

MINUTES

South Carolina Board of Registration for Geologists
Board Meeting
10:00 AM, January 27, 2005
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 108
Columbia, South Carolina

Jason Terry, Chairman, of Charleston, called the regular meeting of the SC Board of Registration for Geologists to order at 10:00 a.m. Other members present for the meeting included: Vernon T. Ichimura, PhD, Vice-Chairman, of Aiken; R. Craig Kennedy, of Columbia; Richard D. Warner, PhD., of Clemson; and Troy C. Elmore, of Lancaster.

Staff members participating at various times during the meeting included: Randy Bryant, Assistant Deputy Director; Lenora Addison-Miles, Administrator; Barry Moreland, Administrative Assistant; and Robert Selman, Assistant Deputy Director.

Members of the Public attending the meeting included: Mark Darrington, Greg Force, Katherine Kelly, Gregory Simones, and Mike Waddell.

Meeting Called to Order

Mr. Terry 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.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Approval of December 16, 2004 Meeting Minutes

MOTION

Dr. Ichimura moved the Board approve the minutes of the December 16, 2004 meeting. Mr. Elmore seconded the motion, which carried unanimously.

Chairman's Remarks - Jason Terry

Mr. Terry stated the Board has a busy meeting and it looks like an interesting meeting.

Administrator's Remarks -Lenora Addison-Miles

Ms. Miles had no remarks at this time.

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

Legislative Update, If Needed, Legislative Liaison Office

There were no advisory opinions or legislative updates given during the January 27, 2005 meeting.

SC Association of Environmental Professionals

Mr. Greg Force, of the SC Association of Environmental Professionals, appeared before the Board at this time. He asked the following questions:

1. Why is the Agency recommending the elimination of the Board of Registration of Geologists and what criteria was used to determine that the Board should be eliminated?
2. Why the Geologists have not been consulted on this issue?
3. When was the agency planning on informing the Geologists about the elimination of the Board?
4. If the Board is to be eliminated, when were the members to be informed of these issues?
5. Can the Board function without LLR?

Mr. Randy Bryant, Assistant Deputy Director, stated the agency is a cabinet level agency and works directly under the Governor. He further stated that the Governor had mandated that the agency review the Boards/Commissions to see which programs are over regulated or, perhaps, do not need to be regulated at all. He went on to say Governor Sanford had formed a committee (MAP), which consisted of business leaders and professionals who recommended that a number of Boards/Commissions be eliminated or be reviewed into a deregulated stance. He went on to say that the MAP Commission reviewed the national concept of how many states regulate geologists. He indicated there are approximately 31 states that regulate this profession. He also stated professional associations were also reviewed in making this decision.

Mr. Bryant stated that there was a potential elimination of the Board and that a proviso to eliminate the Board was introduced during the 2004 legislative session. He indicated that proviso did not pass the legislature. He went on to say that the agency was alerted to a possible press conference regarding the budget. He went on to say that the leadership of the board was notified of the possible elimination of the Board.

Mr. Bryant stated there is a plan to increase the civil penalties regarding geologists. He indicated that the agency and the SC Department of Health and Environmental Control have concerns with the elimination of the Board. He further stated there would probably be a certification process placed in effect for the geologists. He noted that a proviso to eliminate the Board, along with four other Boards, was introduced in the legislature on January 26, 2005, however, the proviso was tabled.

Mr. Force asked Mr. Bryant how the elimination of the Board would affect the geologists allowed to work in other states in which the Board has reciprocity. Mr. Bryant stated the statute may be manipulated to include the ASBOG examination, which would satisfy the reciprocity issue. He does not know how the experience component would work.

Mr. Force asked Mr. Bryant if the agency would regulate the certification or would it revert to ASBOG. Mr. Bryant stated if the Board is eliminated the Board's statute would be repealed and the agency would not be responsible for the certification process. He

would assume the certification process would be private and that there would be no disciplinary process.

Mr. Mark Darrington, a geologist, stated he became and remains concerned regarding the proposal to eliminate the Board. He is adamantly opposed to the elimination of the Board and the deregulation of geologists. He feels the Board was instituted to ensure to the public that only qualified geologists are engaged in the practice of geology for the health and safety of the public and environment. From what he has gathered the Governor and the agency are shortsighted in the deregulation of the Board. He believes the small savings that may be apparent from the Board's elimination are very small compared to the potential loss of high paying jobs for persons like him. He believes there would be lawsuits against those individuals who would practice unethically and unlicensed, which would cost South Carolina more money in the long run. He believes the economic implications will be far greater and have far greater weight than the current administration believes it would have by eliminating the Board. He is passionate about the practice of geology.

Mr. Bryant stated the elimination of the Board is not a money saving avenue. He noted that license fees are utilized in paying staff's salaries and services the geologists receive.

Ms. Katherine Kelly stated Mr. Bryant's remarks regarding the MAP Commission's decision sounded as though just the government and big businesses make the decision about what geologists do and what services are needed. She believes that is incorrect. A brief discussion ensued on consulting geologists.

Mr. Mike Waddell, of USC, stated he receives approximately 20 telephone calls per year from individuals who have geologic questions concerning their property or adjacent properties and pollution, earthquakes, etc. He further stated there are quite a few people who are astute.

Mr. Tom Knight, of the SC Department of Health and Environmental Control (DHEC), spoke regarding pre-buy assessment work done by geologists. He indicated there are approximately 130 assessments done every year.

Mr. Terry stated he believes geologists in the private sector perform the majority of these assessments.

A discussion ensued regarding the assessment of property and the possibility of obtaining clean samples on contaminated property.

Mr. Bryant noted staff has been asked to submit the number of complaints investigated by the Board and that the proposed elimination of the Board hinges on the number of complaints. He went on to say that the Board should educate the Governor and the legislature on this matter.

Recess

At 11:00 a.m. the Board took a ten-minute recess and returned to public session.

Return to Public Session

The Board returned to public session at 11:10 a.m.

Unfinished Business

1. Charles W. Fetter, Jr.

Ms. Miles stated Mr. Fetter was attempting to become registered by endorsement with Indiana and Wisconsin. She indicated he is also licensed in Illinois. She further stated that the license verification from Indiana indicates he received his registration in 1984 by education and experience and that the examination requirement was not in place at that time. She went on to say that Indiana did not require examination until 1998. She said that she received an email from Jerry Lowder, with the Wisconsin Board of Registration of Geologists, who informed her that his registration in that state was issued based on his license in Indiana. He was not required to take an exam in Wisconsin. She noted that the Board tabled the application during the last meeting.

MOTION

Dr. Ichimura moved the Board deny Mr. Fetter's application. Dr. Warner seconded the motion. Mr. Terry asked that the vote be tabled until Mr. Kennedy returned to the room. Mr. Elmore stated he would abstain from voting in this matter since he was not present for the previous meeting.

New Business

1. Approval of Licensure via Reinstatement

a. James X. Tan

James X. Tan allowed his license to lapse on June 30, 1999. He has agreed to pay the \$735 reinstatement fee.

Mr. Moreland stated Mr. Tan held a South Carolina license from 1996 to 1999. He further stated that Mr. Tan was registered in North Carolina in 1995 and in Virginia in 2002. He noted Mr. Tan holds a Bachelor of Science Degree in Geology and holds two Masters Degrees from universities in China and South Dakota, which was obtained in 1994.

MOTION

Dr. Ichimura moved the Board approve the application after he provides proof of continuing education units, along with the 32 hours. Mr. Kennedy seconded the motion, which carried unanimously.

Charles W. Fetter, Jr. (Continued)

Mr. Kennedy asked that vote be tabled until the end of the meeting.

2. Licensure via Reciprocity and/or Endorsement

a. Barry G. H. Browne

Barry G. H. Browne is requesting his license via reciprocity with Georgia. He registered in Georgia in 1995 where he passed the Georgia written examination. He holds a Bachelor of Science Degree in Geography Geological Sciences from Queens University in Kingston Canada. His file is missing two professional references.

MOTION

Mr. Kennedy made a motion the Board approve the application pending submittal and staff review of references. Dr. Warner seconded the motion, which carried unanimously.

b. Dana C. Dillon

Dana C. Dillon is requesting his license via reciprocity with North Carolina. He holds a Bachelor of Science Degree in Geology from the University of North Carolina at Wilmington. His file is missing the verification of licensure from Georgia and contains one unsigned employment verification.

Mr. Moreland stated he sent Mr. Dillon a letter, dated January 19, 2005 advising him he lacked an employment verification signed by the submitter. He noted that Mr. Dillon faxed the form and indicated the original would be mailed. The verification of licensure from North Carolina shows he was originally licensed June 30, 1998, his current license expires on June 30, 2005. The method of licensure was by examination, Part 1 and Part 2. He passed both parts of the examination and has no disciplinary action.

MOTION

Dr. Warner moved the Board approve this application. Mr. Kennedy seconded the motion, which carried unanimously.

c. Ben T. Foster

Ben T. Foster is requesting his license via reciprocity with North Carolina. He claims to hold a Bachelor of Science Degree in Geology from the University of Florida. His file is missing two employment verifications and verification of licensure with Mississippi and Florida.

MOTION

Mr. Kennedy moved the Board approve the registration upon receipt of his Florida verification if it shows he passed the Florida exam.

d. Terry E. Osborne

Terry E. Osborne is requesting his license via reciprocity with North Carolina or Georgia. He holds a Bachelor of Science Degree and a Master of Science Degree in Geology from the University of Alabama. His file is missing one employment verification and one professional reference.

MOTION

Mr. Kennedy moved the Board approve this application upon receipt of the Georgia licensure verification and one professional reference. Dr. Ichimura seconded the motion,

which carried unanimously.

e. Gregory A. Smith

Gregory A. Smith is requesting licensure via reciprocity with North Carolina. He claims to hold a Bachelor of Arts Degree in Geology from North Carolina State University. His file is missing one professional reference, one employment verification, and the education transcript.

MOTION

Dr. Warner moved the Board table this matter until further information is received. Mr. Kennedy seconded the motion, which carried unanimously.

f. Scott E. Davies

Scott E. Davies is requesting licensure via reciprocity with North Carolina. He holds a Bachelor of Science Degree in Geology from Eastern Illinois University. North Carolina has verified he became licensed via the ASBOG examination. His file is complete.

MOTION

Dr. Ichimura moved the Board accept this application. Mr. Kennedy seconded the motion, which carried unanimously.

g. John J. Interval

Mr. Interval is requesting licensure via reciprocity with Georgia. He stated on November 19, 2004 that he obtained his license from Georgia by using a Power Point presentation he sent to the Georgia Board of Geology. The presentation was the result of an appeal to the Georgia Board, which had turned down a prior request for licensure. The Board has not received licensure verification from Pennsylvania. He received a Bachelor of Science Degree in Geology from the California University of Pennsylvania in California, Pennsylvania in December 1986.

During the December 16, 2004 meeting the Board denied the application due to lack of proof of successful passage of the ASBOG or an acceptable application.

Mr. Kennedy stated he has spoken with Mr. Stan Beardon, of the Georgia Board of Registration of Geologists, who indicated that Board never viewed the Power Point presentation. He went on to say the Georgia Board initially denied the application then reconsidered and granted licensure based on education and experience. He further stated Mr. Beardon believes this action resulted from Mr. Interval's licensure in Pennsylvania and Texas by a grandfather clause.

MOTION

Dr. Warner moved the Board deny this application due to lack of reciprocity with Pennsylvania and due to lack of proof of successful passage of the ASBOG or an acceptable application. Dr. Ichimura seconded the motion, which carried unanimously.

3. Licensure via Examination

a. John T. Skowronck

John T. Skowronck is requesting to be licensed via examination. He holds a Bachelor of Science Degree in Geology from Florida Atlantic University. California has confirmed he passed both parts of the ASBOG exam with a score of 77 and 80; however, he did not take the California specific exam to be licensed in that State. He has now returned to South Carolina and is seeking licensure based on passage of the ASBOG exam. His file is complete.

MOTION

Mr. Kennedy moved the Board accept this application based on passage of the ASBOG exam. Dr. Warner seconded the motion, which carried unanimously.

Charles W. Fetter, Jr. (Continued)

Dr. Ichimura moved the Board deny Mr. Fetter's application. Dr. Warner seconded the motion. The motion carried.

Discussion Items

1. ASTM Standard Practice for Environmental Site Assessments E-1527-00

Mr. Terry stated the Board had previously discussed this matter and had issued a letter to the National Ground Water Association stating an opinion of the Board indicating the Board felt this was a public practice of geology. He asked if this needs to become a Board policy or as an opinion to the NGWA. The Board's consensus was that it should be a Board policy.

The Board tabled a vote on this matter until the May 2005 meeting and asked Dr. Warner to draft policy language for the Board's review.

2. Continuing Education Guidelines - Use of Hours Prior to Registration

Ms. Miles stated this matter was placed on the agenda based on a conversation she had with Mr. Kennedy. She further stated she had received an email inquiry stating the individual became licensed on December 17, 2004 and was required to have 12 (prorated) continuing education hours. She went on to say the individual is asking whether the continuing education hours he earned prior to December 17, 2004 but not prior to July 1, 2003 could be used for continuing education and if the 12 hours he had earned could be earned by in-house seminars. She asked the Board if this was something the Board wished to include in the guidelines or make a policy

The Board determined it would handle matters such as this on a case-by-case basis.

Public Comments

There were no public comments made during the January 27, 2005 meeting.

Executive Session

MOTION

Mr. Kennedy moved the Board enter executive session to discuss administrative matters. Dr. Warner seconded the motion, which carried unanimously.

Return to Public Session to Report on Executive Session

Mr. Terry noted that the Board had entered executive session to discuss administrative matters with the Assistant Deputy Director, however he was not available. He further stated the Board moved out of executive session with the possibility of returning to executive session. He noted no votes were taken during executive session

Election of Officers

MOTION

Mr. Elmore moved the current officers remain for another term and that the nominations be closed. Mr. Kennedy seconded the motion, which carried unanimously.

Lunch

The Board recessed for lunch at 12:45 p.m. and returned to public session at 1:45 p.m.

Return to Public Session

The Board returned to public session at 1:45 p.m.

Executive Session

MOTION

Mr. Kennedy moved the Board enter executive session to discuss administrative matters. Dr. Ichimura seconded the motion, which carried unanimously.

Return to Public Session

Mr. Terry noted that no votes were taken during executive session.

Adjournment

There being no further business to be discussed by the Board at this time, Mr. Terry declared the meeting adjourned.

The January 27, 2005 meeting of the SC Board of Registration of Geologists adjourned at 2:15 p.m.