

MINUTES
South Carolina Environmental Certification Board
Board Meeting
10:00 a.m., January 29, 2019
Kingstree Building, Room 105
110 Centerview Drive, Columbia, South Carolina

Meeting Called to Order

Chairman, Elizabeth Williams, of Sumter, called the regular scheduled meeting of the South Carolina Environmental Certification Board to order at 10:02 a.m. Other members participating in the meeting Included: Robert G. Davis, Jr., of Hilton Head; Doug Kinard, of Prosperity; Ken Rentiers, of Columbia; James Rodgers, of Greenwood; Phillip Thompson-King, of Columbia; and Sidney K. Tuck, of Spartanburg.

Staff members participating during the meeting included: Molly Price, Administrator; Meredith Buttler, Program Coordinator; Hardwick Stuart, Office of Advice Counsel; Todd Bond, Office of Investigations; and Erin Baldwin, Office of Disciplinary Counsel.

Mrs. Williams announced that public notice of this meeting was properly posted at the S.C. Environmental Certification Board Office, Synergy Business Park, Kingstree Building, and on the board website 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.

Invocation

Mr. Tuck gave the Invocation

Pledge of Allegiance

Introduction of Board Members and Others

Board members and Board staff introduced themselves.

Approval of Excused Absences

MOTION: To approve the absence of Charles Cortez, II and Stacy Taylor, due to work conflicts.
Thompson-King/Tuck/approved.

Approval of the October 16, 2018 Minutes

MOTION: To approve the minutes of the October 16, 2018 meeting.
Rentiers/Thompson-King/approved.

Chairman's Remarks-Elizabeth Williams

Ms. Williams noted that Program Coordinator, Meredith Buttler will be moving to a different Board grouping and this will be her last meeting with the Board. Ms. Williams thanked Ms. Buttler for her service.

At the beginning of January, Ms. Williams and board staff, Molly Price and Meredith Buttler, attend the ABC Conference in Savannah, GA. Ms. Price and Ms. Buttler spoke as part of a panel on the new examinations; sharing what the Board has done with the survey information it has received in conjunction with the new exams. Ms. Williams noted board staff did well and that the audience was interested in what they had to share.

Staff Reports

Mrs. Price expounded on the two hour panel discussion that she and Ms. Buttler participated on at the conference. PSI psychometrics expert, Andrew Falcone, was also a panel participant and instrumental in developing the exam questions for the new standardized exams. Ms. Price would like to solicit Mr. Falcone and ABC's services in the reworking of three of the underperforming survey questions. The revamped questions will be rolled out in conjunction with the updated ABC Standardized exams due out in the next few months. Representatives from various states expressed interest in doing a similar survey and Ms. Price's hopes to have other states adopt the same survey questions so as to provide comparison data. Ms. Price feels that this information would not only help the SC board, but ABC and other licensing agencies. The 2020 ABC Conference will take place in Mobile, Alabama.

Mrs. Price reported the Board's current account balance as of December 2018 is \$599,660.41. Currently the Board has 9,019 active licensees.

At this time, there are only two board member positions eligible for reappointment. Ms. Price urged the Board members to submit a letter of interest in reappointment or remind their nominating associations to send in their recommendation to the Governor's office.

The Statement of Economic Interest Reports are due by March 30, 2019. Board members are reminded to submit prior to this date in order to avoid the \$100 per day fine. Ms. Buttler previously emailed out instructions and travel reports to all board members. If board members need something to be resent, please contact board staff.

Renewals will open in April 2019. New this year, an email validation request will be sent out to licensees in February to help streamline the renewal process. This will help ensure all email addresses on file are correct. Ms. Price is working with IT to rework the online renewal process so that licensees with multiple licenses can renew all licenses at one time rather than paying for each license separate.

LLR is developing a new website for the boards which is much more user friendly and streamlined. This should be coming online in the next year.

The Continuing Education audit will occur this year after renewals close. LLR is pushing for all boards to transition to utilizing CE Broker. Ms. Price will keep the Board apprised of any developments with CE Broker.

Ms. Price echoed Ms. Williams thanks to Ms. Buttler for her service to the Board. Over the past two years, Ms. Buttler has initiate several projects to help improve licensee upgrades and examination passing rates.

Ms. Price presented the updated survey data, stating that the passing rates and responses to the survey are remaining steady. Board staff will continue to collect and analyze data.

The next board meeting will be held on April 23, 2019 in room 204.

Advisory Opinions, If Needed, Office of Advice Counsel

No advisory opinions were given during this meeting.

OIE Report-Office of Investigations and Enforcements

Todd Bond reported in 2018 there were eight total cases, seven are now closed and one remains active.

IRC Report- Office of Investigations and Enforcements

The IRC did not meet in January as the open case is not ready for committee review.

ODC Report-Office of Disciplinary Counsel-Erin Baldwin

Ms. Baldwin reported that there are two open cases. The first case is being heard in today's board meeting and Ms. Baldwin hopes to have the second case ready for the April 23, 2019 meeting.

Memorandum of Agreement

Disciplinary case 2017-2 defendant, Richard A. Mooney, appeared before the Board for a Disciplinary Hearing. Mr. Mooney waived the right to counsel and was sworn in by the court reporter. All hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Executive Session

MOTION: For the Board to enter into executive session to seek legal advice regarding the hearing. Thompson-King/Tuck/approved.

Return to Public Session

MOTION: For the Board to return to public session. Rentiers/Tuck/approved.

Board Chairman, Elizabeth Williams, noted for the record that no votes or actions were taken while in executive session.

MOTION: As there is a violation as stated in the Memorandum of Agreement but due to mitigating circumstances, the Board will issue Mr. Mooney a non-disciplinary Letter of Caution. Rodgers/Davis/approved.

Application Hearing

- a) Mr. Rodney B Dudley appeared before the Board for an Application Hearing. He was not represented by counsel. His supervisor, Mr. Ed West, served as a witness. All persons testifying were sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Executive Session

MOTION: For the Board to enter into executive session to seek legal advice regarding application hearing.
Kinard/Thompson-King/approved.

Return to Public Session

MOTION: For the Board to return to public session.
Thompson-King/Tuck/approved.

Board Chairman, Elizabeth Williams, noted for the record that no votes or actions were taken while in executive session.

MOTION: To approve Mr. Dudley to become a Water Distribution Trainee.
Kinard/Thompson-King/approved

- b) Mr. Robert Pusha appeared before the Board for an Application Hearing. He was not represented by counsel. Mr. Pusha was sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Executive Session

MOTION: For the Board to enter into executive session to seek legal advice regarding application hearing.
Thompson-King/Tuck/approved.

Return to Public Session

MOTION: For the Board to return to public session.
Thompson-King/Davis/approved.

Board Chairman, Elizabeth Williams, noted for the record that no votes or actions were taken while in executive session.

MOTION: To approve Mr. Pusha to become a Biological Wastewater Treatment Trainee.
Thompson-King/Kinard/approved

New Business

- a) Travel approval for the SCRWA Decision Maker's Conference, February 21-23, 2019, in Hilton Head, SC

Due to the hurricane last fall, Ms. Price was unable to speak at the SCRWA 2018 Conference and has been asked to speak at the upcoming SCRWA Decision Maker's Conference. As the hotel rate is over the GSA rate, the association has agreed to pay the hotel overage expense for Ms. Price.

MOTION: To approve travel for two staff members.
Thompson-King/Rentiers/approved.

- b) Interpretation of S.C. Code § 40-23-20(9) in the context of § 40-23-340(B)(1) and (2)

DHEC has reached out to the Board seeking clarification on the definition of 'Direct Supervision' as it pertains to Trainee Licenses. Ms. Price stated that they are asking to what extent an operator, holding a trainee license, may make adjustments without supervision immediately present. Mr. Kinard stated that the definition of 'Direct Supervision' pertains to work experience credit in regards to licensing and it is not in the Board's jurisdiction to stipulate the trainee's ability to make adjustments or sign off on log books. Such stipulations should be found in DHEC Regulation 61. Ms. Price suggested that she and board member Douglas Kinard meet with DHEC to further discuss the matter. A report will be made to the Board at the next meeting.

Election of Officers

MOTION: To retain the same slate of officers: Ms. Elizabeth Williams as Chair and Mr. Ken Rentiers as Vice-Chair.
Thompson-King/Rodgers/approved.

Discussion Topics

There were no discussion topics at this meeting

Committee Reports

Ms. Buttler reported that the Water Treatment 'E' Exam Committee met on December 20, 2018. The committee reviewed the 'E' exam and found several questions that need to be reworked or replaced. The committee will meet again in March after Ms. Buttler's replacement has been confirmed.

Public Comments

There were no public comments at this meeting

Adjournment

MOTION: To adjourn the meeting.
Thompson-King/Kinard/approved.

The January 29, 2019, meeting of the S.C. Environmental Certification Board adjourned at 11:49 a.m. The next meeting of the S.C. Environmental Certification Board is scheduled for April 23, 2019, in room 204.