. The purpose of the application hearings was to determine whether or not Mr. Douglas and Mr. Smith should be granted Water Distribution operator's licenses. Everyone was reminded that the proceedings were being recorded, and that all witnesses would be sworn in before testifying. All remarks would be directed to the Vice-Chair.

Vice-Chair, William Armes asked Mrs. Ferguson to state the reason for the application hearings. Dona stated that because of the felony charges listed on the SLED reports, the applications could not be approved at the staff level.

Jeffery D. Douglas

Mr. Douglas waived his right to legal counsel, and represented himself. He was sworn in by the court reporter. **Legal Counsel, Sharon Dantzler**, stated that his records indicated his last arrests and convictions were from 1997 to 1998. She asked what had changed in his life since that time. He said his whole life had changed; he went to prison and served time for the crimes he committed, and used that time to reconstruct his life. He got his education, set goals and dreams, and achieved those goals and dreams while he was incarcerated; but also set goals for when he would be released. After being released he became employed and has been working hard and trying to make a positive difference in himself. **Legal Counsel, Sharon Dantzler** asked when he was released. Mr. Douglas said May 1st of 2006. **Ms. Dantzler** asked if he was still on probation. Mr. Douglas said his probation period ends April 30th 2008.

Mr. Ricky Ingram, Town of Cheraw, spoke on Mr. Douglas's behalf. Mr. Ingram said he and the Town Administrator were aware of Mr. Douglas's past; but hired him through a temporary service. Mr. Ingram said although Mr. Douglas lived a rough life he served his time. He brings an element to the crew, is eager to learn and will be an asset to the Town of Cheraw. He asked the board to consider issuing Mr. Douglas a license. There were no other questions. Vice-Chair William Armes stated Mr. Douglas's case would be taken under advisement.

Lawrence K. Smith

Mr. Smith waived his right to legal counsel, and represented himself. He was sworn in by the court reporter.

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Legal Counsel, Sharon Dantzler, asked Mr. Smith if his last conviction was 2004, his response was yes. She asked when he was released from prison, he said May of 2006. Ms. Dantzler asked was he on probation, he said until March 26th 2008.

Mr. Mike Caston, SJWD, spoke on Mr. Smith's behalf. He said he had copies of reference letters from Greg Moore, Mr. Smith's direct supervisor, and from Mr. Smith's pastor, Rev. Cohen, and also a copy of Mr. Smith's attendance records. Mr. Caston stated that Mr. Smith is a model employee, and that SJWD takes very seriously who they hire and associate with. Mr. Caston asked the board to consider issuing Mr. Smith a license. There were no other questions. The Vice-Chair stated Mr. Smith's case would be taken under advisement.

Motion: At 11:12 a.m. Drennan Park moved, seconded by Dwight Johnson to go into executive session. **The motion carried.** **Motion:** Dwight Johnson moved, seconded by Hank Rutland at 11:16 a.m. to come out of executive session. **The motion carried. It was noted for the record that no votes or motions were made while in executive session.**

Motion: Drennan Park moved, seconded by Dwight Johnson to accept Mr. Douglas's Water Distribution application. **The motion carried. Approved.**

Motion: Hank Rutland moved, seconded by Dwight Johnson to accept Mr. Smith's Water Distribution application. **The motion carried. Approved.**

IRC Report

Motion: Drennan Park moved, seconded by Dwight Johnson to accept the IRC recommendations. **The motion carried. Approved.**

CPO/SPA Operators

Administrator, Dona Ferguson, informed the board that since 1992 the Environmental Certification Board has been operating under a memorandum agreement with DHEC providing the licensing of Swimming Pool/Spa Operators. After reviewing the memorandum, LLR has decided they no longer wish to operate under that agreement; thereby dissolving the contract. LLR is currently in discussions with DHEC regarding the transfer of information and files. DHEC will not license CPO/SPA operators, but will partner with a testing entity that will set up a process that will enable the operators to take exams and be issued a license. All information will be posted on DHEC's website.

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Chairman's Report

The board chair was absent, no report was given.

Committee Reports

CE Relevancy Committee

Review Committee for (1) year working Experience for people working less than a (40) hour week

Hank Rutland said he has spoken to some of the committee members on the (2) committees that he was appointed to; but they have not met. The members are initially gathering information, and at the next meeting Hank will present a report outlining their goals, and time line on how they can progress in resolving these issues.

Operator Development Committee

Elizabeth Williams said she thought they were going to try and meet in early April.

There were no other committee updates.

Investigator's Report

Dona Ferguson passed out the Investigator's Report since DeLeon Andrews was not present.

22	Open Investigations (New cases included)
2	New Investigations
20	Old Investigations
13	Pending IRC
13	Pending Board Action
3	Closed Investigations
12	Legal

Motion: David Baize moved, seconded by Dwight Johnson to adjourn the meeting at 11:40 a.m. **The motion carried.**