

MINUTES

South Carolina Board of Registration for Geologists
Board Meeting
10:00 AM, January 29, 2004
Synergy Business Park
Kingstree Building, Conference Room 107
Columbia, South Carolina

Craig Kennedy, chairman, of Columbia, called the regularly scheduled meeting to order at 10:18 a.m. Other members present included: Richard Warner, Ph.D., of Clemson; Troy Elmore, of Lancaster; Vernon Ichimura, Ph.D., of Aiken; and Jason Terry, of Charleston.

Staff members present for the meeting included: Lenora Addison-Miles, Administrator; Sandra Dickert, Administrative Assistant; and Barry Moreland, Administrative Assistant.

Meeting Called to Order

Mr. Kennedy announced that public notice of this meeting was properly posted at the S. C. Board of Registration for Geologists 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. He also noted that a quorum was present.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Approval of December 15, 2003 Meeting Minutes

MOTION

Dr. Warner moved to approve the minutes as presented. Dr. Ichimura seconded the motion, which carried unanimously.

Chairman's Remarks - Craig Kennedy

Mr. Kennedy made no remarks at this time.

Administrator's Remarks - Lenora Addison-Miles

Ms. Addison-Miles stated one individual audited during the previous meeting did not meet the continuing education requirements. She noted staff sent notice to the individual informing him that the Board needed documentation regarding his continuing education credits; however, no response has been received.

Advisory Opinions, If Needed, Sharon Dantzler, Office of General Counsel

There were no advisory opinions given during the January 29, 2004 meeting.

Legislative Update, If Needed, Legislative Liaison Office

There was no legislative update given during the January 29, 2004 meeting.

Unfinished Business

1. Approval of Draft Response to the National Groundwater Association in Regard to the Professional Practice of Geology and Geologist Registration Requirements - Jason Terry
Mr. Terry presented the members with a draft response to the National Groundwater Association in regard to their request for the Board's position. He stated that the National Groundwater Association was seeking the Board's opinion on whether the Board felt the performance of phase 1 of its own site assessment required or needed the supervision of a professional geologist. (This draft is herewith attached as Addendum 1.)

The draft reads:

In as much as a A Phase I Environmental Site Assessment completed in accordance with ASTM guidelines would require the interpretation evaluation of subsurface geologic conditions in order to evaluate the potential of offsite migration of contamination onto the subject property. In addition, and in as much as a Phase I Environmental Site Assessment is completed to provide coverage under the Innocent Land Owner clause of CERCLA. Therefore it is the opinion of the South Carolina Board of Registration for Professional Geologists that the preparation of a Phase I Environmental Site Assessment should be conducted under the guidance and supervision of a Registered Professional Geologist or a qualified registered Professional Engineer. Furthermore, it is the opinion of the South Carolina Board of Registration for Professional Geologists that the Phase I Environmental Site Assessment should be stamped and signed by a Professional Geologist or a qualified registered Professional Engineer.

The Board reviewed the draft and suggested the above underlined and struck amendments.

2. Approval of Draft Response to David E. Flickinger (Questions Regarding Reciprocity and Use of Seal Requirements) - Craig Kennedy

Mr. Kennedy presented the members with a draft response to Mr. Flickinger regarding his questions regarding reciprocity and use of seal requirements. (This draft is attached as Addendum 2.)

The Board reviewed the draft response and suggested amendments.

3. Approval of Reinstatement - Douglas Wyatt

Ms. Addison-Miles stated Mr. Wyatt is requesting reinstatement of his license which expired in June 1994. She further stated she had mentioned Mr. Wyatt to the Board during the December 15, 2003 meeting. She noted staff further researched Mr. Wyatt's name and license number in an old database and discovered his license was issued in February 1991 and expired on June 30, 1994. She went on to say his letter, submitted with an application, indicates he is currently registered in Tennessee, Texas and North Carolina. She said he submitted continuing education documentation with the application, although he has not submitted the fees or the notarized affidavit indicating he has not been practicing as a geologist in South Carolina since his license lapsed. She indicated the back fees plus the \$300 reinstatement fee totals \$1,305, which Mr. Wyatt must pay to reinstate.

The Board briefly discussed this matter. The discussion included the option of reinstatement applicants applying as reciprocity applicants as an alternative to reinstating and inserting a cap on the reinstatement fees.

MOTION

Dr. Ichimura moved to amend the policy regarding reciprocity to narrow the policy to first time applicants. Mr. Terry seconded the motion, which carried unanimously.

MOTION

Mr. Elmore made a motion, seconded by Dr. Ichimura and unanimously carried that Mr. Wyatt provide the Board with a notarized statement that he has not practiced geology in South Carolina since his license lapsed and that he pay the \$1,305 back fees and reinstatement fee.

4. Continuing Education Audit

Ms. Addison-Miles stated she notified Paul Nystrom, of Swansea that he needed to provide the Board with documentation regarding his continuing education, as he had not completed the required number of continuing education courses. He provided documentation regarding 16 hours of continuing education, however, 32 hours of continuing education is needed.

Mr. Kennedy suggested sending the letter, via certified mail, notifying him he must provide documentation of the additional 16 hours of continuing education with a two-week deadline and that if he does not have the additional continuing education his license will lapse. He also suggested reviewing the continuing education documentation Mr. Nystrom submitted to ensure the additional documentation is consistent. The Board will review all of the documentation during the May 2004 meeting.

5. Responsible Charge of Work

Mr. Kennedy presented the members with a draft policy regarding Responsible Charge of Work. (This draft is attached as Addendum 3.)

The members reviewed the draft and suggested amendments to the document.

MOTION

Mr. Terry moved the Board approve the draft policy as amended by Dr. Warner. Dr. Ichimura seconded the motion, which carried unanimously.

The policy will become policy #3.1.3.

1. Licensure by Reciprocity

a. Rae T. Browne

Ms. Browne is requesting her license via reciprocity with North Carolina. She has claimed education from East Carolina University. She will not have five years experience in Geology until March 15, 2004. She holds a Master of Science Degree in Geology from East Carolina University, which has been verified. His file is not complete as it is pending

one personal reference.

MOTION

Mr. Terry moved the Board accept based on receipt of personal reference. The motion was seconded by Dr. Ichimura and unanimously carried.

b. Matthew A. McDonnell

Mr. McDonnell is requesting his license via reciprocity with Florida. Florida has verified his license is in good standing. His file is not complete. He is missing one personal reference, information and verification of education. Staff sent notice in December advising of missing items, however, the information has not been received as of this date.

MOTION

Dr. Warner made a motion, seconded by Mr. Terry and unanimously carried, the Board approve the application pending receipt of the missing reference, receipt and verification of the missing transcript and the completion of the signature on the personal reference.

c. Aaron J. White

Mr. White is requesting his license via reciprocity from North Carolina. North Carolina has verified licensure as well as comity/reciprocity with Virginia. His file is not complete and is a personal reference.

MOTION

Dr. Warner moved pending receipt of the missing professional reference and the verification of licensure with Virginia, verifying he passed the ASBOG exam, that the Board accept the application. Mr. Terry seconded the motion, which carried unanimously.

d. Donald A. McKee

Mr. McKee is requesting his license via reciprocity with Florida. He holds a Bachelor of Science degree and a Master of Science Degree in Geology from University of Alabama. Staff has received verification from Georgia, where he passed the ASBOG exam. His file is pending Florida license verification.

MOTION

Dr. Ichimura moved the Board accept Mr. McKee's application. The motion was seconded by Mr. Terry and unanimously carried.

2. Permission to Sit for ASBOG Exam

a. Obadiah Bowen

Mr. Bowen is requesting to sit for the March 5, 2004 ASBOG exam. He does not have a degree in Geology. He was enrolled in a Masters Program but a copy of his transcript shows he was dismissed for Academic Disqualification. Board Chairman Craig Kennedy denied Mr. Bowen's request to sit for the exam and requested this matter be presented before the full board for decision.

MOTION

Mr. Terry made a motion, seconded by Dr. Ichimura and unanimously carried, that the Board deny Mr. Bowen's request to sit for the GIT portion of the ASBOG exam.

Discussion Items

Title-Non-Registered Geologists

Mr. Kennedy stated the question arises of what do non-geologists call themselves. He further stated the Board of Engineers says that an individual who inserts engineer behind his signature and is not registered as a professional engineer is violating that statute. He indicated it would be good if the Board took a stance on this issue.

A discussion on this matter ensued.

Recess

The Board took a brief recess at 1:42 p.m. and returned to public session at 1:49 p.m.

The Board discussed the possibility of a resolution to Governor Sanford in regard to the Board. Mr. Kennedy stated Dr. Ichimura had gathered documents relating to this matter and suggested the Board review the documents in development of a position statement. Mr. Kennedy suggested having a called conference call meeting to approve the position statement.

Public Comments

There were no public comments made during the January 29, 2004 meeting.

Executive Session

The Board did not enter executive session during the January 29, 2004 meeting.

Election of Officers

Chairman

Mr. Kennedy opened the floor for nominations for chairman.

Mr. Elmore suggested the current officers continue to serve.

Dr. Ichimura nominated Mr. Terry as chairman. Dr. Warner seconded the nomination, which carried unanimously.

Vice Chairman

Mr. Terry nominated Dr. Ichimura as vice chairman. The nomination was seconded by Dr. Warner and unanimously carried.

Adjournment

There being no further business to be brought before the Board at this time, Mr. Elmore moved the meeting be adjourned. Mr. Terry seconded the motion, which carried unanimously.

The January 29, 2004 meeting adjourned at 2:08 p.m.

