

MINUTES
South Carolina Board of Registration for Geologists

Board Meeting

10:00 a.m., April 12, 2013
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Meeting Called to Order

Vernon Ichimura, PhD., chairman, of Aiken, called the regular scheduled meeting of the SC Board of Registration for Geologists to order at 10:02 a.m. Other members participating in the meeting included: Charles Gorman, III, vice chairman, of Columbia; and Mark Taylor, of Greer.

Staff members participating during the meeting included: Lenora Addison-Miles, Administrator; Theresa Garner, Program Assistant, Darra Coleman, Chief Advice Counsel; and Holly Beeson, Counsel to the Office of Communications and Governmental Affairs.

Dr. Ichimura announced that public notice of this meeting was properly posted at the SC 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 Excused Absences

Mr. Gorman made a motion to approve Dr. Nelson's absence. Mr. Taylor seconded the motion which carried unanimously.

Approval of the December 6, 2012 and February 12, 2013 Meeting Minutes

MOTION

Mr. Taylor made a motion to approve the December 6, 2012 minutes. Mr. Gorman seconded the motion which carried unanimously.

MOTION

Mr. Gorman made a motion to approve the February 12, 2013 meeting minutes. Mr. Taylor seconded the motion which carried unanimously.

Chairman's Remarks – Vernon Ichimura, PhD.

Dr. Ichimura thanked everyone for coming in on a Friday, and thanked Lenora for making arrangements for the meeting.

Administrator's Remarks – Lenora Addison-Miles

Mrs. Miles reminded board members they needed to electronically file their statements of economic interest forms with the State Ethics Commission, prior to April 15th. Mrs. Miles reported there were currently 638 active Geologists registered through June 30, 2013, and eight active GIT's. She stated renewal information would be sent out the beginning of May. The Fiscal Year 2013 cash balance report for February was \$62,951.33 and \$59,472.11 for March. She said the board has received a Call for Nominations for Candidates as Secretary of ASBOG.

They will adopt the 2013 slate of officers on November 2, 2013 during the annual meeting in Knoxville, Tennessee. If the board wishes to nominate a person for the position, a form will need to be completed and submitted by the deadline of May 28, 2013.

Unfinished Business

There was no unfinished business.

Mrs. Miles stated information regarding the electronic seals would be available at the next meeting.

New Business

Governor's Regulatory Review Task Review

Darra Coleman, Chief Advice Counsel, stated that on February 12, 2013, Governor Haley issued an Executive Order establishing the Regulatory Reform Task Force. This Task Force is charged with evaluating all current statutes, regulations, rules, and policies for their effects on business, and to propose recommendations to relieve those burdens. On February 20th of this year, Governor Haley requested that all boards and commissions review their statutes, regulations and policies.

Each agency should consider factors to include, but not limited to, their necessity, complexity, efficiency, effectiveness, redundancy, public complaints or comments, short-and long-term effects, impact on all affected persons, both intended and unintended, and unintended negative consequences. As each board or commission completes its review the advice counsel assigned to that board or commission will prepare a summary to be submitted to a member of LLR Senior Management Team. The Senior Management Team will further review the statutes, rules, regulations and policies to identify any additional suggestions. The comments received from the public, feedback from the boards and commissions, and the Senior Management Team, will be compiled and edited for inclusion in the agency's report which is due to the Governor on May 15, 2013. The agency has a deadline of April 15th for completion of the review process.

Mrs. Coleman said she was following an order in all of the meetings, and she recommended the board follow that order for this meeting. The first, was, the identification of public notification of the regulatory review process for the Geologists. On March 7, 2013, this agency published notification on its website that this board would be meeting today. Additionally, this was listed as an agenda item on the agenda. She stated the board was inviting comments in the following order: 1) Comments from the Administrator and staff on the following issues: What are common complaints from licensees, common complaints from the public, if any, and what slows down the internal process for serving licensees. 2) Members of the board could offer suggestions and improvements for the same issues. 3) Public, for public comments. Mrs. Coleman asked Mrs. Miles could she identify any complaints or common concerns.

Administrator

Mrs. Miles stated the board does not get complaints from the public. The only concern she has received from the licensees is regarding reinstatement. She said currently the board requires applicants to pay all of their past renewal fees, and late fees in addition to the reinstatement fees, and there is some disagreement with the former registrants in the way the law is written, and the interpretation, and that can be somewhat of an issue. She said the board does not have an issue with internal processes; the only thing that might hold up an individual's license is

making sure their documents are submitted from other states, or references or their employers sending in employment verifications, or the transcripts actually being sent from the institutions.

Mrs. Coleman asked Mrs. Miles if she saw any way to improve that process, or did she think the complaints she received from the public are simply that they have to comply with these requirements.

Mrs. Miles said there is some disagreement in the way they interpret the regulations and the way we interpret the regulations. Licensees feel that it is somewhat of a financial burden to have to pay all of the past renewal fees when they haven't been working here, in addition to paying a reinstatement fee.

Board Members

Mrs. Coleman asked board members if they had any knowledge they would like to share or complaints from the public or licensees, or any concerns about processing.

Charles Gorman, DHEC

Mr. Gorman, from DHEC, stated that he deals with the public, and a lot of documents are submitted with PG or PE stamps. He said he has not received any complaints from the public about that. He said that was one thing the board has talked about, changing the regulations to include electronic seals. He said he knew the Governor was focused on burdens to businesses and that would be a huge relief to them. He said he always hears it is a struggle for Geologists to get continuing education credits, 32 hours biennially. He said the board has revised the guidelines several times to make it more flexible, and to allow for online courses, in house courses, even courses that may not be directly Geology related but may be business related. He said the board has heard these concerns and has given some flexibility.

Mrs. Coleman asked Mr. Gorman if he thought any further adjustments should be made regarding continuing education credits. Mr. Gorman said the regulations give the number, and not the substance or how you can get the 32 hours.

Vernon Ichimura, Chairman

Mr. Ichimura stated the only complaint he has heard is the number of CE's. He said he thought there were some positive things that come out as a result of the requirements for CE's. For example, the Clemson Hydrogeology Symposium would not exist if it were not for the CE requirements.

It forces the practicing folks to go out there and learn some new ideas that are being introduced by the university and the academic environment. He said he had a tendency to keep the 32-hour requirement.

Mrs. Coleman asked board members if they had any suggestions on how to improve things internally, or did they have any concerns within the agency.

Mr. Ichimura stated that he has worked with Lenora for a number of years and found ways to expedite the licensing process, where one of the board members is involved in expediting the process by which they allow them to take the examinations, and that process works very well. There are things the board is quietly doing, as the rules and regulations allow; to expedite the licensing process putting efficiency in the process of licensing in the state.

Mr. Taylor, Practicing or Consultant Geologist

He said his practice is primarily with industry. He said he did not think in the 20 years he has been doing this in South Carolina that he has had one person in industry register a complaint with the requirements to have a properly trained professional do their work.

Mrs. Coleman asked board members if they had any other topics to be discussed, and included in the summary. The board members had no other comments.

Public Comments

Christine Langton, President of the Central Savannah River Area Geological Society, holds a BS and MS Degree in Geology and Geochemistry, and a PhD in Material Science, and she is working in material science. She stated she does not have a PG but is representing those that do.

The membership for the CSRA Geological Society includes people from the community of practice, that is, PG's licensed in South Carolina, and degree geologists working as geologists but do not have PG's. They are also represented by a community of interest, the general public and students.

Ms. Langton pointed out the following:

- 1) Economic Impact of having PG's licensed in South Carolina, supporting South Carolina business communities, government agencies, and municipalities. The members feel the licensed PG's have a positive impact on South Carolina businesses. She said they do not get many complaints, and have positive interactions. She said they did not see any negative impacts.
- 2) CPU Credits - She said in general they feel the 32 credits is the right number. The CPU process does generate a positive economic impact in South Carolina. They go on field trips, and have meetings, and generate some business in the community.
- 3) Reinstatement - Ms. Langton stated that in this economic time there are people, whose careers are changing, and they are changing mid-career, late in life, and there are many jobs where geologists are working and a PG license is not required. She asked if the licensing process would consider giving people credit for experience time. She also stated the electronic seal would be a good feature.

Mrs. Coleman asked board members if they had any thoughts or comments regarding Ms. Langton's remarks.

Mr. Gorman said he agreed with all of Ms. Langton's points, he stated he does understand what she was trying to say regarding the reinstatement issue, basically reopen a "grandfather" type situation. Currently you have to take the ASBOG exams, which is a challenge if you have not been in school recently. He said he thought it would be difficult to open the "grandfather" clause at this point.

Mr. Taylor stated Ms. Langton's remark about "grandfathering" was an interesting question. When the board looks at a lot of the applications, the National exam, knowing that standard is out there; there is a reason for that. It's a good consideration and a valid one, and has a lot of implications particularly with reciprocity in other states.

Dr. Ichimura said in all due fairness he thought Mr. Taylor explained some of the reasons why it would be very tough to allow "grandfathering". He said there are also things like fairness, he said there were people that were qualified in the recent past that were not allowed in, and also the other states around us do not allow that. He said for us it would be an uphill battle, and it is

clear some of these folks are really qualified and have been around and practicing their specialty for many years.

Mrs. Coleman stated that she would like to say this is not a unique challenge for Geologists; several other boards have been confronted with issues relating to reciprocity or the grandfathering process. She stated the most difficult situation for any regulatory authority occurs when a person has been grandfathered under another state's grandfathering policy and they come to South Carolina seeking reciprocity without coming anywhere close to meeting our states standards, each practice act is different.

Mr. Gorman asked Mrs. Coleman if she would forward the comments or suggestions regarding the Governor's Regulatory Review, to board members. She said either she or the board's legal counsel, Georgia Lewis, would report back to him.

Annual/Biennial Licensing

Holly Beeson, Counsel to the Office of Communications and Governmental Affairs, stated she has been speaking to several of the boards to see if there were any conflicts or questions in their statutes or regulations about whether they engage in annual or biennial license renewals. She asked Mrs. Miles if they mentioned renewals in their practice act, the actual annual verses biennial, she said if they did she could not put her finger on it. Mrs. Miles stated it was in Regulation 131-10. Mrs. Beeson said that would make it much easier for them. She said most of the boards at LLR renew their licenses biennially, every two years. She said it was her understanding from Lenora that is how the Geologists do it as well. She said the statute does require that the fees should be set in regulation. She referred members to Regulation 131-10, that states all applications for renewal shall be filed with the board prior to June 30th each year, and that would anticipate an annual renewal.

She said they were trying to assist all of the boards in assuring that if they have biennial renewal, either their practice act or regulations, however it is set up, reflects that. She said with the board's approval she would like to amend the regulations to reflect that. It would simply say all applications for renewal shall be filed with the board prior to June 30th of every 2nd year or biennially. She said the alternative would be for the board to go back to annual licensing.

MOTION

Mr. Taylor made a motion to amend Regulation 131-10(A) to make it consistent with the practice of biennial licensing. Mr. Gorman seconded the motion which carried unanimously.

ASBOG Examination Request

Caitlin Farnsworth (FG)

Ms. Farnsworth submitted an application to take the Fundamentals of Geology examination for certification as a geologist-in-training. She obtained a Bachelor of Science degree in Geology from the University of California on December 10, 2010, and her file was complete.

MOTION

Mr. Gorman made a motion to approve Ms. Farnsworth's request for a GIT. Mr. Taylor seconded the motion which carried unanimously.

Licensure via Reciprocity/Endorsement

Rene' G. Cortez

Mr. Cortez was registered in Texas on August 16, 2003, by the grandfather provision. He is not licensed in any other states. He obtained a Bachelor of Science degree in Geological

Engineering from the University of Wisconsin on May 17, 1998. If approved, Mr. Cortez will owe \$85 for the second year license fee. His file was complete.

MOTION

Mr. Taylor made a motion to deny Mr. Cortez's licensing request due to lack of taking the ASBOG exam. Mr. Gorman seconded the motion which carried unanimously.

Brandt Morrow

Mr. Morrow was registered in North Carolina on July 1, 2011, by ASBOG examinations. He obtained a Bachelor of Science degree in Geology from North Carolina State University on May 12, 2007. If approved, Mr. Morrow will owe the additional \$85 for the second year license fee. His application was complete.

MOTION

Mr. Gorman made a motion to accept Mr. Morrow's application as a registered Geologist. Mr. Taylor seconded the motion which carried unanimously.

Michael J. Murphy

Mr. Murphy was registered in North Carolina by ASBOG examinations on July 1, 2012. He obtained a Bachelor of Science degree in Geology on December 20, 2002, and a Master of Science degree in Marine Science on December 10, 2004 from the University of North Carolina at Wilmington. If approved Mr. Murphy would owe an additional \$85 for the second year license fee. His application was complete.

MOTION

Mr. Taylor made a motion to approve Mr. Murphy's PG application. Mr. Gorman seconded the motion which carried unanimously.

Peter F. Pozzo

Mr. Pozzo was registered in North Carolina by ASBOG examinations on May 19, 2008. He obtained a Bachelor of Arts degree in Geology from Guilford College on May 10, 2003. His file was complete.

MOTION

Mr. Gorman made a motion to accept Mr. Pozzo's application to be a registered Professional Geologist. Mr. Taylor seconded the motion which carried unanimously.

Reinstatement Request

Caitlin L. Current

Ms. Current was requesting reinstatement of her registration that lapsed on June 30, 2009. She has submitted a complete reinstatement packet, including an application, notarized statement indicating that she has not practiced in South Carolina since her registration lapsed, paid all past renewal fees, late renewal fees, reinstatement fees, and provided documentation of her continuing education.

MOTION

Mr. Taylor made a motion to accept Ms. Current's request for reinstatement contingent upon verification of an additional 13 CE credits within 120 days. Mr. Gorman seconded the motion which carried unanimously.

Public Comments

There were no additional public comments.

Executive Session

The board did not enter into executive session.

Adjournment

Mr. Gorman made a motion to adjourn the meeting at 11:17 a.m. Mr. Taylor seconded the motion which carried unanimously.

The next meeting of the S. C. Board of Registration for Geologists is scheduled for August 22, 2013, at 10:00 a.m.