

STATE OF SOUTH CAROLINA
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BEFORE THE BOARD OF REGISTRATION FOR GEOLOGISTS

IN THE MATTER OF)
)
BOARD MEETING)
VIA TELECONFERENCE)
) TRANSCRIPT OF DISCUSSIONS
)
)
)

Given before Tina F. Behles, Nationally Certified Court Reporter and Notary Public in and for the State of South Carolina, commencing at 10:03 a.m. on Monday, December 12, 2011 at the offices of the South Carolina Department of Labor, Licensing and Regulation, 110 Centerview Drive, Columbia, South Carolina.

Reported by:
Tina F. Behles, CVR

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A P P E A R A N C E S

Board Members: Vernon T. Ichimura, PhD, PG (Chair)
Charles M. Gorman, III (V Chair)
Mark Taylor
Richard D. Warner, PhD

For the State: N/A

For the Respondent: N/A

Advising the Board: Daniel Grigg, Esquire (LLR)

Also present: Lenora Addison-Miles (Administrator)
Theresa Garner (Staff)

Reported by: Tina F. Behles, CVR

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PROCEEDINGS

DR. ICHIMURA: Let me call the meeting to order.

Public notice of this meeting was properly posted at the South Carolina Registration for Geologists office, Synergy Park, Kingstree Building; provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act. We will skip the Pledge of Allegiance. Approval of excused absences? I guess everyone's present, so we'll skip through that.

I'd like to start the first item:

Approval of the September 1st meeting minutes. I think you have the copy of the minutes.

MR. TAYLOR: This is Mr. Taylor. I can move that they be approved.

DR. WARNER: This is Dr. Warner. I approve -- second the motion.

DR. ICHIMURA: It has been moved and seconded we accept the September 1st minutes. Are there any discussions? Hearing none, those in favor say aye.

BOARD MEMBERS: Aye.

DR. ICHIMURA: The minutes for September 1st have

1 been accepted.

2 As for chairman's remarks, I have just
3 two items I just thought I'd bring everybody
4 up to speed on. There was a board member
5 symposium on October 11th. I've been to a
6 couple of them, and they're very well done.
7 And I think Katherine Templeton did a nice
8 job. One of the things they talked about and
9 I just thought I'd share with the rest of the
10 board members, they reviewed some of the
11 processes that LLR has. And I think one of
12 the goals -- and Lenora, you may want to
13 correct me and/or expand on it -- is to
14 provide better services.

15 And one of the things that I guess Ms.
16 Templeton has done is her door's always open.
17 She's provided us with phone numbers where we
18 can actually talk to her if we need to.

19 MS. ADDISON-MILES: Yes, sir. That's correct.

20 DR. ICHIMURA: That's correct, right?

21 MS. ADDISON-MILES: Uh-huh.

22 DR. ICHIMURA: And so has that been successful
23 overall?

24 MS. ADDISON-MILES: I have not gotten any negative
25 feedback from any of the other board members.

1 But that is their perception as well. And
2 they feel that she has made herself available
3 to them if needed, uh-huh.

4 DR. ICHIMURA: Yeah. So if we have a complaint for
5 anybody, you know, or a complaint on the
6 processes, we can really directly talk to her.

7 MS. ADDISON-MILES: Yes. That's correct.

8 DR. ICHIMURA: Okay. I have been told that, I guess
9 this lady by the name Holly Gillespie, she's
10 the chief advise counsel.

11 MS. ADDISON-MILES: Yes.

12 DR. ICHIMURA: And then Dean is assigned to us?

13 MS. ADDISON-MILES: That's correct.

14 DR. ICHIMURA: And then the way they're going to
15 treat us is the board -- each board is treated
16 as a client. So, in other words, LLR, who
17 provides the consult, is like a law firm. And
18 then, in that process, I think the advice that
19 we get from counsel, if we choose, is
20 confidential. Is that the way I understand
21 it? And I think we have to handle that
22 through executive session if that does happen,
23 right?

24 MR. GRIGG: Well, yeah. I mean any advice I give
25 you, first of all, I'm giving you as your

1 attorney; you were correct about that whether
2 we're in executive session or public record or
3 whatever.

4 DR. ICHIMURA: I wasn't sure.

5 MR. GRIGG: But you are correct that if we are in
6 executive session, that those meetings are
7 confidential and are between you as the client
8 and me as your attorney. So it's not
9 something that after the meeting's over I go
10 out and discuss with anyone, and I would ask
11 the same of you guys, that you don't go out
12 and discuss our off-the-record, behind-closed-
13 door conversations either. In that same vein,
14 I'm always here and available for you guys to
15 call me if you have any questions, you know,
16 maybe between meetings or whatever, so.

17 DR. ICHIMURA: So how is that handled with regard to
18 in -- during public session? For example, if
19 you are offering advice and we have somebody,
20 a member of the public present for example,
21 how is the advice handled confidentially?

22 MR. GRIGG: Well, it really just depends on what it
23 is because not everything we're talking about
24 is of a confidential nature. So if it's, for
25 example, say you're discussing an applicant

1 such as maybe one of the applicants we have
2 coming before us here in a little bit. If
3 you're discussing the qualifications of an
4 applicant, for example, and we're discussing
5 maybe what a section of your practice act
6 says, that's not necessarily confidential. So
7 if we're on the public record, that's fine.
8 And that's not confidential information. But
9 if it were something that, whether it be any
10 of you guys, or whether it be I, feel
11 uncomfortable with and maybe I say, you know,
12 or y'all suggest we need to go in executive
13 session and let's talk about this, certainly
14 at any point that I don't feel like it's a
15 road we want to go down in public session, I
16 would mention that to you. And, likewise, I'd
17 ask you guys to do the same thing. If y'all
18 have a question, for example, or something and
19 you're just not sure whether you want to say
20 it out loud or not, then those are the types
21 of things we would go into executive session.
22 We would hash it out amongst ourselves and
23 then come back out on the public record.

24 DR. ICHIMURA: Great. Thank you. Then we -- I
25 think one of her deputies by the name of Grant

1 Gillespie talked about the legislative
2 process. It's kind of, to me, it seems like
3 it's very complicated. But I guess that's the
4 way it's done. One of the things that he did
5 mention that LLR -- and if this is true -- is
6 not an advocate for the boards. I guess you
7 guys at the LLR -- it's really kind of like an
8 administrative and, you know, we -- for, for
9 what, what board wants to present in front of
10 the legislative process really has to be, has
11 to be started by the board itself, right?

12 MR. GRIGG: That's correct. Again, and as y'all
13 have seen here in recent weeks, we've
14 undertaken with every board a lot of proposed
15 legislative changes. And we're here -- you
16 just hit the nail on the head -- as an
17 administrative function. We're here to serve
18 you and to help you get prepared on that, to
19 answer your questions on that, to draft the
20 proposed changes that you may have, and to
21 kind of guide you along legally-speaking and
22 administratively-speaking. But what Grant was
23 -- what you just referenced that Grant
24 Gillespie had said at that seminar is that
25 this agency, whether it be Grant or myself or

1 Ms. Templeton or whomever, Lenora, whoever, we
2 don't go down to the state house and lobby on
3 your behalf for your proposed changes. That's
4 the part that, again, is up to you guys. I
5 think Grant in some capacity said he's
6 available to try to help boards find, you
7 know, lobbyists and sponsors and whatnot, but
8 they don't -- they just try to put you in
9 touch with those guys. They don't take on
10 that aspect of it themselves.

11 DR. ICHIMURA: Great. Thank you. There was an
12 explanation of the investigative and legal
13 process. I guess we're, we're pretty familiar
14 with it. But my understanding is the process
15 was explained again. There's -- right now I
16 guess LLR receives about 5,000 complaints a
17 year.

18 MR. GRIGG: I honestly don't know. That may be
19 correct. I got no idea.

20 DR. ICHIMURA: No idea. But -- and then the
21 complaint process is basically reviewed by an
22 investigator. Then it is pretty much -- and
23 checked by the chief investigator if it goes
24 past that stage. And then it goes to the
25 investigative review committee.

1 MR. GRIGG: That's correct.

2 DR. ICHIMURA: And then, in that committee, there's
3 an investigator, his counsel, and then some
4 board representative.

5 MS. ADDISON-MILES: Yes.

6 DR. ICHIMURA: Okay. And then I guess we still have
7 not resolved the board representative part,
8 have we? I guess we've talked to Jim Furr,
9 and we still haven't -- have we received word
10 that he's going to accept that position?

11 MR. GORMAN: This is Chuck Gorman. I talked to him
12 the other day just before this meeting to make
13 sure. Yes, he will accept that position.

14 DR. ICHIMURA: Well, thank you. Thank you.

15 MS. ADDISON-MILES: Okay.

16 DR. ICHIMURA: That works out really well. I was
17 wondering what do we do next. And that worked
18 out real well. And I think he'd make a great
19 person. The key here I guess, the board is
20 really -- after it gets past the, the IRC, I
21 guess the IRC will produce some kind of report
22 and recommendation. Then it goes to the board
23 to be the judge and jury regarding the
24 complaint.

25 MS. ADDISON-MILES: Correct. The disposition, yes.

1 DR. ICHIMURA: Okay. Also, at that same meeting,
2 the governor visit briefly -- visited briefly.
3 And she kind of talked about, you know, the
4 state of South Carolina. And one of the
5 things she mentioned and it kind of stuck to
6 my mind is she told the boards basically make
7 South Carolina business-friendly, so. I mean
8 I guess that's the direction we need to be
9 thinking about.

10 There was a presentation, Robert's Rule,
11 and I thought that was very helpful. That
12 kind of, in a nutshell, I -- I'm looking at my
13 notes on the meeting. And I thought it was a
14 very useful meeting overall. And LLR did a
15 nice job. Out of all the ones I've attended.

16 If I may, I'd like to go over the ASBOG
17 meeting, even though I have something on the
18 agenda later on and we'll just skip through
19 that if everyone doesn't mind. Let me go over
20 it quickly if I may about the ASBOG meeting
21 that I attended on November 4th. There was
22 one person -- Dr. Warner, you may know him
23 very well -- Jack Warner passed away.

24 DR. WARNER: Yes.

25 DR. ICHIMURA: He's a statistician that has been ---

1 DR. WARNER: He had passed away before the workshop
2 last March that I attended.

3 DR. ICHIMURA: Yeah, he was the -- clearly, the
4 spokesman for the psychometrician or
5 statistician whereas Steve is a little more
6 quiet kind of guy. And he, you know, does --
7 I guess he does the work, but Steve is the one
8 that's going to be carrying the torch
9 regarding, you know, the statistics that deal
10 with the testing in the future.

11 Couple things that I came away with.
12 The price of PG exams and I think -- I don't
13 know when this was effective. It went from
14 150 to \$200, right, Lenora?

15 MS. ADDISON-MILES: Yes.

16 DR. ICHIMURA: And then our membership dues, that is
17 the board memberships, went from 2,950 to
18 4,500. That's already in effect; is that
19 correct?

20 MS. ADDISON-MILES: Yes, I think that's correct.

21 DR. ICHIMURA: Okay.

22 DR. WARNER: Excuse me. This is Dr. Warner. Was
23 there any change in the FG exam?

24 MS. ADDISON-MILES: No, sir.

25 DR. WARNER: Okay.

1 DR. ICHIMURA: A couple things about the exam that -
2 - few things. There were more applicants. I
3 don't know how many passed, but without the
4 geology BS or BA degree, but with an MS degree
5 in geology. So in other words, you know,
6 maybe they had a degree in, you know, marine
7 science or, you know, earth sciences or
8 something like that. It did seem to be a
9 trend anyway. So these people are passing the
10 exam with an MS in geology and without a BS
11 degree.

12 About the profession, one of the things
13 that -- one statistics that they, you know,
14 pulled when they compare it to other
15 professions are -- vary in comparison to other
16 professions, there are very few complaints in
17 the geological field.

18 Comparison to prices of the examination,
19 and this is kind of like something that we got
20 to keep in mind -- geology is -- when you go
21 through the FG and the PG exam, the price is
22 like \$350. And when you compare it to the
23 engineering field, their cost is like \$300.
24 So ours is kind of, you know, on the high
25 side.

1 At the current time, there's a trend --
2 a slow but systematic decline in the number of
3 folks taking the exams. At the current time,
4 the number of fundamentals that were given is
5 around 400. The number of PGs, around 300.

6 About ASBOG and their financial
7 liability, they have taken in about 50,000 in
8 profits. That's not a lot of money. But most
9 of it through examination fees. The cash at
10 hand -- on hand that ASBOG has is around
11 \$450,000. One of the things that they have,
12 you know, the goal at ASBOG is to increase
13 people's awareness of ASBOG and increase their
14 income. So, you know, they want people to be
15 an advocate for ASBOG and they're asking the
16 boards to, you know, do whatever they can to
17 advertise, you know, what does ASBOG do and
18 what, you know, what they do for the boards.
19 They want to develop a relationship with
20 international organizations. The big push
21 right now in this case was -- is perhaps using
22 the ASBOG exam in Canada. And I think that's
23 going along pretty well. There's a rep --
24 there was a representative from Canada at the
25 ASBOG meeting. The other, the other way --

1 the other way they're trying to increase
2 revenue would be through new states. I guess
3 Louisiana is in the process of becoming an
4 ASBOG member. And then they're going through
5 a licensing process.

6 Dr. Warner, you may want to help me on
7 this one. I had a little note here about
8 North Carolina. North Carolina's -- some kind
9 of a geologic meeting in Asheville, I think in
10 a -- sometime next year. And I think ASBOG is
11 going to be there. And I'm not really sure,
12 you know, what this meeting's about. Some --
13 it's going to be in Asheville. And I have a
14 feeling it's, you know, something to do with
15 minerals or, you know, hard rock geology or
16 something.

17 DR. WARNER: Actually, I'm not aware of that.

18 DR. ICHIMURA: You're not aware. Yeah, it's
19 sometime next year. I, I think -- you know,
20 we probably need to keep an eye on it and it's
21 kind of a meeting where ASBOG's going to put
22 up a booth to promote awareness.

23 DR. WARNER: Do you know what month?

24 DR. ICHIMURA: No.

25 DR. WARNER: Yeah.

1 DR. ICHIMURA: Yeah, I just scribbled something down
2 and said -- I told myself I need to ask, ask
3 about this more.

4 Current officers, you know, the officers
5 -- the key officers -- and I'll get to where
6 I'm going with this. Richard Spruill is the
7 current president. He's from North Carolina.
8 Jeffery Randall is the president elect. And
9 Craig Kennedy, our own Craig Kennedy, is the
10 treasurer. I've been told -- and Lenora, I
11 think you had some notice that Jeff Randall
12 retired, or resigned, I'm sorry.

13 MS. ADDISON-MILES: That's correct.

14 DR. ICHIMURA: Yeah. And that puts Craig into the
15 spot where he becomes president. So I -- what
16 I, I think we need to do is make sure we
17 support him in any way we can.

18 DR. WARNER: Agreed.

19 DR. ICHIMURA: The national exam for next year,
20 2012, the cut-off date is January 17th. And
21 the exam will be held on March 6th. The Corps
22 of Engineer -- the Corps of Examiners Workshop
23 is going to be in Louisville, Kentucky April
24 13th and 14th. So if anyone can, you know,
25 participate keep that in mind.

1 MR. TAYLOR: This is Mark Taylor. Is that -- I
2 believe I'm the only one who's not been to
3 that at this point. Is that something I
4 should plan on?

5 DR. ICHIMURA: It would be nice if we can, we can
6 have -- we can send someone from our
7 organization to look at the exams.

8 MR. TAYLOR: --- oh, this isn't the examiner
9 training?

10 DR. ICHIMURA: No. This is -- this is where we
11 develop the exam. We submit questions. We go
12 through and review the exams. We literally
13 take the exam and then, you know, we find out
14 about the quality of the questions. So, you
15 know, we participate in the building of the,
16 you know, the questions that go into the
17 national exams.

18 DR. WARNER: This is Dr. Warner. You review the
19 exam that has just been given and then you
20 preview the exam that will be given the next
21 time. So it's a two-day workshop.

22 MR. TAYLOR: And those dates again were?

23 DR. ICHIMURA: Let's see. April 13th and 14th.

24 MR. TAYLOR: Okay, thank you.

25 DR. ICHIMURA: That's in Louisville, Kentucky.

1 MR. TAYLOR: Right.

2 DR. ICHIMURA: The national exam will be given in
3 the fall again. The cut-off date is August
4 21st. And then the exam will be given on
5 October 5th. And there's another COE
6 Workshop. This time it's in Omaha, Nebraska,
7 so distance is a little bit greater. It's
8 between October 31st and November 1st. On
9 November 2nd, there will be a -- kind of a
10 field trip. I don't know what it is -- you
11 know, there's no details on it. And the
12 annual meeting that, you know, the business
13 meeting is on November 3rd for your
14 information.

15 MR. TAYLOR: And this is the one that you went to
16 this past year?

17 DR. ICHIMURA: That's correct.

18 MR. TAYLOR: Okay. And it's, again, November?

19 DR. ICHIMURA: The COE Workshop ---

20 MR. TAYLOR: Yes.

21 DR. ICHIMURA: --- is November -- is October 31st
22 and November 1st.

23 MR. TAYLOR: 10-31 and 11-1 ---

24 DR. ICHIMURA: Yes.

25 MR. TAYLOR: And this is where the examiner training

1 thing that we talked about this past year
2 would be most likely conducted?

3 DR. ICHIMURA: That's correct.

4 MR. TAYLOR: Excellent. Okay, thank you.

5 DR. ICHIMURA: What I can do is I can -- I can --
6 Lenora, do you have the agenda -- do you have
7 the listing of the board plan -- I mean the
8 ASBOG schedule for the next couple years?

9 MS. ADDISON-MILES: I don't have it with me.

10 DR. ICHIMURA: Okay. What I ---

11 DR. WARNER: This is Dr. Warner. You can get it
12 off their website ---

13 MS. ADDISON-MILES: Their website, that's correct.

14 DR. ICHIMURA: Yeah, okay.

15 DR. WARNER: I think they list about maybe three or
16 four years ahead.

17 MS. ADDISON-MILES: Yes, sir.

18 DR. ICHIMURA: That's correct. Can you get on the
19 website without a password?

20 MS. ADDISON-MILES: Yes, sir.

21 DR. WARNER: Yes.

22 DR. ICHIMURA: I wasn't sure because there's a board
23 member section and there's a, you know, public
24 session -- section.

25 DR. WARNER: Yeah, you can access those without

1 having to enter a password.

2 DR. ICHIMURA: Okay. That's all I have with regards
3 to the, you know, ASBOG meeting. Are there
4 any questions? With that, I think we can move
5 on to the administrator's remarks.

6 MS. ADDISON-MILES: Okay. Thank you. There are
7 currently 595 geologists registered through
8 June 30th of 2013; 64 licenses have lapsed due
9 to non-renewal. Registrants still have until
10 December 31st to apply for late renewal.
11 There are six active GITs. The CE audit will
12 be conducted in January for board review
13 during the February 2012 meeting. Members are
14 reminded that your meeting materials contain
15 confidential information and must be properly
16 disposed of. You've also been provided
17 information to access the LLR Board Member
18 Website. This site contains information and
19 resources for board members, including forms,
20 travel information, board member listings, and
21 the board member orientation reference manual.

22 I have also provided for you the October
23 2011 cash balance report. That reflects a
24 balance of \$122,038.19 for fiscal year 2012.
25 You also have a printout of your revenues and

1 expenditures just for the month of October.
2 The negative amounts actually represent income
3 such as license and application fees, renewal
4 fees, miscellaneous revenue such as license
5 verification requests. And the positive
6 amounts are expenditures. You will see items
7 such as staff payroll, postage, rent for our
8 space here at this building, personnel items
9 such as retirement, social security and
10 insurance. And there are also administrative
11 and operational transfers that are on the very
12 last page. You have items such as POL
13 administration, which is professional and
14 occupational licensing administration fees;
15 the Office of Investigation and Enforcement
16 administration fees, such as our director's
17 office; the Office of Board Services and
18 attorney fees. So those are internal
19 transfers that were done to take care of
20 agency-wide operations. And I will provide
21 you a report each time we meet to show you the
22 revenue and expenditures that we have. But
23 this just gives you an idea of the type of,
24 you know, income and expenses that we incur.
25 Thank you.

1 DR. ICHIMURA: Thank you, Lenora.

2 MS. ADDISON-MILES: You're welcome.

3 MR. GORMAN: Lenora, this is Chuck. I just, for
4 clarification, so (inaudible) conference call,
5 so we can just shred the information ---

6 MS. ADDISON-MILES: Yes, sir. Yes.

7 MR. GORMAN: We don't have to return it?

8 MS. ADDISON-MILES: Please shred it. Thank you.

9 MR. GORMAN: Okay. Thank you.

10 DR. ICHIMURA: Are there any questions regarding
11 budgets and remarks made by Lenora? Hearing
12 none, I guess we can go to new business.

13 MS. ADDISON-MILES: You ready?

14 DR. ICHIMURA: Yes, I am.

15 MS. ADDISON-MILES: Okay. Licensure via reciprocity
16 or endorsement. The first applicant is Terefe
17 Mazengia. He was registered in Georgia on
18 April 22nd, 2009 by the ASBOG examinations.
19 He obtained a bachelor of science degree in
20 geology from a foreign university in Ethiopia
21 in July 1994, a master of science degree in
22 tropical hydrology from an institution in
23 Germany in 2001, and a master of science
24 degree in geology from Temple University in
25 May 2004. And notice I did not attempt to

1 pronounce the names of those universities.

2 (Laughter).

3 MR. TAYLOR: This is Mark Taylor. It appears that
4 the application is in order and references
5 provided, et cetera. Is it proper to move for
6 acceptance and then discuss?

7 DR. ICHIMURA: That's correct.

8 MR. TAYLOR: At this time, I would make a motion
9 that we accept the application.

10 DR. WARNER: This is Dr. Warner. I'll second.

11 DR. ICHIMURA: We have a motion to accept and it has
12 been seconded. Any discussions?

13 DR. WARNER: Notice this one professional
14 reference, he's not a registered geologist.
15 Is that correct?

16 MS. ADDISON-MILES: Based on our conversation, he --
17 the applicant indicated that this reference is
18 a geologist, but he is not a registered
19 geologist.

20 DR. WARNER: So that's -- Dr. Warner again -- these
21 letters of reference must be submitted by
22 professional geologists or PEs, professional
23 engineers. I'm not sure that that's -- that
24 we've had this happen before, but.

25 MR. TAYLOR: This is Mark Taylor. It sounds like we

1 should request the applicant to -- I guess
2 this individual's his supervisor. Perhaps
3 that's why he chose to include the
4 professional reference. But to meet the
5 requirements, then he would need to find a
6 third PG to, or a PE, to provide the
7 reference.

8 DR. WARNER: Yeah. That's -- this is Dr. Warner.
9 I agree. That's my impression too.

10 DR. ICHIMURA: --- handle in the past a non-
11 registered university professors as
12 references?

13 DR. WARNER: Good question. I can't really
14 remember. I'm kind of fuzzy in my memory.

15 DR. ICHIMURA: I thought we have. Academic ...

16 DR. WARNER: There will be a lot of university
17 professors who are not registered ---

18 DR. ICHIMURA: Yeah, and I'm not -- I think, I think
19 we may have accepted a few of those.

20 DR. WARNER: Yeah, I, I -- if that's the case, then
21 I would be okay with this. But ---

22 DR. ICHIMURA: Is that person an academic?

23 (Several speakers).

24 DR. WARNER: --- professional manager or project
25 manager.

1 DR. ICHIMURA: I think there's nothing wrong with, I
2 guess, in seeing if he can provide a reference
3 of somebody who's a registered ---

4 DR. WARNER: Yeah.

5 DR. ICHIMURA: Maybe we ought to go down that road.

6 DR. WARNER: I think it would be -- if he'd do
7 that, then that ---

8 DR. ICHIMURA: Then we're fine.

9 DR. WARNER: Right.

10 MR. TAYLOR: Right. And this is Mark Taylor again.
11 I -- we meet again in February. So if he can
12 turn that one form around quickly, it should
13 not be much of a delay.

14 DR. ICHIMURA: Yeah. We can also -- we can also
15 instruct the LLR to accept ---

16 MR. TAYLOR: Pending.

17 DR. ICHIMURA: --- yeah, pending receipt of a
18 reference that -- reference person that has a
19 license or is registered.

20 DR. WARNER: Yeah. Shall I make the motion?

21 DR. ICHIMURA: Sure.

22 MR. GORMAN: Do we need to withdraw the previous
23 motion?

24 MR. GRIGG: Yes.

25 MR. TAYLOR: This is Mark Taylor. I will withdraw

1 the previous motion then.

2 DR. WARNER: This is Dr. Warner. I move that we
3 accept the -- this application pending the
4 receipt of the third professional reference
5 from a PG or PE.

6 MR. TAYLOR: This is Mark Taylor. I'll second it.
7 May I also ask, I would assume it would be a
8 positive reference or ---

9 DR. WARNER: Yeah, I'll accept that change.

10 DR. ICHIMURA: It has been moved and seconded that
11 we accept this application pending receipt of
12 a reference ---

13 DR. WARNER: Positive.

14 DR. ICHIMURA: --- yeah, a positive reference from a
15 registered professional geologist. Those in
16 favor?

17 UNIDENTIFIED SPEAKER: Or PE.

18 DR. ICHIMURA: Yeah, or PE.

19 MR. TAYLOR: This is Taylor, aye.

20 BOARD MEMBERS: Aye.

21 DR. ICHIMURA: I didn't ---

22 DR. WARNER: Dr. Warner, I voted in favor.

23 DR. ICHIMURA: Mark is an aye?

24 MR. TAYLOR: Yes.

25 DR. ICHIMURA: Chuck?

1 MR. TAYLOR: Perhaps he's had to attend to something
2 else.

3 MR. GORMAN: I'm sorry. This is Chuck. I said aye.
4 I had my phone on mute because there's a lot
5 of static of my line. I was hoping not to
6 distract ---

7 (Several speakers).

8 MR. GORMAN: Aye.

9 DR. ICHIMURA: Okay. Those in -- I guess it has
10 been moved and those in favor I guess and this
11 is voted on that Mr. Mazengia is accepted
12 pending receipt of proper reference. I guess
13 we go to Jeffrey -- James Wesley Sterling?

14 MS. ADDISON-MILES: Okay. Mr. Sterling was
15 registered in Georgia on January 12, 2009 by
16 ASBOG examinations. He obtained a bachelor of
17 science degree in geology from Auburn
18 University on December 15th, 2011 and a master
19 of science degree in geology from Auburn on
20 December -- I think my dates may be wrong --
21 December 15th, 2006.

22 DR. ICHIMURA: That's what I have, December 6th or
23 December ---

24 MS. ADDISON-MILES: Okay. It was December 15th,
25 2001 for the bachelor of science degree.

1 2001.

2 DR. ICHIMURA: Okay.

3 DR. WARNER: Okay.

4 MR. TAYLOR: This is Mark Taylor. It appears that
5 his current registration is in North Carolina.
6 On page 2 of 3 of the application.

7 MS. ADDISON-MILES: I'm sorry, it is North Carolina.

8 DR. WARNER: This is Dr. Warner. I move we
9 approve.

10 MR. GORMAN: This is Chuck. I second.

11 DR. ICHIMURA: It has been moved and seconded that
12 we accept the application of Mr. Sterling.
13 Any discussions? Hearing none, those in
14 favor?

15 BOARD MEMBERS: Aye.

16 DR. ICHIMURA: Mr. Sterling has been accepted for
17 licensure. I guess we're coming up to
18 DePratter, Ms. DePratter for licensure via
19 reinstatement.

20 MS. ADDISON-MILES: Yes. Ms. DePratter's license
21 lapsed on June 30th of 2007. She has
22 submitted a complete reinstatement package
23 which includes an updated application, updated
24 employment verification, a notarized statement
25 that she has not practiced since her license

1 lapsed, and proof of CEs. She has paid all
2 past renewal fees and late fees and the
3 reinstatement fee.

4 MR. TAYLOR: This is Mark Taylor. I move that we
5 approve the application.

6 DR. WARNER: This is Dr. Warner. I second the
7 motion.

8 DR. ICHIMURA: It is moved and second that we accept
9 the application of Ms. DePratter. Is there
10 any discussion?

11 MR. TAYLOR: This is Mark Taylor. Only the, I guess
12 little comment that I do know Marianna pretty
13 well from working with her in the mining group
14 at DHEC. And she is a very thorough and
15 competent individual from everything -- all my
16 experience.

17 MR. GORMAN: I also -- this is Chuck. I also know
18 (inaudible). Happy to have her back.

19 UNIDENTIFIED SPEAKER: Great.

20 UNIDENTIFIED SPEAKER: Yeah.

21 DR. ICHIMURA: Well, I guess those in favor say aye.

22 BOARD MEMBERS: Aye.

23 DR. ICHIMURA: Ms. DePratter's application for
24 reinstatement's accepted. I guess there's an
25 Andrew Mc ---

1 MS. ADDISON-MILES: McThenia.

2 DR. ICHIMURA: Request to qualify for licensure as a
3 new applicant.

4 MS. ADDISON-MILES: Yes. Mr. McThenia was
5 originally registered May 17th of 2002 by
6 reciprocity with Virginia. He allowed his
7 license to lapse on June 30th of 2003. He is
8 requesting to apply for licensure through
9 reciprocity to avoid the reinstatement fees.

10 MR. GORMAN: This is Chuck. I have -- what is the
11 precedence for something like this?

12 MS. ADDISON-MILES: I've checked and I also spoke
13 with Craig this morning, and he could not
14 recall us ever doing anything different other
15 than allowing the person to come in and take
16 the examination.

17 DR. ICHIMURA: Even though this person has
18 reciprocity -- has a license in Virginia?

19 MS. ADDISON-MILES: Yes, because -- and I'm not
20 sure, we'll have to get advice from our
21 counsel because the board came up with a
22 policy statement, and that's what we've been
23 working off of with regards to our reciprocity
24 agreements. The board had a policy -- let me
25 find the number.

1 DR. ICHIMURA: Yeah, the ---

2 MS. ADDISON-MILES: 251 with regards to
3 reciprocity. It says, South Carolina
4 reciprocity agreements are only intended for
5 first-time applicants and are not intended for
6 former registrants seeking reinstatement.

7 MR. TAYLOR: This is Mark Taylor. If I'm not
8 mistaken, the Virginia license is a voluntary
9 license. And it may have changed, but I
10 dropped mine a number of years ago because it
11 really didn't have any -- it didn't have a lot
12 of meaning. And I don't know if that bears on
13 this or not. I guess we have a reciprocity
14 agreement in place with Virginia?

15 MS. ADDISON-MILES: Yes.

16 MR. TAYLOR: We do, okay.

17 MR. GORMAN: Well, I mean -- this is Chuck -- I mean
18 they are supposed (ph) to be paying 900-and-
19 something-dollars.

20 UNIDENTIFIED SPEAKER: Right.

21 MR. GORMAN: I mean, I think -- I mean I understand
22 the -- his point of view that I mean that is a
23 large amount of money to get back in, and it
24 seems like there should be some way to sort of
25 reset the clock and at least come in at some

1 reasonable amount. But I mean it's -- I mean,
2 historically, I don't know that we've done
3 this (inaudible) paid some pretty large sums,
4 haven't they?

5 MS. ADDISON-MILES: Yes, sir.

6 DR. ICHIMURA: That's correct. That's kind of my
7 trouble here. I, I think, you know, it would
8 be very unfair, I mean from my standpoint, to,
9 you know, to make somebody -- allow somebody
10 in paying less of a fee when in fact we have
11 applied such a requirement to others that, you
12 know, cost -- that, you know, may have cost
13 somebody \$1,500.

14 MR. GORMAN: And everybody else has kept those up.
15 And, you know, just because he didn't practice
16 in geology some year -- we have a lot of
17 professional geologists that -- in the state
18 that don't even need to be professional
19 geologists but they have it anyway and pay for
20 it every year.

21 MR. TAYLOR: Right. This is Mark Taylor again. The
22 -- a -- I guess it really isn't our place to
23 question why the applicant is pursuing the
24 license, but presumably it would be to be able
25 to practice in the state and generate revenue.

1 DR. WARNER: This is Dr. Warner. I'm looking
2 through the regs for the board -- the statutes
3 of regulations for the Board of Registration
4 for Geologists, Section 131-10, and part C of
5 that says the board may require a registrant
6 whose registration has been expired or lapsed
7 for more than five years to apply or qualify
8 as if never registered in this state. So I
9 guess that's what he's ---

10 MR. GRIGG: And ---

11 MS. ADDISON-MILES: Right.

12 MR. GRIGG: And, y'all, Lenora -- this is Dean.

13 Lenora and I were just looking at that exact
14 section. I, I think that gives you leeway to
15 do what you're most comfortable doing because
16 it says the board may require, so it's not a
17 shall or a must as you would see sometimes in
18 other sections of the practice act. So I
19 think that gives you an option ---

20 MR. GORMAN: --- set up a policy ---

21 MR. GRIGG: Right.

22 MR. GORMAN: --- I don't disagree -- this is Chuck.

23 It's (inaudible) we've set up a policy to sort
24 of address the main question in the
25 regulation.

1 MR. GRIGG: Right. I -- that was going to be my
2 next sentence. I think you're exactly right.

3 MS. ADDISON-MILES: We do have a policy regarding
4 that. It's our policy 3-4-2-1. It's
5 reinstatement and re-examining -- re-
6 examination, and it's based on that 131-10
7 (C). Former registrants who allow their
8 registration to lapse and decide to reinstate
9 their registration after five years may be
10 required to retake the PG exam. The board, in
11 deciding if re-examination is necessary, may
12 consider the applicant's work and educational
13 experience during the previous five years.
14 Former registrants who have not practiced
15 geology in five years must pass the practice
16 examination before their PG registration is
17 reinstated. Former registrants who have
18 practiced geology as registered professional
19 geologists in other states during the time
20 their registration was lapsed in South
21 Carolina may be reinstated without
22 examination.

23 MR. TAYLOR: Wow. So, really, at this juncture then
24 -- this is Mark Taylor -- we do not have any
25 information about whether he's practiced or

1 whatever. And effectively this letter says I
2 don't want to submit an application unless you
3 tell me I can go through ---

4 MS. ADDISON-MILES: Right. The only thing I
5 received ---

6 MR. TAYLOR: --- without ---

7 MS. ADDISON-MILES: --- is a -- he submitted his
8 transcripts as if he's going to start over
9 again.

10 MR. GORMAN: So you do have a transcript, but we
11 don't have ---

12 MS. ADDISON-MILES: The application.

13 MR. GORMAN: --- the part of that I heard was has
14 been practicing as a professional geologist --
15 -

16 MS. ADDISON-MILES: Right. We don't know.

17 MR. GORMAN: --- in the interim in another state.
18 And we don't have any indication here that he
19 has.

20 DR. WARNER: Yeah.

21 MS. ADDISON-MILES: Correct.

22 MR. TAYLOR: I guess -- again, it's Mark Taylor. I
23 would like to move that we request more
24 information or -- this is difficult. Yeah,
25 that we request a more thorough explanation

1 about the -- about Mr. McThenia's professional
2 experience over the past -- well, since I
3 guess 2003 when the license expired. He only
4 held it for a year.

5 MS. ADDISON-MILES: Right.

6 MR. TAYLOR: And that's enough. Prior to acting on
7 this request.

8 MS. ADDISON-MILES: Okay.

9 MR. GORMAN: This is Chuck. I'll second the motion.

10 MS. ADDISON-MILES: All right.

11 DR. ICHIMURA: Okay. It has been moved and seconded
12 that he -- we request from Mr. McThenia more
13 thorough explanation of experience before we
14 act on his request.

15 MR. TAYLOR: Yes, and I apologize, that's a little
16 lengthy. But the -- in responding to the
17 passage in the regulation that Lenora read,
18 there were a number of if-this-and-then-that
19 sort of thing.

20 DR. ICHIMURA: Right.

21 DR. WARNER: Just as a point of question, Lenora,
22 how much cost would there be if he was to
23 apply as if he never had registered? He'd
24 have to take the PG exam I believe.

25 MS. ADDISON-MILES: Well, if he's going to apply as

1 if never registered, he's requesting to come
2 through reciprocity, so he would simply pay
3 the 235 and not have to take the exam.

4 MR. TAYLOR: Unless we -- unless the board requires
5 ---

6 DR. WARNER: But we could require ---

7 MR. TAYLOR: Yeah, exercises that requirement.

8 MS. ADDISON-MILES: The exam is an additional 225.

9 DR. WARNER: So that would be 460 then?

10 MS. ADDISON-MILES: Yes, sir.

11 DR. WARNER: Which would be a thousand less?

12 MS. ADDISON-MILES: Uh-huh, correct.

13 DR. WARNER: That he would have to pass the exam --
14 -

15 DR. ICHIMURA: Yeah, I think in the past with a
16 situation similar to this, and I cannot
17 outline in any more detail, but I think we
18 made people take the exam.

19 DR. WARNER: Yeah.

20 DR. ICHIMURA: I mean, that's what it's really going
21 to come ---

22 DR. WARNER: : That's what I would lean toward if,
23 if we want to go this route.

24 MR. TAYLOR: Exactly. And this is Mark Taylor. I
25 also, again, feel if the individual has been

1 actively practicing with his Virginia license
2 and not -- has decided to try and find a job
3 as a geologist again, that we might even
4 consider the, the exam route. And then I'm
5 not real certain what, you know, give -- if he
6 has been employed as a computer technician or
7 something for ten years, I'm not sure quite
8 how I think about this.

9 MR. GORMAN: This is Chuck. I mean those are good
10 points, Mark. I think that -- I guess I would
11 feel that if he wanted to come in and take the
12 test and basically come in anew, that -- I
13 would be willing to consider that. But that,
14 that's -- first of all, he'd have to do a lot
15 of studying I'm sure to catch up to be able to
16 pass the test. And (inaudible) given -- you
17 know ---

18 MR. TAYLOR: That's kind of my feeling as well is
19 that the -- I'm -- I don't feel -- I don't
20 think any of us are comfortable just agreeing,
21 okay, reciprocity's fine, go do it. We, we
22 want to know whether or it's -- or the sense
23 is we'd probably require the exam at a
24 minimum, et cetera. And so I just feel it
25 would be not inappropriate to have a little

1 better understanding of where the individual's
2 coming from with this request.

3 DR. WARNER: Yeah. This is Dr. Warner. I agree
4 with that.

5 MR. GORMAN: This is Chuck. I agree. I think it's
6 insufficient information based on the
7 discussion we've had so far. And so I think
8 the motion is appropriate.

9 DR. ICHIMURA: Okay. Motion stands I guess. Those
10 in favor?

11 DR. WARNER: Aye.

12 MR. GORMAN: Aye. This is Chuck.

13 MR. TAYLOR: Mark as well, aye.

14 DR. ICHIMURA: Aye. Lenora, you'll draft a letter -
15 --

16 MS. ADDISON-MILES: Yes, sir.

17 DR. ICHIMURA: (Inaudible).

18 MS. BEHLES, COURT REPORTER: He's going to need to
19 speak up.

20 MS. ADDISON-MILES: Dr. Ichimura, could you speak
21 up, please?

22 DR. ICHIMURA: Okay, I'm sorry. I guess you will
23 draft a letter to Mr. McThenia ---

24 MS. ADDISON-MILES: Yes, sir.

25 DR. ICHIMURA: --- regarding this motion.

1 MS. ADDISON-MILES: I will.

2 DR. ICHIMURA: The -- there's an agenda item called
3 ASBOG 2011 Annual Meeting. I already covered
4 that in my chairman's remarks.

5 MS. ADDISON-MILES: Yes, sir. However, we do need
6 just for the record for the board to vote -- I
7 know it's after the fact, but based on our new
8 travel policy that has been established, they
9 want all of the board meeting minutes to
10 reflect that the board approves a member
11 attending a particular meeting, one of the
12 national meetings. So even though it's after
13 the fact, we do need the board to vote and
14 approve you attending that meeting.

15 DR. ICHIMURA: Okay.

16 MS. ADDISON-MILES: Okay?

17 DR. WARNER: This is Dr. Warner. I make a motion
18 that we approve that Vernon attended the
19 national meeting.

20 MS. ADDISON-MILES: Okay.

21 MR. TAYLOR: This is Mark Taylor. I second.

22 DR. ICHIMURA: It has been moved and second that I
23 attend the 2011 annual meeting. Are there any
24 discussions? Those in favor, say aye.

25 BOARD MEMBERS: Aye.

1 DR. ICHIMURA: It has been accepted that I attended
2 2011 -- I attend the 2011 annual meeting after
3 the fact.

4 (Inaudible. Several speakers).

5 DR. ICHIMURA: I guess the next item on the agenda
6 is the revised continuing education
7 guidelines.

8 MS. ADDISON-MILES: Yes.

9 DR. ICHIMURA: I think the key change -- Lenora, if
10 you want me to go on and introduce it or ---

11 MS. ADDISON-MILES: Yes, sir. Go right ahead.

12 DR. ICHIMURA: I think the key change in here, we
13 have allowed 24 hours Internet seminars. And
14 I think that's going to be very useful.
15 Something started by Jason, Jason Terry. I
16 guess I better give him credit.

17 MR. GORMAN: Yeah, and this is Chuck. I think we
18 also -- was nice that we added the business --
19 -

20 DR. ICHIMURA: Yeah.

21 MR. GORMAN: --- portion as well.

22 DR. ICHIMURA: Yeah, we now have an allowance for
23 business management training and in the
24 category of professional development.

25 MR. GORMAN: And I think that was Mark's suggestion

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DR. ICHIMURA: Yeah, Mark's. And I think the final, the final major updates were basically update on how the board actually audits CE records. And what we've done here is to reflect current practice. I kind of drafted it, and I think, Lenora, you looked after me to make sure it, it's pretty accurate.

MS. ADDISON-MILES: Yes, sir. I just added information that pertains to the actual process we use here like with the, the actual auditing of records. When they fail to respond to the CE audit within the time allowed, we actually -- their license is suspended because we send a Cease and Desist Order suspending their license because they failed to respond to the audit. So, yeah, they -- just basic procedural changes that we do. I just added that information in here.

DR. ICHIMURA: Yeah, there's -- what -- is there a difference because in the past, which was they -- their license becoming inactive versus suspended.

MS. ADDISON-MILES: I've just used suspended because that is what the Cease and Desist Order says:

1 Your license is suspended until you provide
2 proof of your documents as required.

3 DR. ICHIMURA: Okay.

4 MS. ADDISON-MILES: Yeah.

5 DR. ICHIMURA: I know that that was a change ---

6 MS. ADDISON-MILES: Yes.

7 DR. ICHIMURA: There's some, there's some -- there's
8 some changes, some legal changes -- you know,
9 there's some language in here about pre-
10 approved ---

11 MS. ADDISON-MILES: Consent Agreement, yes.

12 DR. ICHIMURA: And there's a question mark on it.

13 MS. ADDISON-MILES: Yes, sir. Based on our
14 guidelines that were prepared and we used
15 during previous audits -- we didn't have this
16 situation to occur for geologists, but we have
17 had it in several other boards. So based on
18 the general guidelines that we were using, if
19 an individual did not submit the adequate
20 number of CE credits -- if they renewed their
21 license and they didn't have the appropriate
22 amount, so basically they provided maybe a
23 false answer on the renewal form, they said,
24 yes, I have my hours but they didn't, they
25 actually got the hours after they renewed the

1 license, we can use, if the board agrees, a
2 pre-approved Consent Agreement with a fine
3 that says, you know, I renewed my license. I
4 gave you a false statement on the renewal
5 form. I admit that. I am in compliance with
6 the CE requirement now. I admit my
7 wrongdoing, and I'm going to pay a fine of,
8 you know -- now the other boards that I have,
9 we currently use a \$500 fine.

10 DR. ICHIMURA: Wow.

11 MS. ADDISON-MILES: So if that is something that the
12 board is interested in doing, that's why I
13 have the question marks there.

14 DR. ICHIMURA: Did everybody find that section that
15 Lenora is reading? It's about three pages
16 from the back.

17 MS. ADDISON-MILES: Yes. It's 5-D. It's under --
18 at the end of 5-B, the board may request more
19 information described as follows. It's in
20 that third paragraph. And then I also added
21 section D at the end. And that -- the one,
22 section D is for people that basically don't
23 respond to the audit at all. They don't
24 respond, so their license is automatically
25 suspended with a Cease and Desist Order

1 issued. And if they want to seek
2 reinstatement, they can sign that pre-approved
3 Consent Agreement that we discussed and
4 certify that they didn't practice after they
5 received that order. And if for any reason
6 they don't want to sign the agreement they can
7 request to appear before the board.

8 MR. TAYLOR: And this is Mark Taylor. I think --
9 and we are -- this discussion is do we remove
10 the question marks from behind fine and leave
11 that language in there as an option; the board
12 can do it. Or whether -- it's also in
13 parenthesis. How is that paragraph intended
14 to be handled?

15 MS. ADDISON-MILES: Basically, if they don't submit
16 the adequate amount of CE that are taken --
17 that -- they have acquired the CE, but they
18 didn't acquire it during the allotted time;
19 they provided a false answer on their renewal
20 form. They said, yes, I have the hours at the
21 time that I'm renewing, but they didn't
22 actually get the hours. They got them after
23 they renewed the license, so they presented a
24 false answer on the renewal form.

25 MR. TAYLOR: Right.

1 MS. ADDISON-MILES: We need guidance as to how the
2 board wants to handle that for providing that
3 false answer. Do you want to ---

4 MR. TAYLOR: I understand, I'm sorry. I wasn't
5 clear ---

6 MS. ADDISON-MILES: That's okay.

7 MR. TAYLOR: --- trying to ask how the wording of
8 the paragraph above C is that has the question
9 marks in it?

10 MS. ADDISON-MILES: Uh-huh.

11 MR. TAYLOR: How is that going to be -- how is that
12 going to read because that, that sentence has
13 a parenthesis to start it but it doesn't
14 close.

15 MS. ADDISON-MILES: Okay. Let me find my procedures
16 here and I can give you a suggestion.

17 MR. TAYLOR: Well, I mean, again, all I was trying
18 to do was get a how are the words going to be
19 in the, in the guidance? Registrant who
20 ultimately -- okay, and fines. So we would
21 remove the parenthesis pre-approved Consent
22 Agreement and fine, question, question, from
23 the guidance?

24 MS. ADDISON-MILES: Or we could say that they will
25 be offered or issued a pre-approved Consent

1 Agreement and fine of whatever amount for
2 submitting a false statement on a renewal
3 form.

4 MR. TAYLOR: I see. Okay.

5 MS. ADDISON-MILES: Uh-huh.

6 DR. ICHIMURA: Yeah, I would maybe -- maybe the
7 language -- let me offer a suggestion in
8 language. Can start the board may, may
9 require a pre-approved Consent and fine ---

10 MS. ADDISON-MILES: Right.

11 MR. TAYLOR: Thank you. That's all I was trying to
12 do, yes. That would be great.

13 MR. GORMAN: (Inaudible).

14 (Several speakers).

15 MR. GORMAN: The problem with using the word may
16 though is, you know, I guess we have to decide
17 how egregious it is.

18 DR. ICHIMURA: I mean what's the thought here? I
19 mean I can see someone submitting something
20 that they thought was right and then we've dug
21 through it and we found that, you know,
22 perhaps the statement may have been incorrect
23 based on the backup information that, you
24 know, the person will be subject to a fine.

25 MR. GORMAN: The way the dates overlap and, you

1 know, we do it in mid-year and -- middle of
2 the year, you know what I mean? And so
3 someone might do a June or August and kind of
4 lose track of which (inaudible) -- I've had to
5 think about that a couple times myself, you
6 know. I can see the error creeping in.

7 MR. TAYLOR: All right. It's -- this is Mark
8 Taylor. It seems to me that this would then
9 read: The board would issue a pre-approved
10 Consent Agreement and might levy a fine for
11 submitting a false -- or may levy a fine.

12 MR. GORMAN: I think that ---

13 MR. TAYLOR: --- agreement still an agreement that
14 we acknowledge that it happened and we're
15 gonna fix it. And then we would decide
16 whether or not it was a calendar mistake or,
17 you know, somebody -- whatever.

18 MR. GORMAN: Yeah, I mean -- I don't know.
19 (Inaudible) dates trying to remember when the
20 last biennium was myself, you know, because
21 again it does sort of straddle multiple years.
22 You got '09, '10 and '11. You just have to
23 make sure you look at the month carefully.
24 You know, I would like to have discretion
25 there.

1 MR. TAYLOR: Yeah, that's what I said. I -- that's
2 why I would think -- it would seem to me the
3 Consent Agreement can be automatic. That's
4 just an acknowledgment that it happened and
5 it's getting fixed. But then the -- the fine
6 would be discretionary. Like I said, we would
7 issue a Consent Agreement and may or might
8 levy a fine.

9 DR. WARNER: Which it already says they may be
10 subjected to a fine in the, in the preceding
11 sentence.

12 MR. TAYLOR: That's a good point, yes.

13 DR. WARNER: So ---

14 MR. TAYLOR: Okay, well, do we need ---

15 DR. WARNER: I don't really see a need for that.

16 DR. ICHIMURA: Yeah, I was thinking of dropping the
17 ---

18 MR. TAYLOR: I'm sorry ---

19 DR. ICHIMURA: --- with the parenthesis ---

20 (Several speakers).

21 DR. WARNER: Just a single sentence is all we need
22 there.

23 MR. TAYLOR: Right.

24 MR. GORMAN: I guess from Lenora's perspective, if
25 she had a pre-approved Consent Agreement, it

1 would make her job easier instead of having to
2 do a customized one. Although, you know, I
3 don't know how often it'll happen. Lenora,
4 you want to speak to that?

5 MS. ADDISON-MILES: We haven't really had the
6 problem before with geologists, as I stated
7 earlier. This is something that we use with
8 other boards because you do have individuals
9 that will complete that renewal and say, yes,
10 I have the hours. They may do the renewal in
11 May and they don't get the hours until June or
12 July.

13 DR. ICHIMURA: Okay.

14 MS. ADDISON-MILES: Yeah. And that's where this
15 would come in: If they were audited and they
16 were caught. And then it shows, well, you
17 renewed your license in May and you indicated
18 you had your 32 hours, but then your documents
19 show you didn't complete the hours until June
20 or July.

21 MR. GORMAN: Yeah, but we got -- I mean, if they
22 were smart, they would -- I guess that would
23 come through the previous paragraph. Doesn't
24 it allow them up to 90 days?

25 MS. ADDISON-MILES: That's only if they're audited.

1 After they're audited and they have
2 insufficient proof of attendance. If you --
3 they show their documents and you say, well,
4 this doesn't show that you completed this
5 course or there are no dates on your
6 certificate or we need additional information.

7 MR. GORMAN: How about if somebody submitted one
8 that was short? Would that paragraph still
9 apply, the 90 day? Say they only came up with
10 27 hours?

11 MS. ADDISON-MILES: That's what the board has done
12 in the past: They gave them additional time
13 to make up the course because the individual
14 thought the course that they took was
15 acceptable. But upon review by the board, the
16 board determined, well, no, this is not an
17 acceptable course. We're gonna give them X
18 amount of time to get another course.

19 MR. GORMAN: Well, how about if somebody just said,
20 I only had -- they admit they only had say 27
21 hours.

22 MS. ADDISON-MILES: Well, if they only have 27 ---

23 MR. GORMAN: --- come in then?

24 MS. ADDISON-MILES: If they don't have enough hours,
25 we don't allow them to renew. If they admit I

1 don't have enough hours, we don't allow them
2 to renew. If they answer no on the online
3 renewal question Do you have the 32 hours, if
4 they say no, it doesn't allow them to renew
5 it. It tells them that they have to send in a
6 paper form once they've received the hours
7 along with their documentation.

8 MR. GORMAN: And that, you know, that would allow
9 them to go to December to, to pay and get
10 their ---

11 MS. ADDISON-MILES: Right.

12 MR. GORMAN: --- documentation?

13 MS. ADDISON-MILES: Right. That's when they have
14 until -- they would just have to pay the late
15 fee if they don't have the -- their hours and
16 it's past June 30th. If they don't have the
17 hours, they have until December 31st to apply
18 for late renewal.

19 MR. GORMAN: Okay. Is that in here anywhere?

20 MS. ADDISON-MILES: No, because this is just audit.
21 This is not renewal.

22 MR. GORMAN: Yeah, okay. Well, I mean so we want
23 people to be honest and just admit, okay, I
24 don't have it and then go out and make good on
25 it and pay the late fee and get it in by

1 December I guess is what we're saying. And we
2 don't want somebody just to do -- hit yeah
3 I've got the hours and then grab a couple
4 hours later and then try to submit that as
5 their, you know -- but when they finally do
6 get it audited.

7 MS. ADDISON-MILES: We don't have to use the Consent
8 Agreement thing. That's just something -- if
9 the board doesn't want to get into that,
10 that's fine. We don't have to do that. That
11 was just an option. We can just continue to
12 do it the way we have been. And you can
13 handle it I guess on a case-by-case basis for
14 making a false statement on a renewal form if
15 we get someone that's in that predicament.

16 MR. GORMAN: --- make them pay the late fee if they
17 inappropriately answered the question?

18 MS. ADDISON-MILES: I'm sorry?

19 MR. GORMAN: I said I guess we couldn't make them
20 pay the late fee if they, like somebody else,
21 if they just inappropriately answered the
22 question.

23 MS. ADDISON-MILES: You mean if they renew their
24 license on time and then, once they're
25 audited, we find that they really didn't have

1 the correct amount of hours? They provided a
2 false statement on the renewal? You're asking
3 can we have them pay a late fee as a penalty?

4 MR. GORMAN: Well, a late fee because we would then
5 give them till December ---

6 MR. GRIGG: (Inaudible).

7 MS. ADDISON-MILES: But at that point it's a false
8 statement.

9 MR. GRIGG: I think at that point it becomes a
10 disciplinary matter that would have to be
11 investigated and presented to the board
12 through the Office of General Counsel. And
13 then the board -- it wouldn't be a late fee at
14 that point. It would be, depending on what
15 the board's decision at that hearing was, a
16 potential fine or other disciplinary options.
17 But I don't think you could just retroactively
18 go back in and charge somebody a late fee, if
19 I'm understanding the question correctly.

20 MR. GORMAN: Yeah. I mean I was just trying to say
21 we could get them on the same track as the
22 people that are late and would be coming in in
23 December is basically what I was thinking ---

24 MS. ADDISON-MILES: Not if they put a false
25 statement on a renewal form ---

1 MR. GORMAN: --- but I see what you're saying.

2 MR. GRIGG: Yeah, if it becomes a false or
3 fraudulent statement, I mean there's things
4 written into the practice act regarding that.
5 And it becomes a -- it would become a
6 disciplinary matter at that point.

7 MR. GORMAN: Well, I mean one advantage of having a
8 pre-approved Consent Agreement and a pre-
9 approved fine is that, you know, we'll -- if
10 we -- and if there's discretion to apply the
11 pre-approved Consent Agreement and pre-
12 approved fine, it would save us from having to
13 go through all that at one, in one discussion.
14 You know what I mean? And I think it would
15 add some consistency so if we ever did find
16 that that needed to be done, we don't -- you
17 know, not (inaudible) would be 350 this time
18 and, you know, three years later we do 300 and
19 next time we do 600, you know. So we're not
20 all over the board.

21 DR. WARNER: This is Dr. Warner. Lenora, what do
22 other boards usually levy as a fine?

23 MS. ADDISON-MILES: \$500.

24 MR. GORMAN: Wow.

25 DR. WARNER: Do we want to put a number like that

1 in so we don't have to debate this every time?

2 MR. GORMAN: Well, I think if we decide that we --
3 if we have may in both sentences, I think it
4 gives us discretion (inaudible) or whether we
5 think it was more deviant than that. Of
6 course how would you know, but to me -- also
7 have to determine a fine amount. But it
8 basically (inaudible) if it ever was applied I
9 guess is my thinking.

10 DR. ICHIMURA: Any other thoughts? So there seem to
11 be a favor -- is -- are the people in favor of
12 having a fine stated in here? I mean, Chuck,
13 I know your opinion.

14 UNIDENTIFIED SPEAKER: A dollar amount?

15 DR. ICHIMURA: A dollar amount. And, you know, a
16 dollar amount and the Consent Agreement.

17 MR. TAYLOR: The 500 does sound pretty steep.

18 DR. ICHIMURA: Yeah, it ---

19 MR. GORMAN: Put less than that. How about ---

20 DR. WARNER: 300?

21 MR. GORMAN: 300. You read my mind.

22 MS. ADDISON-MILES: So pre-approved Consent
23 Agreement and \$300 fine?

24 DR. WARNER: Yeah.

25 MR. GORMAN: Yeah.

1 UNIDENTIFIED SPEAKER: Anybody else have a problem
2 with the fine?

3 (Several speakers).

4 DR. WARNER: Okay.

5 DR. ICHIMURA: Okay. How about the other change
6 that's on the bottom that's similar to it, the
7 bottom of the page regarding execute a pre-
8 approved Consent Agreement?

9 MS. ADDISON-MILES: This is for individuals, as I
10 mentioned earlier, that D applies to
11 individuals that do not comply. They haven't
12 complied at the time of renewal and they still
13 have not obtained the required CE. They don't
14 have it. One way or the other, they do not
15 have the required hours. Their license is
16 automatically suspended, and a Cease and
17 Desist Order is issued. And if they seek to
18 be reinstated, they have to sign that pre-
19 approved Consent Agreement and pay that fine
20 and certify that they didn't practice after
21 they received that Cease and Desist Order.

22 MR. GORMAN: --- same -- so we'd use the same pre-
23 approved Consent Agreement as ---

24 MS. ADDISON-MILES: Right.

25 MR. GORMAN: --- as the ---

1 MS. ADDISON-MILES: Yes, sir.

2 MR. GORMAN: --- previous paragraph?

3 MS. ADDISON-MILES: Yes, sir.

4 MR. GORMAN: Okay.

5 MS. ADDISON-MILES: Because either way they have
6 said I had the hours and they didn't.

7 MR. GORMAN: Right, right. I'm fine with that.

8 DR. ICHIMURA: Okay. Any other discussions?

9 UNIDENTIFIED SPEAKER: So how would that -- going
10 back to B, how would that sentence then read
11 after it says Investigation, disciplinary
12 action and fines? What would the actual
13 wording then be?

14 UNIDENTIFIED SPEAKER: I guess we'd say the board
15 may issue a pre-approved Consent Order and
16 fine for submitting a false statement on a
17 renewal form.

18 DR. WARNER: The fine of \$300?

19 UNIDENTIFIED SPEAKER: I don't know if we need to
20 put that in here. I guess it would be useful.
21 Or should we just leave it in the Consent
22 Agreement? Pre-approved Consent Agreement
23 with a fine.

24 MR. TAYLOR: This is Mark Taylor. I don't think
25 that the adjective pre-approved needs to be in

1 this. It would just be a Consent Agreement.

2 MS. ADDISON-MILES: Just Consent Agreement.

3 MR. TAYLOR: And fine.

4 MR. GORMAN: Well, what do you think, Lenora? I
5 mean by pre-approved she means sort of a, a
6 template.

7 MR. TAYLOR: No, I understand that completely. It
8 just doesn't seem that that's relevant to ---

9 MS. ADDISON-MILES: That's correct. We don't have
10 to have pre-approved. We don't have to have
11 that word. That was just for us to, to debate
12 today. Yeah.

13 MR. TAYLOR: And we, we can -- we could pre-approve
14 one. I just don't think it needs to be in the
15 guidance.

16 MS. ADDISON-MILES: Yes, sir.

17 DR. WARNER: Agreed.

18 MR. GORMAN: So do we just need to say the board may
19 issue a -- the board may issue a Consent
20 Agreement or fine ---

21 MS. ADDISON-MILES: And \$300 fine.

22 MR. GORMAN: Yeah. Anyone -- you want to put the
23 dollar amount?

24 DR. WARNER: Yeah, let's go ahead and do that.

25 MR. GORMAN: Okay.

1 MR. TAYLOR: I agree with that also. This is Mark.

2 MR. GORMAN: I'm fine. This is Chuck.

3 DR. ICHIMURA: Okay. I kind of lost track of what
4 the language was, but I guess there -- we have
5 a language in here that says that the board
6 may, may subject this registrant to an
7 approved ---

8 UNIDENTIFIED SPEAKER: May require. May require.

9 (Several speakers).

10 DR. WARNER: May require a Consent Agreement.

11 DR. ICHIMURA: May require a Consent Agreement and
12 \$300 fine?

13 MR. GORMAN: Require or issue?

14 MS. ADDISON-MILES: Require or issue.

15 MR. GRIGG: Yeah, that's what I'm thinking.

16 MS. ADDISON-MILES: Advice counsel is thinking on
17 may or issue ---

18 DR. ICHIMURA: A Consent Agreement and \$300 fine.

19 MR. GRIGG: I mean, I would put something to the
20 effect of may issue a Consent Agreement --
21 yeah, I think that's fine. The ---

22 MS. ADDISON-MILES: The board may issue a Consent
23 Agreement and \$300 fine for submitting a false
24 statement on the renewal form.

25 MR. GRIGG: Yeah, I think that's fine. Do it that

1 way.

2 MS. ADDISON-MILES: Okay.

3 DR. WARNER: Or do I put and levy a \$300 fine?

4 MR. GRIGG: I don't think it matters personally.

5 DR. WARNER: Okay.

6 DR. ICHIMURA: Okay. The language reads: The board
7 may issue a Consent Agreement and a \$300 fine

8 ---

9 MR. GRIGG: Because, quite honestly, you don't have
10 to put the dollar amount in there. There's
11 nothing wrong with putting it in there if
12 y'all want it in there. But a Consent
13 Agreement has to be signed off on by the
14 parties affected anyway. So if they don't
15 effect it, you wouldn't be levying -- if they
16 don't approve it I mean, you wouldn't be
17 levying a fine regardless. So they're gonna
18 know it's in there before it's ever executed.

19 DR. WARNER: So \$300 will show up in the Consent
20 Agreement?

21 MS. ADDISON-MILES: Yes.

22 MR. GRIGG: Yeah. And again, by nature of it being
23 a Consent Agreement, they would have to
24 approve it, the State would have to approve
25 it, and then y'all would have to execute it.

1 MR. GORMAN: Yeah, that's a good point. If, if we
2 put it in here, we'd be locked into it.

3 DR. WARNER: Okay. In that case, I think \$300 is
4 appropriate amount. Was -- we can, we can
5 have that in the Consent Agreement.

6 MR. GORMAN: Yeah, we can have that in the
7 (inaudible) template Consent Agreement have
8 \$300. But if we ever decided we want to
9 change that amount, if I'm not mistaken, we
10 have to come back to this document.

11 DR. WARNER: That's true. Okay. So just go with
12 fine without any amount.

13 MR. GORMAN: Yeah. I think that's probably more
14 flexible.

15 (Several speakers).

16 MR. TAYLOR: This is Mark Taylor ---

17 (Several speakers).

18 DR. WARNER: Vernon, you want to read it one more -
19 --

20 DR. ICHIMURA: Yeah, I'm, I'm -- what I have here:
21 The board may issue a Consent Agreement for
22 submitting a false renewal form. Is that ---

23 MS. ADDISON-MILES: Consent Agreement and fine.

24 DR. ICHIMURA: Or we putting Consent Agreement and
25 fine?

1 DR. WARNER: Yes. But just no amount.

2 DR. ICHIMURA: For submitting a, a renewal form.

3 DR. WARNER: False statement on the renewal form.

4 DR. ICHIMURA: For submitting a false statement on
5 the renewal form. Let me read it again. The
6 board may issue a Consent Agreement and fine
7 for submitting a false statement on the
8 renewal form.

9 DR. WARNER: That sounds good.

10 DR. ICHIMURA: Sounds reasonable?

11 MR. TAYLOR: Yes, agreed.

12 DR. ICHIMURA: Okay.

13 MR. GORMAN: I agree. This is Chuck.

14 DR. ICHIMURA: Let's see if there's anything else.
15 There's -- I think there's nothing else
16 controversial in here, right, Lenora? I mean
17 that ---

18 MS. ADDISON-MILES: No, sir.

19 DR. ICHIMURA: And everything else remains the same.
20 So is there a motion to accept this with the,
21 with the change of that language that the
22 board may issue a Consent Agreement and fine
23 for submitting a false statement on a renewal
24 form?

25 DR. WARNER: I so move that we accept the revised

1 continuing education guidelines.

2 MR. TAYLOR: This is Mark Taylor. I second.

3 DR. ICHIMURA: It has been moved and second. Those
4 in favor, aye?

5 BOARD MEMBERS: Aye.

6 MS. BEHLES, COURT REPORTER: May I ask who made the
7 motion?

8 MS. ADDISON-MILES: Dr. Warner. And Mr. Taylor
9 second.

10 DR. ICHIMURA: --- South Carolina Board of
11 Registration Continuing Education Guidelines
12 have been accepted with (inaudible). Okay.

13 MR. TAYLOR: Excuse me. This is Mark Taylor. I had
14 a conference call scheduled at 11. May I
15 excuse myself for this last item about the
16 exam?

17 DR. ICHIMURA: Any comments?

18 DR. WARNER: No, that's no problem.

19 DR. ICHIMURA: You're excused. No problem.

20 MS. ADDISON-MILES: Mr. Taylor? Excuse me.

21 MR. TAYLOR: Yes, ma'am.

22 MS. ADDISON-MILES: Do you have any objections to
23 the proposed board meeting dates for 2012?

24 MR. TAYLOR: No, no. Thank you. I -- no, I don't.

25 MS. ADDISON-MILES: Okay.

1 MR. TAYLOR: I just need to get them on a calendar.

2 (Several speakers).

3 MR. GORMAN: --- I make a motion we accept the
4 proposed meeting dates.

5 DR. ICHIMURA: I have one conflict. And I -- let me
6 ---

7 DR. WARNER: Since I'll be stepping down, I have no
8 conflicts.

9 DR. ICHIMURA: I have just one. I'd like to move
10 the May 17th to a week later to May 24th if,
11 if everyone can make it.

12 MR. GORMAN: --- Labor Day in May?

13 MS. ADDISON-MILES: I'm not sure.

14 DR. ICHIMURA: Labor Day.

15 DR. WARNER: That's true. If I were still on the
16 board, I'll be in Utah on May 17th.

17 MR. TAYLOR: Those are fine with me as well.

18 DR. ICHIMURA: Okay. So let's ---

19 MS. ADDISON-MILES: You want to change it to May
20 24th?

21 DR. ICHIMURA: Yeah, May 24th. A week later.

22 MS. ADDISON-MILES: I tell you what, when you go
23 into executive session to review the
24 examination results, I can check our calendar
25 to see if we have a room available on the

1 24th.

2 DR. ICHIMURA: Okay.

3 MS. ADDISON-MILES: Okay?

4 DR. ICHIMURA: Mark, you're okay with the 24th and,
5 you know, we'll go ---

6 MR. TAYLOR: Sure. Yeah, just ---

7 DR. ICHIMURA: Okay.

8 MR. TAYLOR: --- after the meeting and, and also the
9 schedule for the next one which would be in
10 February.

11 DR. ICHIMURA: Okay.

12 MR. TAYLOR: All right. Thank you very much.

13 Apologize.

14 (Mr. Taylor disconnects from the conference call).

15 DR. ICHIMURA: Okay. Any public comments? Any
16 public there?

17 MS. ADDISON-MILES: No public here.

18 MR. GORMAN: I make a motion we go into executive
19 session to look at the ASBOG exam scores.

20 DR. WARNER: This is Dr. Warner. I'll second.

21 MS. ADDISON-MILES: Okay.

22 DR. ICHIMURA: There's a move and second that we
23 move into executive session. Any discussions?

24 We are now so moved into executive session.

25 (Executive session from 11:21 to 11:38 a.m.)

1 DR. ICHIMURA: We'll return to public session.

2 DR. WARNER: So now we're in public session?

3 MS. ADDISON-MILES: Yes.

4 MR. GORMAN: These are already de facto accepted by
5 the board. We don't need to vote on that
6 issue since that's already been addressed.

7 DR. WARNER: This is Dr. Warner. We want to go
8 ahead and receive clarification of why the
9 scale scores dropped for the FG exam?

10 MR. GORMAN: Yeah. I'll make a motion that Lenora
11 give us some clarification on why the raw
12 score is higher than the scaled score on the
13 Fundamentals of Geology Examination for
14 September 2011.

15 DR. WARNER: I'll second that.

16 DR. ICHIMURA: It has been moved and second that we
17 obtain more information about the raw score
18 versus the scaled scores on the Fundamental
19 Exam. Those in favor?

20 BOARD MEMBERS: Aye.

21 DR. ICHIMURA: I guess I -- Lenora, do we have -- we
22 have a quorum with three; I have to vote,
23 right?

24 MR. GRIGG: Yeah, he'll need to vote.

25 DR. ICHIMURA: Yeah, aye then if I have to vote.

1 MS. ADDISON-MILES: Okay. I did check on the
2 availability, and we do have a room on May
3 24th.

4 DR. ICHIMURA: Okay.

5 MR. GORMAN: Well, this is Chuck Gorman. I move
6 that we accept the meeting dates with the
7 change to the May 17th to May 24th, 2012
8 meeting dates.

9 DR. WARNER: I'll second the motion, Dr. Warner.

10 DR. ICHIMURA: It has been moved and seconded that
11 we accept the proposed meeting dates with the
12 change that the May 17th meeting move to May
13 24th. Those in favor, say aye.

14 DR. WARNER: Aye.

15 DR. ICHIMURA: Chuck?

16 MR. GORMAN: Aye.

17 DR. ICHIMURA: And I say aye.

18 MR. GORMAN: Yeah. Chuck, yeah.

19 DR. ICHIMURA: Aye.

20 (Several speakers).

21 DR. ICHIMURA: Any other items that we need to talk
22 about? I guess the next meeting for the South
23 Carolina Board of Registration of Geologists
24 tentatively scheduled -- I guess it will be
25 scheduled on February 16th.

1 MS. ADDISON-MILES: Yes, sir.

2 DR. ICHIMURA: Is there anything else? I move to
3 adjourn I guess. Somebody move to adjourn.

4 DR. WARNER: I move to adjourn.

5 MR. GORMAN: I second.

6 DR. WARNER: Dr. Warner, I moved.

7 DR. ICHIMURA: I guess those in favor?

8 BOARD MEMBERS: Aye.

9 DR. ICHIMURA: Adjourned.

10 (Whereupon, at 11:41 a.m., the
11 proceeding in the above-entitled
12 matter was concluded.)
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STATE OF SOUTH CAROLINA)
) CERTIFICATE
COUNTY OF LEXINGTON)

Be it known that I, Tina F. Behles, Nationally Certified Court Reporter and Notary Public in and for the State of South Carolina, took the foregoing meeting at 10:03 a.m. on Monday, December 12, 2011 at the offices of the South Carolina Department of Labor, Licensing and Regulation, 110 Centerview Drive, Columbia, South Carolina;

That the foregoing 69 pages constitute a true and accurate transcription of the proceedings and all testimony given at that time to the best of my skill and ability;

I further certify that I am not counsel or kin to any of the parties to this cause of action, nor am I interested in any manner of its outcome.

In witness whereof, I have hereunto set my hand and seal this 4th day of January 2012.

Tina F. Behles, CVR
Notary Public for South Carolina
My commission expires January 13, 2020

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