

MINUTES
South Carolina Board of Environmental Certification
Board Meeting
10:00 a.m., September 1, 2015
Synergy Business Park
Kingstree Building, Room 108
110 Centerview Drive
Columbia, South Carolina

Mr. Rutland delivered the invocation, followed by the Pledge of Allegiance.

Meeting Called to Order

Chairman, William Armes, of Simpsonville, called the regular scheduled meeting of the South Carolina Environmental Certification Board to order at 10:05 a.m. Other members participating in the meeting included: Charles Cortez, of Pelzer, David Dew, of Latta; Dwight Johnson, of Jefferson; Kenneth Rentiers, of Columbia; Jimmy Rodgers, of Greenwood; Hank Rutland, of Orangeburg; and Vice-chair, Elizabeth Williams, of Sumter.

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.

William Armes 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

William Armes 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

Dwight Johnson made a motion the board approves the excused absence of board member, David Baize. Hank Rutland seconded the motion which carried unanimously.

Approval of the May 12, 2015 Minutes

MOTION

Charles Cortez made a motion the board approves the minutes of the May 12, 2015 meeting. Dwight Johnson seconded the motion which carried unanimously.

Chairman's Remarks-William Armes

Mr. Armes stated that he had served on the board for many years and it was an honor and pleasure to be a part of the Environmental Certification Board. He asked the members to continue to put forth good efforts in recognizing and encouraging young people who were interested in entering the profession. He asked the board to continue to be a professional group, and incorporate good business in a cooperative spirit.

Administrator's Remarks-Molly Price

Mrs. Price reported the board's current account balance was \$449,198.28. Currently the board has 8,593 active licensees. Board staff sent out 77 continuing education audit letters on July 28, 2015. Staff is in the process of reviewing the documentation from licensees and will update the board of the results at the next meeting.

Board members were given the following dates for board meetings in 2016:

Tuesday, January 12, 2016

Tuesday, April 26, 2016

Tuesday, September 6, 2016

Tuesday, November 8, 2016

Mrs. Price stated on behalf of the board, she had submitted the ballot material for the ABC 2016 Board of Directors. All three candidates for Vice President, Water Division Director, and At-Large Division, ran unopposed.

She also stated she had requested that LLR order 30 tablets for Agency use for board meetings.

She gave an overview of the new security guidelines for anyone accessing the 2nd or 3rd floors.

Advisory Opinions, If Needed, Office of Advice Counsel

No advisory opinions were given during this meeting.

OIE Report-Office of Investigations and Enforcements

Mrs. Price presented the OIE Report on behalf of Todd Bond.

OIE opened four cases, four cases were investigated, and four cases were closed.

OGC Report-Office of Disciplinary Counsel-Erin Baldwin

Erin Baldwin presented the OGC Report.

She reported there was one case pending a disciplinary hearing, scheduled for the next board meeting.

Application Hearings

a. Damien Jackson-Water Distribution

These application hearings were recorded by a certified court reporter in the event a verbatim transcript is necessary.

Mr. Jackson and Mr. Kanwal Oberoi, Director of Charleston Water Systems, were sworn in by the court reporter.

The application hearing was called to order. Mr. Jackson waived his right for legal counsel.

Staff received Mr. Jackson's application for a Water Distribution Operator's License on July 17, 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?"

Based on his response, and review of his SLED Report, it was determined that his application could not be approved at the staff level. He was notified in writing on July 22, 2015, that he would need to appear before the board to answer any questions they might have regarding his charges.

Mr. Jackson stated that when he was younger he had no clear focus on his future and he made many mistakes; which he regrets. He has since moved forward, and if granted a Water Distribution Trainee Permit, he would like to make a good impact and make a difference in the Water Distribution industry.

Mr. Oberoi, Director of Charleston Water Systems, spoke on behalf of Mr. Jackson. He stated that Charleston Water Systems reviews all employee records before hiring. He said Mr. Jackson is a good employee and does a great job. He said that Mr. Jackson took the initiative to submit the application on his own.

Executive Session

MOTION

Dwight Johnson made a motion the board enter into executive session to seek legal advice regarding Mr. Jackson's application. Mitch Dew seconded the motion which carried unanimously.

Return to Public Session

MOTION

Dwight Johnson made a motion the board return to public session. Charles Cortez seconded the motion which carried unanimously.

William Armes noted for the record that no motions were made, and no votes were taken while in executive session.

MOTION

Dwight Johnson made a motion that the board approves Mr. Jackson's request for licensure as a Water Distribution operator. Hank Rutland seconded the motion which carried unanimously.

b. **Chad Washington-Water Distribution**

Mr. Washington and Mr. Oberoi were sworn in by the court reporter.

The application hearing was called to order. Mr. Washington waived his right for legal counsel.

Staff received Mr. Washington's Water Distribution application on May 27, 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?"

Based on his response and review of his SLED report, it was determined that his application could not be approved at the staff level. He was notified in writing on June 25, 2015, that he would need to appear before the board to answer any questions they might have regarding his charges.

Mr. Washington stated that he was familiar with the water distribution processing and would like to pursue becoming licensed. He said he was not proud of his charges, and he was no longer that person. He now was a home owner and trying to do better with his life. He would like to make a career with Charleston Water Systems, in the Water Distribution division.

Mr. Oberoi spoke on Mr. Washington's behalf. He stated that Mr. Washington was a good hard worker, dependable, and had good qualities, and that he believed in him. He said that all employee records are reviewed before being hired.

Executive Session

MOTION

Hank Rutland made a motion the board enter into executive session to seek legal advice regarding Mr. Washington's application. Mitch Dew seconded the motion which carried unanimously.

Return to Public Session

MOTION

Dwight Johnson made a motion the board return to public session. Hank Rutland seconded the motion which carried unanimously.

William Armes noted for the record that no motions were made and no votes were taken while in executive session.

MOTION

Hank Rutland made a motion the board accepts Mr. Washington's request for licensure as a Water Distribution operator. Dwight Johnson seconded the motion which carried unanimously.

New Business

- a. Approval to attend the 2016 ABC Conference in Denver, Colorado-January 19-22

MOTION

Elizabeth Williams made a motion the board approves the administrator and one board member to attend the 2016 ABC Conference in Denver, Colorado January 19th through the 22nd. Dwight Johnson seconded the motion which carried unanimously.

- b. Approval for Travel Reimbursement for Elizabeth Williams & Molly Price to attend the Operator Conference in Myrtle Beach-October 29th-31st

MOTION

Dwight Johnson made a motion the board approves the request for reimbursement to the Operator Conference in Myrtle Beach, for Molly Price and Elizabeth Williams. Mitch Dew seconded the motion which carried unanimously.

C. Criminal History Guidelines for New Applicants-Delegation to Staff

Executive Session

MOTION

Dwight Johnson made a motion the board and staff members enter into executive session for legal advice regarding criminal history guidelines. Mitch Dew seconded the motion which carried unanimously.

Return to Public Session

Dwight Johnson made a motion the Board return to public session. Hank Rutland seconded the motion which carried unanimously.

William Armes noted for the record that no motions were made or votes taken while in executive session.

MOTION

Elizabeth Williams made a motion for the board to allow staff discretion with reviewing any felony convictions, non-felony crimes involving drugs or moral turpitude, or environmental law ten years prior to the application date and determining if the criminal history report warrants full board review for licensure. Charles Cortez seconded the motion which carried unanimously.

Executive Session

MOTION

Elizabeth Williams made a motion that the Board and staff members enter into executive session for legal advice regarding the wording of the well driller bond. Dwight Johnson seconded the motion which carried unanimously.

Return to Public Session

Jimmy Rodgers made a motion the board return to public session. Hank Rutland seconded the motion which carried unanimously.

William Armes noted for the record that no motions were made, or votes taken during executive session.

Discussion Topics

There were no discussion topics at this meeting.

Committee Reports

Education Review Committee

Elizabeth Williams reported the board had requested that she look into having ABC add a survey to the exams. Megan Baker, ABC Director of Operations, recommended the survey be included at the time of registration; there would be twelve demographic questions. Ms. Baker will check to see if the board would be charged any additional fees to include this information.

Public Comments

John Young thanked the board for including the public comments section on the agenda.

Adjournment

MOTION

There being no further business to be discussed at this time, Dwight Johnson made a motion the meeting be adjourned. Mitch Dew seconded the motion which carried unanimously.

The September 1, 2015 meeting of the S. C. Board of Environmental Certification adjourned at 11:32 a.m.

The next meeting of the S. C. Environmental Certification Board is scheduled for November 10, 2015, in room 108.