

MINUTES
South Carolina Environmental Certification Board
Board Meeting
October 27, 2020 Via Virtual Video/Teleconference

Meeting Called to Order

Chair Elizabeth Williams, of Sumter, called the meeting of the South Carolina Environmental Certification Board to order at 10:00 a.m. Other members participating in the meeting included: Vice-Chairman, J. Kenneth Rentiers, of Columbia, Stacey Taylor, of Columbia; Charles Cortez, II, of Pelzer; Robert G. Davis, Jr., of Hilton Head; Doug Kinard, of Prosperity; James Rodgers, of Greenwood; Phillip Thompson-King, of Columbia; and Sidney K. Tuck, of Spartanburg.

Staff members participating during the meeting included: Pam Dunkin, Administrator; Johnnie Rose, Program Coordinator; Hardwick Stuart, Office of Advice Counsel; Chris Elliot, Office of Disciplinary Counsel; Sherri Moorer, Program Assistant; and Tiar Williams, Administrative Assistant.

Others participating included: Jim Matthews; Jo Ellen Trueblood; John Young; Miran Tyrrell; Jeff Chapman; and Katherine Boone (Creel Court Reporting).

Statement of Public Notice

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. In accordance with the Governor's directives regarding social distancing, the meeting is being held via video and teleconference. Members of the public who wish to attend may do so by telephone or the Internet.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Invocation

Mr. Tuck gave the Invocation.

Adoption of Agenda

MOTION: To approve the agenda of the October 27, 2020, meeting. Taylor/Cortez/approved

Introduction of Board Members and Others

Board members and Board staff introduced themselves.

Approval of the July 14, 2020, Minutes

MOTION: To approve the minutes of the July 14, 2020, meeting. Cortez/Kinard/approved

Chairman's Remarks – Elizabeth Williams

Mrs. Williams thanked the staff for their work to help the Board meet by WebEx Webinar, and in keeping day to day functions running smoothly. She hopes the Board will be able to meet in person in 2021.

Staff Reports

Mrs. Dunkin gave the Administrator's Report:

- During this meeting, please be sure to mute yourself if you are not speaking. This will help to reduce background noise.
- Participants are asked to identify themselves before speaking to help the court reporter and those that are taking the minutes.
- As we reported at the July Board meeting, renewals were extended until September 30, 2020. The Board has 8,439 active licensees from the 2020-2021 renewal period.
- To better serve members and to create a more collaborative work environment, ABC has moved their business location to Urbandale, Iowa.
- As of September 30, 2020, the Board had a cash balance of \$733,495.80. A copy of the cash balance report is included in the meeting handouts.

Advisory Opinions, If Needed, Office of Advice Counsel

No advisory opinions were given during this meeting.

OIE Report-Office of Investigations and Enforcements

There are no active investigations.

IRC Report- Office of Investigations and Enforcements

There are no active cases for review.

ODC Report-Office of Disciplinary Counsel-Chris Elliot

Mr. Elliot reported one case in the Office of Disciplinary Counsel.

Application Hearings

- a) Mr. Ernest Rabon appeared before the Board for an Application Hearing. He was not represented by counsel. 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.
- b) Mr. Ernest Rabon requested an application hearing; however, he was not present at this meeting.

- c) Mr. Scott Sanbower appeared before the Board for an Application Hearing. He was not represented by counsel. 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 hearings, with Mrs. Dunkin and Mr. Rose remaining for executive session.
Cortez/Thompson-King/approved.

Return to Public Session

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

Chairwoman Williams noted that no votes or actions were taken while in executive session.

Mrs. Williams said the Board has no legal authority to waive late fees for late license renewals. The Board is unable to respond to Mr. Rabon's and Mr. Sanbower's requests to reduce or waive the late fees on their late license renewals due to lack of jurisdiction.

New Business

- a) **Code of Ethics.** Mr. Stuart said there has been an inquiry regarding the Code of Ethics. This Board has a Code of Ethics posted on the website; however, this code has not been adopted into regulation. It cannot be cited in disciplinary proceedings since it hasn't been adopted into a part of regulatory scheme. The Board discussed the issue, and determined that they have plenty of authority in the law and regulations to handle disciplinary issues. They decided to leave the Code of Ethics on the website as a reference, but not to take action on formally adopting it at this time.
- b) **Richardson Opinion – Well Drilling.** Mrs. Dunkin got an email from the SC Groundwater Association in regard to non-licensed individuals doing repair work on wells. The Groundwater Association consulted with Jesse J. Richardson, Jr., Esq. for a legal opinion, which was distributed to the Board members for review. Mr. Stuart said its a well written opinion based on the Department of Health and Environmental Control (DHEC) Clean Water Act. He feels the Board cannot adopt it as an official position since the opinion doesn't reference Board laws or regulations. The information can be posted on the website under "Frequently Asked Questions" for information, or in the event that a consumer wants to file a complaint against an unlicensed individual doing repair work on wells. Mr. Rogers agreed that nobody has jurisdiction over well repairs, and suggested that the Board table this discussion until representatives from the Groundwater Association can attend a meeting to present a detailed overview of this situation. Mrs. Williams asked Mrs. Dunkin to draft a statement to post under "Frequently Asked Questions" on the website for Board review at

the next meeting. She also requested that the SC Groundwater Association be invited to the next Board meeting.

c) 2021 Board Meeting Dates

MOTION: To approve 2021 meeting dates as follows. Meetings will be held by WebEx Webinar or in the conference rooms noted at the Board office at Synergy Business Park, Kingtree Building, 110 Centerview Drive, Columbia, SC 29201.

Thompson-King/Taylor/approved

- January 28, 2021 (Conference Room 105)
- March 11, 2021 (Conference Room 204)
- July 22, 2021 (Conference Room 202-02)
- October 28, 2021 (Conference Room 105)

d) 2021 Conference Travel. Mrs. Williams said the ABC Conference has been changed to a virtual meeting that will be held on January 20-21, 2021. There is a \$250 charge to participate.

MOTION: To approve the Board Chair and two staff members to participate in the ABC Virtual Conference. Cortez/Thompson-King/approved

e) 2021 Election of Officers

MOTION: To retain the same officers by acclamation (Elizabeth Williams as Chair and Ken Rentiers as Vice-Chairman). Thompson-King/Cortez/approved

Old Business

a) 2019 – 2021 Continuing Education Reporting. Mrs. Williams said the Governor’s Order is still in effect. A number of conferences have been offered virtually, which the Board accepts. The SC Environmental Conference will be moved from March to August in hopes that they will be able to offer it “in person,” but most continuing education is still be offered virtually. Mrs. Dunkin said a website notice and eblast encouraging licensees to take advantage of virtual courses has been posted. Mr. Cortez said many licensees asked if the deadline for continuing education will be extended due to COVID-19. Mr. Rose asked if that would mean that the renewal deadline would also have to be extended for 2021. Mr. Stuart said that would require amending Regulation 51-4 on the due date for renewals and continuing education. Since those dates are the same, then moving the continuing education deadline would require moving the renewal deadline as well. The Board will monitor the situation and discuss this again at the next meeting.

Public Comments

a) Jeff Chapman said he believes LLR should not request a copy of the social security card with new applications if the applicant has a new Smart ID. The Smart ID means that the social security card and number have already been vetted, and it should not be necessary for applicants to provide it again for new applications. Mr. Stuart said the social security number and card are required under the Family Protection Act, and he doesn't know if LLR is able to accommodate this request. Mrs. Williams ask that this issue be carried over as an item under "Old Business" on the agenda for the next meeting.

Adjournment

There being no further business:

MOTION: To adjourn. Thompson-King/Taylor/approved

The meeting adjourned at 11:45 a.m.