

STATE OF SOUTH CAROLINA  
DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BEFORE THE BOARD OF EXAMINERS IN OPTICIANRY

IN THE MATTER OF )  
 )  
BOARD DISCUSSIONS )  
 )  
 ) TRANSCRIPT OF DISCUSSIONS  
 ) VIA TELEPHONE CONFERENCE CALL  
 )  
 )  
 )

Given before Tina F. Behles, Nationally Certified Court Reporter and Notary Public in and for the State of South Carolina, commencing on Monday, November 28, 2011, at 11:07 a.m. 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:

- Via Conference Call: Daniel B. Gosnell  
C. Milton Corley, Jr.  
James L. Rhodes  
William M. Whitlock

For the State: N/A

For the Respondent: N/A

Advising the Board: James C. Saxon, Esquire (LLR)  
SC Department of Labor, Licensing &  
Regulation/Office of General Counsel  
110 Centerview Drive  
P.O. Box 11329  
Columbia, SC 29211-1329

Also present: Angela Combs, Administrator  
Jennifer Cooper, LLR Staff  
Pamela Dunkin, LLR Staff

Reported by: Tina F. Behles, CVR

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PROCEEDINGS

(On record at 11:07 a.m.)

MR. GOSNELL: I'd like to call the meeting of the South Carolina Board of Examiners in Opticianry to order.

UNIDENTIFIED SPEAKER: I'll second.

MR. GOSNELL: Okay.

MR. SAXON: We have the little paragraph to read aloud. Public notice of this meeting was properly posted at the South Carolina Board of Examiners in Opticianry, 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. And let me ask that, as each of you speak, if you'll preface whatever you have to say, please, by stating your name so that the court reporter can get that down. Back to you, Dan.

MR. GOSNELL: Okay. Jamie?

MR. SAXON: Yes, sir.

MR. GOSNELL: Would you mind starting out to -- just to kind of explain the different aspects of the law, what the Engine is and what the regulation and all that?

1 MR. SAXON: All right. Let's start with the  
2 regulations if that's okay with y'all.

3 MR. GOSNELL: Yeah, that's fine.

4 MR. SAXON: All right. This is just a -- what we're  
5 terming a -- it's not very artful, but it's very  
6 descriptive: A cleanup of your regulations that  
7 simply makes them no longer conflict with your  
8 statute.

9 MR. GOSNELL: Yeah.

10 MR. SAXON: There aren't any substantive changes.  
11 There are grammatical changes and that sort of  
12 thing. The only possibly substantive change  
13 you'll find in 96-110 under Standards of  
14 Practice where Section C as in Charlie has been  
15 struck. But everything else is simply a  
16 grammatical change.

17 MR. GOSNELL: Right.

18 MR. SAXON: And what we'll do is -- Dan, if you will -  
19 - I mean, if y'all have any questions, ask me  
20 any questions you have.

21 MR. GOSNELL: Okay. We'll start with Regulation 96-  
22 104.

23 MR. SAXON: Okay. The only change was to change the  
24 word less, which is ungrammatical, to fewer.

25 MR. GOSNELL: Okay.

1 MR. SAXON: In 105, Section A, the only change was  
2 from has to have. Again, just a grammatical  
3 change.

4 MR. GOSNELL: Right. Okay.

5 MR. SAXON: 96-106 A(2), again, a grammatical change  
6 from less to fewer. And that's it except for  
7 Section C of 96-110, which was struck.

8 Apparently it conflicted with your statute; is  
9 that right, Angie?

10 MS. COMBS: Yes. There's nothing in the statute that  
11 allows them to have this.

12 MR. SAXON: Okay.

13 MS. COMBS: There's no mention of registration ---

14 MR. SAXON: Okay, so because your statute doesn't  
15 mention this, your regulation can't do it.

16 Can't do what the statute doesn't do.

17 MR. GOSNELL: Okay.

18 MR. SAXON: And that's it for your regulations,  
19 Chapter 96. Any other questions or comments?

20 MR. GOSNELL: Any questions, board members?

21 MR. CORLEY: Not at this time. I would make a motion  
22 that we do the recommended changes.

23 MR. SAXON: Who is that making the recommendation?

24 MR. CORLEY: This is Milton Corley.

25 MR. SAXON: Okay.

1 MR. WHITLOCK: Second. Mac Whitlock.

2 MR. GOSNELL: All in favor?

3 BOARD MEMBERS: Aye.

4 MR. GOSNELL: Okay, it's carried.

5 MR. SAXON: All right. Now the Engine was a cleanup  
6 as well. There are a few changes. Of course  
7 this is Article 1, Chapter 40.

8 MR. GOSNELL: Now explain what you mean by Engine now?

9 MR. SAXON: Well, it's also a term of art. When the  
10 Legislature created LLR, it -- they just called  
11 it the Engine because it's the same for all of  
12 the boards and commissions.

13 MR. GOSNELL: Yeah, okay.

14 MR. SAXON: Now each of you have your practice acts.  
15 But the Engine is the first thing, and it's the  
16 same overall for everybody.

17 MR. GOSNELL: Yeah, okay. I just wanted everybody to  
18 be aware of that, because some of them haven't  
19 been around as long as I have.

20 (Laughter).

21 MR. SAXON: Do y'all have copies of that?

22 UNIDENTIFIED SPEAKER: Yes.

23 MR. SAXON: All right. Do you have any questions  
24 you'd like to ask me that I might be able to  
25 help you with?

1 MR. GOSNELL: I don't believe so. This is Dan. I  
2 don't think so.

3 MR. SAXON: All right. We do not vote on this. It's  
4 simply open for discussion. And if you have any  
5 questions, I'll try to answer them.

6 MR. RHODES: This is Jimmy Rhodes. At this time, I  
7 don't have any.

8 MR. SAXON: Okay.

9 MR. WHITLOCK: Mac Whitlock. I have none.

10 MR. SAXON: Okay.

11 MR. CORLEY: The only one I had was in the Section A  
12 under 41-50, the second paragraph down on the  
13 hiring practice.

14 MR. SAXON: Right. That simply changes what has been  
15 the practice for more years than anybody can  
16 remember. So ---

17 MR. CORLEY: The -- I know she had -- the director had  
18 to choose from a list of candidates submitted by  
19 the boards. Now, the governor has to do that.  
20 But the director will now have the authority  
21 just to hire whoever they want? Is that what  
22 they're doing?

23 MR. SAXON: Yes, sir. That's just the administrator,  
24 not the people appointed to the board.

25 MR. CORLEY: That is correct. That is correct. Key

1 people.

2 MR. SAXON: That would be Angie.

3 MR. CORLEY: Yeah. Okay.

4 MR. SAXON: All right. Any other questions?

5 MR. GOSNELL: I have none. This is Dan.

6 MR. SAXON: Okay.

7 MR. RHODES: Jimmy Rhodes. Jimmy has none.

8 MR. SAXON: Okay.

9 MR. WHITLOCK: Whitlock has none.

10 MR. SAXON: All right. Well, is there anything else  
11 that you'd like to discuss? If not, Ms. Cooper  
12 has something -- a date that she'd like to  
13 discuss with you. So if I may, I'm going to put  
14 Ms. Jennifer Cooper on.

15 MR. GOSNELL: Okay.

16 MS. COOPER: Yes. For these proposed regulations, we  
17 need a hearing date. And this is simply a  
18 formality. This date probably won't be needed.  
19 But if you could choose a date between January  
20 23rd and January 30th for a proposed reg  
21 hearing, that'll be great.

22 MR. SAXON: And Jennifer's right in that it's very  
23 rare; almost never is this date needed. But we  
24 have to have one just in case the public has  
25 comments or questions.



1 MR. GOSNELL: And those dates again, please? I'm  
2 sorry.

3 MS. COOPER: January 23rd through the 30th.

4 MR. GOSNELL: Okay.

5 MR. SAXON: And she has some times available if you'd  
6 like her to go through those times.

7 MR. GOSNELL: Yeah, okay.

8 (Off the record discussion of dates and times).

9 MR. SAXON: Okay, ten o'clock then on December 24th --  
10 no ---

11 MS. COOPER: January.

12 MR. SAXON: January 24th.

13 MR. GOSNELL: Is that in agreement with all the board  
14 members?

15 MR. CORLEY: Sounds okay to me. Milton.

16 MR. GOSNELL: And that means we need to be there,  
17 correct?

18 MR. SAXON: Well, if it -- if we have to have one,  
19 yes, sir.

20 MR. GOSNELL: Oh, okay.

21 MR. SAXON: But if we don't have to have one, we'll  
22 know by the 23rd of January whether there has to  
23 be a meeting. And if we don't have to have one,  
24 then we'll -- everybody will be contacted and  
25 we'll let you know that you don't have to do

1 anything.

2 MR. GOSNELL: Okay. Sounds good. So tentatively,  
3 that's the January 24th, 2012 at ten o'clock,  
4 correct?

5 MR. SAXON: Yes, sir. Yes, sir.

6 MR. GOSNELL: In Columbia?

7 MS. COOPER: Yes, in Room 105.

8 MR. GOSNELL: 105, okay. LLR building, 105.

9 MS. COOPER: But we'll let you know, and comments can  
10 be received up until the 23rd.

11 MR. GOSNELL: What was that? I'm sorry.

12 MS. COOPER: Comments can be received up until the  
13 23rd, so it will be kind of last-minute notice.  
14 But we'll let you know.

15 MR. SAXON: All right. If there's nothing else, Dan,  
16 you can entertain a motion for adjournment.

17 MR. GOSNELL: Is there a motion that we adjourn?

18 MR. CORLEY: Make the motion. Milton.

19 MR. RHODES: I'll second it. Jimmy Rhodes.

20 MR. GOSNELL: All in favor?

21 BOARD MEMBERS: Aye.

22 MR. GOSNELL: Okay. The meeting is adjourned.

23 MR. SAXON: Thank y'all. Happy Holidays.

24 (Whereupon, at 11:17 a.m., the proceeding in the  
25 above-entitled matter was concluded.)

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 discussion session via telephone conference call and commencing on Monday, November 28, 2011 at the offices of the South Carolina Department of Labor, Licensing and Regulation, 110 Centerview Drive, Columbia, South Carolina;

That the foregoing 10 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 10th day of December 2011.

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

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