

MINUTES
South Carolina Board of Registration for Geologists
Board Meeting

10:00 a.m., December 12, 2013
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 204
Columbia, South Carolina

Meeting Called to Order

Vernon Ichimura, PhD., chairman, of Aiken, called the regular scheduled meeting of the S. C. Board of Registration for Geologists to order at 10:00 a.m. Other members participating in the meeting included: Charles Gorman, III, vice-chairman, of Columbia; Dr. Douglas Nelson, of Conway, and Mark Taylor, of Greer.

Staff members participating during the meeting included: Molly Price, Administrator; Theresa Garner, Program Assistant; Sara McCartha, Advice Counsel; Yolanda Rodgers, OIE Investigations, and Pat Hanks, General Counsel.

Dr. Ichimura 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 Excused Absences

All members were present.

Approval of the August 22, 2013 Meeting Minutes

MOTION

Mr. Taylor made a motion to accept the August 22, 2013 meeting minutes, as presented. Mr. Gorman seconded the motion which carried unanimously.

Chairman's Remarks-Vernon Ichimura

Dr. Ichimura welcomed the board's new administrator, Molly Price. Dr. Ichimura thanked Mr. Taylor for attending the ASBOG annual meeting. Dr. Ichimura suggested the board revisit the continuing education requirements as part of the next agenda. He wished everyone a happy holiday.

Charles Ido- OBS Assistant Deputy Director

Mr. Ido formally introduced Mrs. Price to the board members. Earlier, an email have been sent to board members informing them that Molly would start her employment with LLR on December the 2nd. He stated that Molly was a local girl from Irmo; and a graduate of USC, with a degree in Political Science; and her Masters in Earth and Environmental Resource Management. He stated all four boards would benefit from her practical and educational background. Molly came to LLR from the Department of Natural Resources, where she served as office manager for the office of general counsel. Prior to working there, she worked at the Attorney General's office as a legal assistant. Molly's hobbies include: hunting, and playing softball; she also coaches a girl's fast pitch softball team.

Interim Administrator's Remarks-Theresa Garner

Mrs. Garner reported the board currently has 13 GITS, and 577 Professional Geologists. The Cash Balance report for October reflected a balance of \$113, 749.87.

She informed board members that all exam fees will be paid directly to ASBOG, starting in 2014; information regarding the changes has been posted to the board's website.

The board received the exam scores from the October 4th exams. Four candidates took the fundamentals exam. Two passed, two failed. The highest score was 84, and the lowest score was 57. One person took the PG exam, and received a score of 76.

Revisions for the board's regulations were submitted on 10/25/2013.

The board requested Mrs. Garner research information regarding On-Demand Webinars for the purpose of continuing education. Mrs. Garner reported that ASBOG had submitted an email on her behalf on October the 11th, to poll member board administrators but did not receive a response. Mrs. Garner also polled other boards from LLR, and received two responses. 1) Board stated most live webinars have a system in place that prompts the attendee's to key in certain passwords or codes throughout the webinar, to ensure that the individual is paying attention. 2) Individuals would have to sign into the webinar, and then take a test, and/or, are given some type of certificate that shows they participated and completed the seminar, which would include the date, sponsor, duration, total number of CE hours that were obtained. They would also have to show some type of proof of compliance.

Mrs. Garner reminded board members that the Statement of Economic Interest forms would be due by March 30, 2014. This included all current board members. She stated that Cathy Hazelwood is the contact at the State Ethics Commission, and the forms needed to be completed online at: www.ethics.sc.gov/StatementofEconomicInterests.

OGC Report-Office of General Counsel

Pat Hanks, Office of General Counsel, presented the report on behalf of Megan Flannery. He stated there was one open case that is being expedited.

OIE Report-Office of Investigative Enforcement

Yolanda Rodgers presented the OIE Report on behalf of Sharon Wolfe. She stated there were no cases at this time.

Old Business

Electronic Seals-Architect Regulations Seals (11-E)

Engineers

Sara McCartha stated she was sitting in for Georgia Lewis, Advice Counsel, and was told the board was reviewing the Architects and Engineering Seals procedures as a guideline for Geologists. She stated this was an option, and a choice that could be made available for PG's, and could be reconsidered in the future.

Mr. Gorman said he did not mind if it was an option, he wanted to know how you would go about doing an electronic seal. He stated a seal to him was a little bit ambiguous, who would verify it? He said he has questions about the practical implementation.

Mr. Taylor asked what was the criteria for being verifiable.

Advice Counsel, Sara McCartha stated this has not been a big point of discussion for her boards. She said if the board was going to develop a seal then they needed to research, and seek out a way to craft it so that it would be verifiable.

Dr. Nelson stated he liked the way the Architects has done theirs; they have not given any specifics about how it should be done. They just say it has to be verifiable and have set up parameters for it, and it doesn't matter how you actually carry it out.

MOTION

Mr. Taylor made a motion to ask Legal Counsel to evaluate and recommend a mechanism of company language for use of electronic seals on documents stamped by Professional Geologists. Dr. Nelson seconded the motion which carried unanimously. Mr. Taylor modified his motion to include looking into the Florida DOT standards as well. Mr. Gorman seconded the motion which carried unanimously.

New Business

Proposed Chapter 10: Fee Placement Options-Advice Counsel

Sara McCartha reminded board members they received an email from Director, Holly Pisarik, on

November 21st regarding fee adjustments. Ms. McCarthy stated that the Geologists Board was not affected by the fee adjustment analysis. During this process it was brought to Director Pisarik's attention that it may be beneficial to consolidate all the fees into a new regulation that would go into chapter 10. This would set up a general fee schedule for the entire agency; each board will have its own section strictly for fees. Ms. McCarthy said there were several options to consider: "E"

- a) Your fees will appear in Chapter 10 only OR
- b) Your fees will appear in chapter 10 in addition to your individual regulations, OR
- c) Your fees will appear in chapter 10 with a reference in your regulation to Chapter 10 and LLR's website for your fees

MOTION

Mr. Taylor made a motion in alignment with the Director, to have the Geologist Board CE fees set forth in Chapter 10 and make reference to them in the regulations. Dr. Nelson seconded the motion which carried unanimously. Mr. Taylor amended the motion to say the board would like to receive a copy of Chapter 10 for review, as it will appear in the state register. Dr. Nelson seconded the motion which carried unanimously.

Approval of the 2014 Board Meeting Schedule

MOTION

Dr. Nelson made a motion to approve the August 14, 2014, and December 11, 2014 meeting dates, and asked staff to change the meeting dates for February and May, due to a conflict. Mr. Taylor seconded the motion which carried unanimously.

Approval of Renewal Application

Kenneth A. Lauber

The Board of Registration for Geologists received Mr. Lauber's renewal application and payment on July 8, 2013. Due to not meeting the continuing education requirements of 32 hours, his renewal payment and form were returned. Mr. Lauber also answered "Yes" to the question on the renewal form, "Since your last renewal, have you been convicted of or pled guilty or nolo contendere to a felony or crime of moral turpitude or, are there charges pending against you now?" If yes, please include a full written explanation and documentation; which Mr. Lauber provided along with a reference letter.

Mr. Lauber resubmitted his renewal application and payment on October 8, 2013. According to the boards calculations, Mr. Lauber had only received a total of (30) continuing education hours. The conference on April 19th through April 20th was prior to the CE period of July 1, 2011 through June 30, 2013.

Mr. Lauber was sent a letter on October 24, 2013 requesting additional information regarding the

disposition of his charges, CE documentation for AIPG classes taken in Georgia, and additional CE documentation. He was invited to appear before the board.

The board received additional CE information from Mr. Lauber, on October 10, 2013, via email; which was included in the board information. Mr. Lauber was present for the board meeting.

Mr. Lauber was sworn in for testimony, and declined the right for legal representation.

Mr. Nelson asked Mr. Lauber where the two conferences were held that he attended. Mr. Lauber's response was, Marietta, Georgia.

Mr. Taylor asked staff if the status of the application was pending review and still active. Mrs. Garner's response was, yes. Mr. Taylor affirmed the two reasons the application was under review, 1) Because of Mr. Lauber's response to the question on the renewal form regarding a felony or crime of moral turpitude, and 2) Insufficient continuing education. Mrs. Garner's response was, yes. Mr. Taylor said it was his understanding that as of the board date, Mr. Lauber had met his continuing education requirements. Mrs. Garner's response was, yes.

MOTION

Mr. Taylor made a motion to accept Mr. Lauber's continuing education. Mr. Gorman seconded the motion which carried unanimously.

Mr. Lauber addressed the board. He stated under advice of counsel, he pled guilty to the charges of Mail Fraud. He was sentenced to (8) months home confinement, and is presently paying restitution of \$1,000.00 in monthly payments to the federal government. He said his home confinement was complete, and he has been placed on probation for five years. He said he made some mistakes in judgment, when he was working by himself, and paid a pretty steep price, as a result. He is currently working for an engineering firm, which has a very strict senior peer review process in place; any work that he does is basically reviewed in triplet before being submitted to the client; whether they are private or public.

Mr. Taylor asked Mr. Lauber to expand on the licensing certification process, which requires an individual to be minimally competent to practice the profession independently. He asked Mr. Lauber to explain how the factors reconcile themselves.

Mr. Lauber stated that he obviously worked on projects independently, and from time to time those projects would involve the practice of geology. He said he would have to counter that anything that he does has such a high level of scrutiny, not merely because of the corporate architecture but because of the circumstances that have arisen.

The firm that he is currently employed has a professional geologist and a professional engineer for anything that is required on a project.

MOTION

Dr. Nelson made a motion the board deny Mr. Lauber's request for renewal of his professional geologist license at this time, based on section 40-1-140. The board will reconsider his re-application for renewal after a twelve month period, beginning December 12, 2013. Mr. Taylor seconded the motion which carried unanimously. Mr. Gorman amended the motion to include that Mr. Lauber be issued a refund of his renewal payment.

Licensure via Reciprocity/Endorsement

Andrew T. Benoit

The Board received an application from Mr. Benoit on August 1, 2013. He was licensed by the Florida Board in March 1995 by ASBOG exams. He is also licensed in the states of Georgia and Kentucky. He obtained a Bachelor of Science degree in Geology from the University of Florida in 1985, and a Master of Science degree in Geology from Florida State University in 1992. His file was complete.

MOTION

Mr. Taylor made a motion to accept Mr. Benoit's request for licensure as a geologist via reciprocity. Dr. Nelson seconded the motion which carried unanimously.

James Calhoun

The Board received an application from Mr. Calhoun on July 1, 2013. He was licensed by the Kentucky Board in May 2001 by ASBOG exams, and the license will expire in September 2014. He is also licensed in the states of Missouri, Illinois, and Florida. He obtained a Bachelor of Science degree in Geology from the University of Kentucky on December 16, 1994. This application should have been reviewed by the board in August, but was misplaced by staff. On September 6, 2013, Dr. Ichimura reviewed and approved Mr. Calhoun for licensure with the caveat that his application be reviewed at this meeting. His file was complete.

MOTION

Mr. Gorman made a motion to accept Mr. Calhoun's request for licensure as a geologist via reciprocity. Mr. Taylor seconded the motion which carried unanimously.

Perry G. Frix

The Board received an application from Mr. Frix on August 1, 2013. He was licensed by the Florida Board on May 5, 2006, by ASBOG exams, and also holds a license in Georgia. He obtained a Bachelor of Science Degree from Georgia Tech. on June 13, 1998. His file was complete.

MOTION

Dr. Nelson made a motion to accept Mr. Frix's request for licensure as a geologist via reciprocity. Mr. Taylor seconded the motion which carried unanimously.

Charles B. Hoffman

The Board received an application from Mr. Hoffman on October 21, 2013. He was licensed by the North Carolina Board on May 10, 2013, by ASBOG exams, and his license will expire on June 30, 2014. He obtained a Bachelor of Science Degree in Geology from Clemson University on May 9, 2008. His file was complete.

MOTION

Mr. Taylor made a motion to accept Mr. Hoffman's request for licensure as a geologist via reciprocity. Mr. Gorman seconded the motion which carried unanimously.

Patrick R. Kelly

The Board received an application from Mr. Kelly on September 9, 2013. He was licensed by the North Carolina Board on July 1, 2013, by ASBOG exams, and his license will expire on June 30, 2014. He obtained a Bachelor of Science degree in Geology from the University of North Carolina, Charlotte, on May 12, 2007. His file was complete.

MOTION

Mr. Taylor made a motion to accept Mr. Kelly's request for licensure as a geologist via reciprocity. Mr. Gorman seconded the motion which carried unanimously.

Darren W. Lamsma

The Board received an application from Mr. Lamsma on September 17, 2013. He was licensed by the Illinois Board on December 2, 2008, by ASBOG exams, and his license will expire on March 31, 2015. He obtained a Bachelor of Science degree in Geology on May 17, 1997 from Calvin College, and a Master of Science degree in Earth Science on June 1, 2001 from Western Michigan University. His file was complete.

MOTION

Dr. Nelson made a motion to accept Mr. Lamsma's request for licensure as a geologist via reciprocity. Mr. Taylor seconded the motion which carried unanimously.

Michelle L. Leonard

The Board received an application from Ms. Leonard on August 30, 2013. She was licensed by the Florida Board on December 4, 2012, by ASBOG exams, and her license will expire on July 31, 2014. She also holds a license in Florida. She has both a Bachelor of Science degree (May 6, 2005), and a Master of

Science degree (May 5, 2012) in Geology, from the University of South Florida. Her file was complete.

MOTION

Dr. Nelson made a motion to accept Ms. Leonard's request for licensure as a geologist via reciprocity. Mr. Gorman seconded the motion which carried unanimously.

Edward J. Mackey

The Board received an application from Mr. Mackey on July 30, 2013. He was licensed by North Carolina on January 5, 1998 by ASBOG exams, and his license expires on June 30, 2014. He is also licensed in Virginia. On August 13, 1994 he obtained a Bachelor of Science degree in Geology from Old Dominion University. His file was complete.

MOTION

Mr. Taylor made a motion to accept Mr. Mackey's request for licensure as a geologist via reciprocity. Mr. Gorman seconded the motion which carried unanimously.

Andrew W. McThenia, III

The Board received an application from Mr. McThenia on October 8, 2013. He was licensed with South Carolina in May 2002 by ASBOG exams, and his license expired on June 2003. A motion was carried at the February 16, 2012 Board meeting; that Mr. McThenia submit an application packet as consideration as a new registrant. He currently holds licenses in North Carolina, Virginia, Texas, and Tennessee. He obtained a Bachelor of Science degree in Geology from Washington and Lee University on June 2, 1988. His file was complete.

MOTION

Mr. Taylor made a motion to accept and issue a license based on his application. Dr. Nelson seconded the motion which carried unanimously.

Charles H. Norris

The Board received an application from Mr. Norris on July 22, 2013. He was licensed by the Illinois Board on October 8, 2002 by ASBOG exams and his license expires on October 31, 2014. He also has licenses in WI, WY, IL, IN, PA, UT, KY, VA, and MO. In 1969 he obtained a Bachelor of Science degree in Geology from the University of Illinois at Urbana and on August 21, 1970 he obtained a Master of Science degree in Geology from the University of Washington. His file was complete.

MOTION

Dr. Nelson made a motion to accept Mr. Norris's request for licensure via reciprocity. Mr. Gorman seconded the motion which carried unanimously.

Randolph J. Paetz

The Board received an application from Mr. Paetz on August 20, 2013. He was licensed by the Nebraska Board on December 13, 2001 by ASBOG exams, and his license will expire on December 31, 2013. He is also licensed in the states of Texas and North Carolina. He obtained a Bachelor of Arts degree in Physics from Luther College on May 23, 1982, a Bachelor of Science degree in Geology from Iowa State on May 19, 1984, and a Master of Science in Geophysics on March 31, 1989 from the University of Minnesota. His file was complete.

MOTION

Mr. Taylor made a motion to accept Mr. Paetz's application for licensure via reciprocity. Mr. Gorman seconded the motion which carried unanimously.

Maureen S. Whalen

The Board received an application from Ms. Whalen on October 21, 2013. She was licensed by the Maine Board on June 3, 2009 by ASBOG exams, and the license will expire on December 31, 2013. On May 22, 1982 she obtained a Bachelor of Science degree in Geology from the State University of New York-Oneonta and on December 16, 1989 she obtained a Master of Science degree in Quaternary Studies from the University of Maine. Her file was complete.

MOTION

Dr. Nelson made a motion to accept Ms. Whalen's application for licensure via reciprocity. Mr. Taylor seconded the motion which carried unanimously.

ASBOG Examination Requests

Donald M. Cobb

The Board received an application from Mr. Cobb on July 12, 2013 to take the Principles and Practice of Geology exam. Mr. Cobb is currently a Geologist- in-Training, and passed the Fundamentals of Geology examination for certification on March 1, 2013. In August 2005 he obtained a Bachelor of Science degree in Geology from Clemson University.

MOTION

Mr. Taylor made a motion to accept Mr. Cobb's request to take the PG exam, pending; confirmation regarding the question on the Affidavit of Eligibility that applies to lawful presence status. Dr. Nelson seconded the motion which carried unanimously.

Reid A. Doherty

The Board received an application from Mr. Doherty on August 14, 2013 to take the Fundamentals of Geology examination for certification as a Geologist-in-Training. He obtained a Bachelor of Science degree in Geology from the University of South Carolina on May 9, 2009. We are waiting on a copy of his driver's license, but other than that his file was complete.

MOTION

Mr. Taylor made a motion to accept Mr. Doherty's request to take the Fundamental of Geology exam pending receipt of receiving a copy of his driver's license. Dr. Nelson seconded the motion which carried unanimously.

Todd D. Plating

The Board received an application from Mr. Plating on November 7, 2013, to take the Fundamentals of Geology and Principles and Practice of Geology examinations. He obtained a Bachelor of Science degree in Geology from Appalachian State University on May 19, 2002. His file was complete.

MOTION

Mr. Taylor made a motion to accept Mr. Plating's requests to take the Fundamentals of Geology and Principles and Practice of Geology examinations. Mr. Gorman seconded the motion which carried unanimously.

Approval to attend the ASBOG Task Survey Workshop-Columbia, S.C.

MOTION

Mr. Taylor made a motion to approve Mr. Gorman's attending the ASBOG Task Survey Workshop. Dr. Nelson seconded the motion which carried unanimously.

On-Demand Webinars-Midwest GeoSciences Group

Dan Kelleher

The Board reviewed Mr. Kelleher's request for approval of On-Demand Webinars on August 22, 2013. A motion was made to table the vote until the December 13th meeting, pending further discussion. Theresa Garner received an email from Mr. Kelleher on August 22nd, expanding on the success of the program. He also included a list of licensure programs that have pre-approval processes for continuing education courses for their professional licensure for On-Demand Webinars. Massachusetts, who licenses site professionals, Connecticut, who licenses environmental professionals, and Delaware, who licenses professional geologists programs.

MOTION

Mr. Taylor made a motion to defer the decision until the next meeting, which would give board members an opportunity to analyze and revisit the current guidelines for continuing education and decide whether or not they should stand. Mr. Gorman seconded the motion which carried unanimously.

Continuing Education Preapproval Requests

Vapor Intrusion: The Conference-Angie Frizzell

The board received a request on December 6, 2013 from Ms. Frizzell requesting pre-approval for continuing education credits to sponsor a conference that AEG will hold from January 23-24, 2014 in Cary, N.C. The title of the conference is "Vapor Intrusion: The Conference"

MOTION

Mr. Gorman made a motion to allow the Conference Workshop for continuing education. Mr. Taylor seconded the motion which carried unanimously.

Mineral Surface Geochemistry-Michael Smilley

The board received a request on December 4, 2013 from Mr. Smilley requesting pre-approval for continuing education credits to attend (sit in on) a course in Mineral Surface Geochemistry at Georgia Technical Institute. The course will run from January-May 2014.

MOTION

Mr. Gorman made a motion to allow up to 12 contact hours, (not for credit), and if he is audited; he must provide documentation by the professor that he attended. Dr. Nelson seconded the motion which carried unanimously.

ASBOG ANNUAL MEETING

Mark Taylor

Mr. Taylor stated that he submitted a written report to board members. He suggested the board consider agreements with other states, examples: Texas and Arkansas. The next meeting will be held in Buffalo, New York on April 3rd, 4th, and 5th. The full meeting will be in Indianapolis, on November 11th through 15th.

Public Comments

There were no public comments.

Executive Session

MOTION

Mr. Gorman made a motion the board enter into executive session for legal advice. Mr. Taylor seconded the motion which carried unanimously.

Return to Public Session

MOTION

Mr. Gorman made a motion the board return to public session. Mr. Taylor seconded the motion which carried unanimously. It was noted for the record that no votes or actions were taken while in executive session.

Adjournment

MOTION

Mr. Gorman made a motion at 1:15 p.m., the December 12, 2013 meeting be adjourned. Mr. Taylor seconded the motion which carried unanimously.

The next meeting of the S. C. Board of Registration for Geologists is scheduled for February 3, 2014, in room 204.