

BEFORE THE SOUTH CAROLINA  
SOIL CLASSIFIERS ADVISORY COUNCIL

ADVISORY COUNCIL MEETING

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Tuesday, September 20, 2011  
9:30 a.m. - 10:58 a.m.

The Advisory Council Meeting held before the Board of South Carolina Soil Classifiers Advisory Council was taken at the Synergy Business Park, Kingtree Building, 110 Centerview Drive, Room 105, Columbia, South Carolina, on the 20th day of September, 2011 before Carla S. Dominick, Court Reporter and Notary Public in and for the State of South Carolina.

CALL TO ORDER

MR. CHAIRMAN: Notice has been properly posted about this meeting in all the right places, I guess. My name is Dennis DeFrancesco. I'm the Chairman of the council, and why don't you just introduce everybody here down the line here.

MR. FOWLER: Randy Fowler.

MR. SMITH: Bill Smith.

MR. STUCKEY: Ben Stuckey.

MR. FINCHAM: Chris Fincham.

MS. MOORER: I'm Sherri Moorer, program assistant for the Soil Classifiers Advisory Council.

MS. SIMPSON: And I'm Jan Simpson, the administrator for the Advisory Council.

MR. CHAIRMAN: We also have Carla Dominick here. She is a private company court reporter from Creel Court Reporting, Incorporated. We're trying something new to us anyway. We're not trying it. We're doing it. They're recording everything we say here. I'm not sure exactly why, but that's just how LLR does it here.

MS. SIMPSON: We just started doing that.

MR. CHAIRMAN: We just started doing this. Okay. And Sherri is still taking notes for the official minutes like she's always done. Dave

APPEARANCES:

COUNCIL MEMBERS:

- Dennis J. DeFrancesco, Chairman
- Randall Fowler
- Bill R. Smith

ADVISING THE BOARD:

- Dean Grigg, Esquire

Also Present:

- Sherri Moorer, Program Assistant
- Jan Simpson, Administrator
- Ben Stuckey
- Chris Fincham

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EXHIBITS

(There were no exhibits marked in this meeting)

Hargett could not make it today, our other board member. He called this morning as we're driving down. He sprained his ankle late yesterday and it's like as big as a balloon right now, he says, and not feeling too good. So if he can't make it, that's fine. If we need him, we can call him on the phone he said. He can vote, any votes that we would need him for. So he's medically excused today. Randy and Bill, if you'll look at the minutes. We have two sets of minutes from our last time we met in March. We had minutes from the open membership meeting and minutes from the official Advisory Counsel meeting. So if you want to look at those, and at the appropriate time I'll entertain a motion to adopt the minutes, unless there's any revisions to the minutes.

MR. SMITH: So moved.

MR. FOWLER: Second.

MR. CHAIRMAN: Okay. Can we take a vote on that, Sherri?

MS. MOORER: Yes.

MR. CHAIRMAN: All those in favor say aye.

BOARD MEMBERS: Aye.

1 MR. CHAIRMAN: Motion passes. We had the amended -  
 2 - any revisions to the agenda today, or we go  
 3 with what we have. We do have an applications  
 4 review, George Lankford. Sherri sent this out  
 5 via the secure website a while ago now. It's  
 6 from North Carolina. And by the way, this is  
 7 something new to us. We are reviewing  
 8 applications now in open session. Hence, I'm  
 9 a big fan of that. I'd rather do it a little  
 10 more privately, but that's how we do it now at  
 11 LLR. Is that correct, Jan? Is that true of  
 12 every Board?

13 MS. SIMPSON: Well, it depends on the type of  
 14 application and what's contained in the  
 15 application. If there is -- and we've come to  
 16 call it a clean application, if there are no --  
 17 if there's no evidence that this applicant has  
 18 done anything wrong at any point. It may be a  
 19 reciprocity application where they've been  
 20 sanctioned by another state or whatever. Any  
 21 kind of civil action or criminal action that  
 22 they may have in their background. If it's any  
 23 of that, it would have to go to an application  
 24 hearing before the Board --

25 MR. CHAIRMAN: Okay.

1 saying or -- we just lay out the facts as we  
 2 have gathered them for the application, and  
 3 then he explains what happened. For example,  
 4 we had a hearing recently where the applicant  
 5 had been arrested for DUI in Colorado in 1998.  
 6 That probably alone would have been fine. Now,  
 7 we have some parameters that we're going to  
 8 talk about today. For that Board, that would  
 9 have said, okay, that long ago, we're just not  
 10 going to -- that's not an issue here. However,  
 11 he had not reported it on his application. The  
 12 question is, have you ever been found guilty or  
 13 been found by a court to have any kind of  
 14 offense -- I've forgotten the exact wording,  
 15 other than a minor traffic violation. That's  
 16 not considered a minor traffic violation, and  
 17 the problem was he hadn't reported it. So that  
 18 was why he -- we couldn't approve that  
 19 application at staff level. Even though he was  
 20 qualified. He had all the -- he covered all  
 21 the qualifications he needed. No problem  
 22 there.

23 MR. CHAIRMAN: Right.

24 MS. SIMPSON: It was just that issue. So that was  
 25 an application hearing. And they approved it.

1 MS. SIMPSON: -- and he would come. It's a semi  
 2 formal adjudication. We have a -- you would  
 3 have an attorney. The attorney for LLR would  
 4 present it -- I'm sorry. I'm sorry. That's an  
 5 application hearing. You would have an advice  
 6 counsel, and we would present by script, Sherri  
 7 would, what the problem was. Why the staff  
 8 could not approve it. And we hope to get to  
 9 approving those -- most of your applications  
 10 at staff level. But -- and then it would go to  
 11 a hearing where he has the -- he or she has the  
 12 opportunity to explain what the circumstances  
 13 were regarding that issue. And then it would  
 14 be up to you to accept that application or not,  
 15 or approve it.

16 MR. CHAIRMAN: Now, is that also in open session  
 17 now?

18 MS. SIMPSON: Yes. That would be in open session.  
 19 Anybody could come, anybody could hear it. He  
 20 could bring witnesses on his behalf.

21 MR. CHAIRMAN: Right.

22 MS. SIMPSON: We don't -- it's not adversarial --

23 MR. CHAIRMAN: Right.

24 MS. SIMPSON: -- in that type of situation. We  
 25 don't present somebody to refute what he's

1 He came and explained all about it and why he  
 2 had not reported it, because he really hadn't  
 3 thought of it as anything other than a minor  
 4 traffic -- anyway.

5 MR. CHAIRMAN: Right.

6 MS. SIMPSON: He presented his explanation, the  
 7 Board accepted it and approved his application.

8 MR. CHAIRMAN: Okay.

9 MS. SIMPSON: So that's -- that's kind of what that  
 10 will be.

11 MR. CHAIRMAN: Okay. All right. You mentioned about  
 12 approving applications from us at staff level.  
 13 I think this Board decided that we get so few  
 14 applications we'd like to do it at the Board  
 15 level actually.

16 MS. SIMPSON: Uh-huh (affirmative response). I don't  
 17 have a problem with that, unless the  
 18 application comes in two days after your  
 19 biannual meeting --

20 MR. CHAIRMAN: Right.

21 MS. SIMPSON: -- and that person has to wait six  
 22 months.

23 MR. CHAIRMAN: Not really. We do it via email. We  
 24 can -- chart on our secure website. We look at  
 25 all their information there and correspond via

1 email. If it's a clean application, like you  
 2 say, we give them the go ahead and don't make  
 3 them wait until the next meeting.  
 4 MS. SIMPSON: That's fine.  
 5 MR. CHAIRMAN: So we'd like to keep doing that --  
 6 MS. SIMPSON: That's absolutely fine.  
 7 MR. CHAIRMAN: -- until it becomes an issue.  
 8 MS. SIMPSON: Right. And if they do have an issue,  
 9 I don't -- that's -- you know, they'll just  
 10 have to wait.  
 11 MR. CHAIRMAN: Right.  
 12 MS. SIMPSON: Or if there's some way you can figure  
 13 out to approve that person's application some  
 14 other way, by teleconference or whatever. I  
 15 don't have an answer for that right now. But  
 16 there's -- the Department has asked that we not  
 17 impede commerce --  
 18 MR. CHAIRMAN: I agree.  
 19 MS. SIMPSON: -- and we don't want to hold this  
 20 person up if they're qualified, and if there's,  
 21 you know, a way to do it more quickly than six  
 22 months.  
 23 MR. CHAIRMAN: We think we have that way, via email  
 24 and the secure website. We can handle it.  
 25 MS. SIMPSON: That is fine.

1 MR. FOWLER: So an email vote is acceptable --  
 2 MS. SIMPSON: Yes.  
 3 MR. FOWLER: -- on the application.  
 4 MS. MOORER: We can talk about that more on the  
 5 parameters for establishing that -- formalizing  
 6 that process --  
 7 MR. CHAIRMAN: Right.  
 8 MS. MOORER: -- to let them know how council would  
 9 like to handle that. That's one of those  
 10 issues that I want to talk about are the  
 11 council parameters, how to get that process  
 12 established more formalized where everybody  
 13 knows what's going on and how you will proceed  
 14 with that in the future. Even if it's the same  
 15 way, just to have it on record.  
 16 MR. CHAIRMAN: Sounds good. We do have a current  
 17 applicant, George Lankford. Looking at his  
 18 application going over that and commented via  
 19 email. One of my concerns. He seems like a  
 20 very qualified person. Very competent. He's  
 21 licensed in North Carolina. However, by his  
 22 transcripts, I don't see 15 hours in soils  
 23 courses. I see 14.  
 24 MR. FOWLER: I guess that question is the Soil  
 25 Science 690 seminar, a one hour credit. I

1 copied that -- I went to the course catalog,  
 2 and it's a -- and, Bill, you can correct me,  
 3 but it appears that it's probably the -- where  
 4 they present their attended research to the  
 5 Department and get credit for it. Did you feel  
 6 that, that was what that probably was?  
 7 MR. SMITH: If it's a true seminar course, I took  
 8 seminar at Texas Tech and Arizona and NC State.  
 9 And there, at those institutions, a seminar  
 10 involved not your presentation of research  
 11 proposal, but some subject in soils in which  
 12 you did some investigation, a lot of literature  
 13 review, and then you present to the audience,  
 14 or the people who enrolled in the course. And  
 15 attendance was required, and usually you had to  
 16 present one or sometimes two seminars during  
 17 the semester about some soil related topic.  
 18 And I don't -- it's that way at Clemson as  
 19 well. A seminar involved active participation  
 20 and attendance. And this is true for  
 21 undergraduate and for graduate seminar. So  
 22 usually a presentation of your research is just  
 23 to the committee and you don't get any credit  
 24 for that at all.  
 25 MR. FOWLER: That's why I was confused because in

1 Ohio State we called it seminar. And so, when  
 2 I enrolled I had -- I presented my -- all the  
 3 graduate students were required to be there and  
 4 I presented my research to the Department and  
 5 I got one hour credit for it. But that's what  
 6 I did there. And that's why I wasn't sure  
 7 about what this one was. I mean, you certainly  
 8 got a better feel for it at NC State than I do.  
 9 MR. SMITH: What did Dave say about the seminar this  
 10 morning?  
 11 MR. CHAIRMAN: On the phone we discussed it a little  
 12 bit. He would suggest that we have this person  
 13 clarify what was in that course. Put it back  
 14 on them to tell us what kind of one hour course  
 15 that was. Was it actually instructional or  
 16 just like a place on the Board. To hold a  
 17 place on the -- in the Department.  
 18 MR. SMITH: Well, if that is going to be  
 19 instruction, and your guy -- you have somebody  
 20 standing up and making to a class about it.  
 21 MR. CHAIRMAN: Well, I mean, is it instructional, I  
 22 guess. Was it educational.  
 23 MR. SMITH: But it would be educational in that not  
 24 only are you doing some literature review on  
 25 the topic of soils that you've chosen, but

1 you're also hearing all these other folks who  
 2 are enrolled in the seminar presenting topics  
 3 on subjects which they've done a literature  
 4 review. So in that respect, it is educational.  
 5 It's educational in that you have to go to the  
 6 library and review your topic, and it's  
 7 educational in that you're hearing what other  
 8 people who do a presentation et cetera.  
 9 MR. CHAIRMAN: If that's the case, I agree with  
 10 that. I mean, if they give him a credit for  
 11 that. Randy, you mentioned that it could just  
 12 be, you I said, a proposal --  
 13 MR. FOWLER: Well, in this case I don't know. I'm  
 14 not sure how the different universities do it.  
 15 MR. CHAIRMAN: Yeah.  
 16 MR. FOWLER: But, I mean, either way, even if you're  
 17 presenting your research, you obviously did  
 18 literature review and --  
 19 MR. CHAIRMAN: Oh, yeah. Right.  
 20 MR. FOWLER: -- and you did a lot to do that. I  
 21 guess the question is that, did Soil Science do  
 22 -- do we need some clarification for the record  
 23 for the future or is this enough.  
 24 MR. STUCKEY: But if North Carolina approved him,  
 25 they would obviously know more about the course

1 got licensed. I have no idea. So -- and we've  
 2 had other applications prior to this last one  
 3 I'm talking about that were grandfathered in  
 4 North Carolina that would not meet their specs  
 5 right now.  
 6 MR. FOWLER: Isn't that kind of the purpose of the  
 7 grandfather clause though? If they wouldn't  
 8 meet the specs that they were just introducing  
 9 they'll give people a pass from before because  
 10 of their experience and they didn't have a  
 11 chance to get that knowledge and experience  
 12 through the --  
 13 MR. CHAIRMAN: Somehow Bill was right. You have to  
 14 meet certain minimum requirements anyway. You  
 15 can't just walk in with a high school degree  
 16 and be licensed.  
 17 MS. MOORER: Did North Carolina change their  
 18 requirements at some point --  
 19 MR. CHAIRMAN: No.  
 20 MS. MOORER: -- between when they were actually  
 21 established and now? Because it seems like  
 22 this has been an issue in the past, and we've  
 23 had some come in that had no soil courses and  
 24 we've had others come in that fully met all the  
 25 requirements and it wasn't a problem. That's

1 than --  
 2 MR. CHAIRMAN: Well, not necessarily. We've had a  
 3 recent applicant with zero soils courses, zero,  
 4 who has a North Carolina license, because he --  
 5 it applied here.  
 6 MR. STUCKEY: Was he --  
 7 MR. CHAIRMAN: Grandfathered?  
 8 MR. STUCKEY: -- grandfathered?  
 9 MR. CHAIRMAN: No. Well, I don't -- I don't recall  
 10 that.  
 11 MR. FINCHAM: I thought to be grandfathered you had  
 12 to have -- you had to meet minimal  
 13 requirements.  
 14 MR. SMITH: Yeah.  
 15 MS. MOORER: Yeah. You do have some a little more  
 16 requirements.  
 17 MR. CHAIRMAN: Yeah.  
 18 MR. SMITH: Just anybody could walk in off the  
 19 street and can't get a --  
 20 MR. GRIGG: I'm your advice counsel. Do you want  
 21 me up here or over there?  
 22 MS. SIMPSON: Let the record show that Dean Grigg  
 23 is Advice Counsel for this Council.  
 24 MR. CHAIRMAN: So North Carolina is not going to be  
 25 a -- I mean, I don't know how this other guy

1 just strange.  
 2 MR. CHAIRMAN: Well, the ones that come in here that  
 3 are grandfathered scare me. When I see they're  
 4 grandfathered, oh, my God, this is going to be  
 5 a tough one here. But this fellow is not  
 6 grandfathered. He was admitted through the  
 7 whole process. North Carolina counted, again,  
 8 we've had one with zero courses. One person  
 9 that's licensed up there.  
 10 MS. MOORER: He was licensed in 1999. He wasn't  
 11 grandfathered.  
 12 MR. SMITH: I've got a copy of the requirements in  
 13 North Carolina. I know that they require 15  
 14 hours of soils.  
 15 MR. CHAIRMAN: And three years experience. We  
 16 require two years experience.  
 17 MR. SMITH: But their's are a little bit more  
 18 strict than ours.  
 19 MR. CHAIRMAN: We can discuss this further, but I  
 20 wouldn't mind having this clarified what was in  
 21 that seminar course, just to satisfy our  
 22 policy, which we can discuss that later on  
 23 today about how will we treat these seminar  
 24 courses. If -- if there's no soils content,  
 25 and we can phrase this later --

1 MR. SMITH: Was that an SSC course?  
 2 MR. CHAIRMAN: It is. It's an SSC course, SSC 690.  
 3 But we want to be sure that it's a relevant  
 4 content. And I don't mind personally taking  
 5 some field geology course soils, or something,  
 6 some kind of mineralogy course that's not  
 7 directly soil sample climate, and putting that  
 8 in some -- putting that in the soil  
 9 requirement. But these seminar courses, after  
 10 speaking to you and Randy, they're kind of --  
 11 I want to make sure they clarify what are in  
 12 these seminar courses. If they're getting  
 13 stuff out of it, it'll be fine. It's only one  
 14 credit. They're not going to get a lot out of  
 15 it, but at least something. So that we don't  
 16 set a bad precedent by taking any -- any  
 17 seminar course. We can't get 15 one hour  
 18 seminar courses here and give them a license.  
 19 MR. STUCKEY: Some of those one hour courses you can  
 20 get a whole lot out of them, more than some  
 21 others.  
 22 MR. CHAIRMAN: Sometimes, yeah.  
 23 MR. FULMER: Is that something we can do by email?  
 24 You know, ask them to clarify the nature of the  
 25 seminar course?

1 MS. MOORER: I could post to the secure website.  
 2 Which course is it on his transcripts?  
 3 MR. FOWLER: Soil Science 690.  
 4 MR. CHAIRMAN: In spring of '93 at NC State.  
 5 MR. SMITH: Is that the one hour to get the 15?  
 6 MR. CHAIRMAN: He needs the hour to get to 15. And  
 7 the problem that we have here is that we can  
 8 only -- we must follow the law, whether it's  
 9 good or bad. It's kind of a double sided sword  
 10 here. This fellow I know is qualified. He'd  
 11 be a good soil classifier in this state. He's  
 12 a good fellow and he knows what he's doing, but  
 13 we can't qualify him. On the other hand, I've  
 14 seen some applicants here that I wouldn't trust  
 15 them digging a hole, but they technically  
 16 qualify, so we must give them a license. We  
 17 have to give them -- we can't deny that they  
 18 have these minimal requirements, we've got to  
 19 issue a license. So it cuts -- cuts both ways  
 20 here. So you guys of the opinion we can ask  
 21 him to clarify what's in this course?  
 22 MR. GRIGG: Do you have an email address? Do we  
 23 have that information --  
 24 MS. MOORER: We have a secured website set up, too,  
 25 so I can post it and they look at it on that

1 website.  
 2 (Off the record conversation)  
 3 MS. MOORER: I would think that he could get that  
 4 description to us quickly. I mean, if I ask  
 5 him for it this afternoon I might have it  
 6 tomorrow.  
 7 MR. SMITH: Yeah, I think he'd respond.  
 8 MS. MOORER: I don't think that would take him a  
 9 great deal of time to do. I mean, he could  
 10 probably go to the website and pull the  
 11 description off the website.  
 12 MR. GRIGG: What you could do, and it's up to y'all,  
 13 but what you could do is go ahead and have,  
 14 depending on what the description is, have kind  
 15 of some ideas to what would be satisfactory to  
 16 y'all or not. And then it could just be  
 17 approved if it meets what y'all think, instead  
 18 of y'all having to all -- because the other  
 19 option is they're going to have to email it to  
 20 all of you or y'all are going to have to  
 21 reconvene and think about it again, whatever.  
 22 So if y'all have an idea as to what you want to  
 23 see --  
 24 MR. CHAIRMAN: Yeah.  
 25 MR. GRIGG: Then y'all can go ahead and tell them,

1 and if they can get that then they can go ahead  
 2 and approve it. And then if there's a question  
 3 about it then, he can call back and talk to  
 4 y'all if you wanted him --  
 5 MR. CHAIRMAN: Whatever is most efficient. However  
 6 you want to do it.  
 7 MS. SIMPSON: I think they need to see the  
 8 description of the course to approve that  
 9 course, right?  
 10 MR. CHAIRMAN: I would feel comfortable with that.  
 11 MR. SMITH: It will slow it down --  
 12 MR. CHAIRMAN: I'm going to say at the most two  
 13 days, at the very most, emailing all of us.  
 14 MR. STUCKEY: Can we access things he said?  
 15 MR. FOWLER: It's online, I think.  
 16 MR. CHAIRMAN: It's probably going to take a  
 17 statement from him telling us what was in that  
 18 actual course, if he remembers from 1993. I  
 19 wouldn't remember. If he can --  
 20 MR. SMITH: Can we find a description of the course?  
 21 MS. MOORER: We're both looking right now.  
 22 MS. SIMPSON: Yeah, I don't know.  
 23 MR. CHAIRMAN: As long as he certifies -- at least  
 24 I'm happy if he certifies that there was  
 25 legitimate soils content. If he got something

1 out of that, that's good enough for me. We  
 2 need something on the record though.  
 3 MS. SIMPSON: If it comes up to a landscape  
 4 architecture at which I've never seen --  
 5 MR. FOWLER: That's changed. '93 must have been  
 6 different.  
 7 MS. SIMPSON: All right. So that was in '93?  
 8 MR. FOWLER: Yeah.  
 9 MS. SIMPSON: We're not going to be able to find  
 10 that online.  
 11 MR. FOWLER: We need a more recent description. I  
 12 found one. I don't remember catalog it was  
 13 from, but I found a description. I don't  
 14 remember it verbatim.  
 15 MS. SIMPSON: Is that when he graduated. 690  
 16 graduates. Six hundred --  
 17 MR. CHAIRMAN: The grade was S. That means  
 18 satisfactory, I guess?  
 19 MR. SMITH: Yeah. Normally you don't get a letter  
 20 grade for seminars. It's basically a  
 21 satisfactory or unsatisfactory. We're going to  
 22 try to grade a seminar it's pretty subjective.  
 23 You got an A, you got a C.  
 24 MR. CHAIRMAN: Well, that -- that's my two cents  
 25 worth. You guys want to add anything to it, or

1 have any other opinions or thoughts?  
 2 MR. FOWLER: Find a description of it, document it  
 3 and file it.  
 4 MR. CHAIRMAN: I would have him do it.  
 5 MR. FOWLER: He can find it --  
 6 MR. CHAIRMAN: He would know what was in that course  
 7 better than anybody can. If he remembers what  
 8 it was about even.  
 9 MR. GRIGG: Jan, the problem is, they're going to be  
 10 able to vote by email.  
 11 MS. SIMPSON: Can they --  
 12 MR. SMITH: I thought you said we could vote by  
 13 email?  
 14 MS. SIMPSON: Can they move --  
 15 MR. GRIGG: It's got to be public record.  
 16 MS. SIMPSON: Can they move here that pending  
 17 acceptance --  
 18 MR. GRIGG: That's what I'm saying, go ahead and if  
 19 they want to --  
 20 MS. SIMPSON: -- of that course?  
 21 MR. GRIGG: -- that's what I'm suggesting. Go ahead  
 22 and approve it conditionally upon satisfactory  
 23 proof of what they are hoping to see, and then  
 24 they just need to tell you. And if you want to  
 25 email it to all of them for them to look at it

1 and say that's great or what, that's fine, but  
 2 there would be no further vote. It would be  
 3 you sending it to them saying here's what we've  
 4 got for this gentleman, and then --  
 5 MS. SIMPSON: And then they would go online and look  
 6 at it and let us know.  
 7 MR. GRIGG: -- say okay, yeah, we're happy with  
 8 that. And then your approval has already been  
 9 taken care of today at that point, or if  
 10 there's further issues then we'd have to put it  
 11 on the next agenda and look at it again.  
 12 MR. CHAIRMAN: So you're saying we could approve him  
 13 conditionally today if we -- if we agree --  
 14 MR. GRIGG: Certainly, yeah.  
 15 MR. FOWLER: That's fine with me.  
 16 MR. CHAIRMAN: I make a motion we license this  
 17 fellow George Langford if we're happy with his  
 18 response or responses to the seminar issue.  
 19 MR. FOWLER: Second.  
 20 MR. CHAIRMAN: Those in favor say aye.  
 21 BOARD MEMBERS: Aye.  
 22 MR. CHAIRMAN: The motion carries. I have a  
 23 question for counsel here.  
 24 MR. GRIGG: Okay.  
 25 MR. CHAIRMAN: Can we view these applicants via

1 email and license them provisionally and give  
 2 them a provisional license because we don't  
 3 meet but every six months, so they can operate  
 4 until our next meeting so we can do it in open  
 5 session? I mean, how do we get these people  
 6 licensed kind of quick?  
 7 MS. SIMPSON: I don't think there's --  
 8 MR. GRIGG: There's not a provision for that, that I  
 9 know of. Are you aware of that, Jan?  
 10 MS. SIMPSON: Huh-uh (negative response.) Sherri --  
 11 MR. GRIGG: Unfortunately there's not a provision  
 12 that you can do that.  
 13 MS. MOORER: I believe how y'all have been reviewing  
 14 the few applicants that we get might be  
 15 considered actually staff level licensure,  
 16 because I post them on the secure website, give  
 17 you a time frame to look over them and you get  
 18 back to me and just let me know whether you saw  
 19 any issues that need to go to a meeting. And  
 20 then if nobody says there's issues, you've  
 21 giving me the okay to issue a license --  
 22 MR. CHAIRMAN: Okay. And that's --  
 23 MS. MOORER: -- if you don't say there are any  
 24 issues that need to go to a meeting. That may  
 25 be considered staff level licensure.

1 MR. GRIGG: That's fine if they've given you  
 2 guidelines as to what can be done at staff  
 3 level and what can't. Just as an example, if  
 4 there's nothing that comes up by way of a  
 5 criminal background check, as an example, and  
 6 if they've given you the authority to say okay,  
 7 the application's complete, all the paperwork's  
 8 in, everything is in order, there's nothing  
 9 that we have to red flag, you know, like a  
 10 criminal issue or whatever, then it can be  
 11 granted approved at staff level without us  
 12 having to meet and discuss it every time and  
 13 without it taking six months.

14 MR. CHAIRMAN: And what about the email. Are we  
 15 supposed to see the application and give  
 16 advice to Sherri?

17 MR. GRIGG: Yeah, if y'all want to, you know, you  
 18 can see it and then give advice. You just  
 19 can't actually vote on it.

20 MR. CHAIRMAN: That's fine.

21 MR. GRIGG: So that would be the only thing I'd  
 22 caution you on is you just can't actually  
 23 proactively vote as a Board on that. You could  
 24 say, yeah, this meets kind of our guidelines.  
 25 We're fine with the original staff level. But

1 let me know this needs to go straight to a  
 2 hearing, don't show it to us yet. And that'll  
 3 be cases like if somebody sent me an  
 4 application and said, oh, I was sanctioned in  
 5 North Carolina two months ago and the issue  
 6 isn't settled yet. Then I would know, okay,  
 7 don't post that on the secure website. We need  
 8 to put that on the agenda as an application  
 9 hearing. We're not even going to look at that  
 10 right now.

11 MR. GRIGG: Right.

12 MS. MOORER: And that's what the parameters are, is  
 13 they let me know what's okay to go ahead and do  
 14 the way we've been doing it, if we want to  
 15 continue that way where y'all look at it, you  
 16 let me know, and 30 to 45 days if you see any  
 17 issues that need further consideration in open  
 18 session. If you don't let me know, I issue the  
 19 license.

20 MR. FOWLER: Can it be simple perimeters or can it --  
 21 so can it be as simple as that applications get  
 22 posted, we look at them and simply say I don't  
 23 see any issues. And then it goes back to staff  
 24 level?

25 MR. GRIGG: Yeah. I mean, it can be. Again, you

1 we could --

2 MR. CHAIRMAN: But we could discuss it via email  
 3 among ourselves, and include Sherri in the  
 4 conversation there.

5 MR. GRIGG: The only thing you have to be careful on  
 6 on that is if there was an issue. Say there  
 7 was a hit on their criminal background check or  
 8 whatever and it was something that would likely  
 9 end up coming before the Board. Y'all would --  
 10 would not need to be discussing it beforehand.  
 11 So that's the problem you run into --

12 MR. CHAIRMAN: You could filter that before we even  
 13 see it.

14 MR. GRIGG: As long as you can filter it, yeah.

15 MS. MOORER: Well, actually we're getting into  
 16 council parameters now which is next on the  
 17 agenda --

18 MR. CHAIRMAN: Okay.

19 MS. MOORER: -- so actually --

20 MR. CHAIRMAN: I'm jumping ahead.

21 MS. MOORER: No, you're not jumping ahead. You're  
 22 running right on track.

23 MR. FOWLER: Right on time.

24 MS. MOORER: I think what -- what I would like to do  
 25 is see y'all establish some parameter today to

1 just have to be careful. There needs to be  
 2 some way of filtering it, because if you get  
 3 something that does have an issue, what she's  
 4 talking about, they've been sanctioned in  
 5 another state and -- or they've got pending  
 6 sanctions possibly in another state. You run  
 7 the risk the more you delve into that, whether  
 8 you discuss it openly or not, and that could be  
 9 a pain, in not being able to address that if it  
 10 were to come before the Board at a later date.  
 11 So there needs to be some way to filter that  
 12 type of information.

13 MR. FOWLER: Would it be safe to say if we only  
 14 responded back to Sherri, not among ourselves,  
 15 I don't have any issues with the application.  
 16 When I do have issues, she would then -- if  
 17 there were issues, would be able to say this  
 18 has to go -- I mean --

19 MR. GRIGG: I mean, yeah, I think that's fine. You  
 20 just each have to be responsible for, you know,  
 21 for yourself at that point and making sure that  
 22 you're -- you're doing that. That you're --

23 MR. CHAIRMAN: Does the prior committee have any  
 24 function in this matter? Can they help us?  
 25 Could that --



1 MR. GRIGG: Not on an application matter. Not a  
 2 licensure.  
 3 MR. CHAIRMAN: That's only after the --  
 4 MR. GRIGG: That's only disciplinary, yeah.  
 5 MR. CHAIRMAN: Yeah.  
 6 MR. GRIGG: But yeah, I mean, I think if -- you  
 7 know, each of you are responsible for his own  
 8 email and, you know, I think you can do that.  
 9 MR. CHAIRMAN: To be honest, we have never seen a  
 10 disciplinary matter in any of our applicants  
 11 ever.  
 12 MR. GRIGG: Well, that's good.  
 13 MR. CHAIRMAN: We may tomorrow. Who knows. But so  
 14 far the issues have been with transcripts, with  
 15 is this person, does he appear experienced.  
 16 MR. GRIGG: Stuff like that is not a problem.  
 17 MR. CHAIRMAN: Stuff like that. That's what we're  
 18 talking about.  
 19 MR. GRIGG: Stuff like that is not a problem.  
 20 MR. CHAIRMAN: So I don't want to have the tail wag  
 21 the dog here. I want to have what's really  
 22 important here driving the ship. So let me  
 23 clarify this again. If Sherri posts this --  
 24 this is how I would like to do it if we can  
 25 with your advice here. Have Sherri post it on

1 the secure website any -- any application.  
 2 Have us look at it. And advise Sherri -- even  
 3 with open conversation among ourselves via  
 4 email, advise Sherri if this looks good or bad,  
 5 or if there's any -- any flags like in the  
 6 transcript area.  
 7 MR. GRIGG: As long as you're not voting, and I  
 8 think none of us will vote by email because  
 9 that will have to be done publically --  
 10 MR. CHAIRMAN: Okay.  
 11 MR. GRIGG: -- and as long as you're simply dealing  
 12 with matters of transcript, or we need this  
 13 document, or no, this looks good. That sort of  
 14 thing. Like you're talking about, is 99.9  
 15 percent of it.  
 16 MR. CHAIRMAN: Right.  
 17 MR. GRIGG: I would say, and I think she brought up  
 18 a good point, if it were something that to her  
 19 looks more egregious, then don't even put that  
 20 out there for them to see. If you have any  
 21 questions about it, come to me and we'll look  
 22 at it --  
 23 MS. MOORER: Exactly.  
 24 MR. GRIGG: -- or whatever, and then we can tell the  
 25 Board we've got one we're going to need to

1 place on your upcoming agenda. We've got some  
 2 issues we need to look at. But no, as long as  
 3 you're talking transcripts --  
 4 MR. CHAIRMAN: Yeah.  
 5 MR. GRIGG: -- pure application stuff, and I think  
 6 what you're saying is fine. As long as y'all  
 7 don't take any physical vote or anything on the  
 8 record, or off the record.  
 9 MR. FOWLER: We respond back to the application  
 10 seems complete, we're going to vote.  
 11 MR. GRIGG: I think that's fine. I think that is --  
 12 because most Boards have guidelines and  
 13 parameters set up for just this, a staff level  
 14 type of approval, and that's -- that's all  
 15 you're trying to set up and I think that's  
 16 fine.  
 17 MR. CHAIRMAN: Okay. That's how we've been doing  
 18 basically, but we have been taken a vote. I  
 19 mean, you know, Sherri says okay, the vote is  
 20 five nothing or whatever, so.  
 21 MR. GRIGG: I would caution against that part.  
 22 MR. CHAIRMAN: We're not going to do that.  
 23 MS. MOORER: I think we can probably rephrase it to  
 24 say it looks like -- it looks like five out of  
 25 five members have not had an issue with this

1 application, so the license has been issued.  
 2 MR. CHAIRMAN: Sure.  
 3 MR. GRIGG: Yeah, you can read into that.  
 4 MR. MOORER: I cannot -- right. I won't call for  
 5 votes anymore anyway.  
 6 MR. CHAIRMAN: And your office is, what, two doors  
 7 down from us?  
 8 MS. MOORER: Yes.  
 9 MR. GRIGG: If we have any questions we can always  
 10 ask you.  
 11 MR. CHAIRMAN: Great. I think I'd like to have the  
 12 Board look -- some of these are tactical  
 13 license courses  
 14 MR. GRIGG: That's fine.  
 15 MR. CHAIRMAN: -- soil courses.  
 16 MR. GRIGG: That's fine.  
 17 MR. CHAIRMAN: And just run it through us real quick  
 18 and we can get back.  
 19 MR. GRIGG: I don't think there's any problem with  
 20 it.  
 21 MR. CHAIRMAN: Sure.  
 22 MS. MOORER: I think the staff would probably be  
 23 more comfortable with that, too. Because the  
 24 soil courses are awfully detailed --  
 25 MR. CHAIRMAN: Sure.



1 MS. MOORER: -- and I don't think I would 100  
 2 percent know what we count -- like that seminar  
 3 when y'all said -- I mean, I wouldn't have got  
 4 -- I thought, well, he's okay to have a  
 5 license, and then y'all said, well, this  
 6 seminar we just had a question. We'd like to  
 7 talk about it in open session and make sure  
 8 that we all understand how to count this  
 9 seminar. I wouldn't have even thought about  
 10 that. I probably would have just given him the  
 11 hour and we would have gone with it.  
 12 MR. CHAIRMAN: Sure.  
 13 MS. MOORER: But y'all said, well, we want to talk  
 14 about the seminar. And it really depends on  
 15 what he actually did in that seminar. I didn't  
 16 know the difference.  
 17 MR. CHAIRMAN: Let's back up for a second. Are you  
 18 clear on how you're going to handle this  
 19 person? Are you going to contact him somehow  
 20 and ask him if --  
 21 MS. MOORER: I'm going to contact him and just ask  
 22 him if he could give us a description of what  
 23 kind of work he did in that soil course and  
 24 send it to me, and then I'll put it on the  
 25 secure website. I'll let y'all know when it's

1 instead of a two or three hour course.  
 2 MR. CHAIRMAN: Make the applicant clarify what was  
 3 in that seminar course. We don't want to  
 4 guess. We want to make sure we know.  
 5 MR. GRIGG: I think that's a good idea.  
 6 MR. CHAIRMAN: What I was saying, if you've got a  
 7 course description of a soil seminar and it  
 8 appears to us that it is a bonafide soils  
 9 course --  
 10 MR. GRIGG: I agree.  
 11 MR. CHAIRMAN: -- whether it's one hour or not, is  
 12 immaterial. I would accept that soils course.  
 13 MR. FOWLER: We would have a description on-line.  
 14 MR. CHAIRMAN: Yeah.  
 15 MR. FOWLER: We would know what it is and just --  
 16 MR. SMITH: Most of our folks are either from  
 17 Georgia or North Carolina anyway, or they're in  
 18 the state.  
 19 MR. CHAIRMAN: Yeah.  
 20 MS. MOORER: We used to have something on the  
 21 application that we asked them what 15 hours  
 22 they wanted to count towards that education  
 23 requirement. Do we still have that or did we  
 24 take that off?  
 25 MS. SIMPSON: I'm sorry. Say it again? I'm still

1 up and y'all can take a look at it and just --  
 2 MR. CHAIRMAN: Give our opinion.  
 3 MS. MOORER: Just let me know if you see anything in  
 4 there that still looks like a red flag, and if  
 5 you don't see anything I'll issue a license.  
 6 MR. CHAIRMAN: Very good.  
 7 MS. MOORER: I'll give you a time frame like, you  
 8 know, a week to 10 days, something like that,  
 9 so he won't have to wait forever.  
 10 MR. CHAIRMAN: That sounds good.  
 11 MR. SMITH: When you ask him about it, ask him also  
 12 if he can send you an official course  
 13 description of as to the --you know, if they  
 14 take soil --  
 15 COURT REPORTER: Can you speak up a little bit.  
 16 MR. SMITH: What I was saying is, if they take soil  
 17 classification we what to know if that just a  
 18 soil course.  
 19 MR. CHAIRMAN: All right. We'll make that one of the  
 20 parameters that anybody who took a seminar  
 21 course that's more than 15 hours showing --  
 22 MR. SMITH: Well, if we've got a description of the  
 23 course and it is a soil seminar, then yeah, I  
 24 don't see where that would not be counted as a  
 25 soil course. It's just a one hour course

1 looking for --  
 2 MS. MOORER: We -- before we moved we had a field on  
 3 the application that asked the applicant what  
 4 15 hours they wanted to count towards that  
 5 education requirement. I think we took that  
 6 off.  
 7 MS. SIMPSON: We could put that back on.  
 8 MS. MOORER: You don't think it would be helpful to  
 9 add that field back to the application and just  
 10 ask them what 15 hours they would like  
 11 considered towards that requirement?  
 12 MR. CHAIRMAN: I wouldn't mind.  
 13 MS. MOORER: Would that help y'all and --  
 14 MR. CHAIRMAN: Well, you've got -- you ask for a  
 15 transcript. Why don't you ask them to list  
 16 soils courses and you can kind of compare that  
 17 with the transcript.  
 18 MS. MOORER: We used to do that.  
 19 MR. CHAIRMAN: That fine.  
 20 MS. MOORER: I'm not sure why we quit, unless we  
 21 just figured we had the transcripts and we can  
 22 lash it out ourselves. But --  
 23 MR. SMITH: Let's have them do it. Just put it on  
 24 the applicant. I think it'll be easier.  
 25 MS. MOORER: I think that's a good idea. It would

1 make it clear to us what --  
 2 MR. SMITH: You still would have the transcript, so  
 3 you could just compare it easily to that.  
 4 MR. CHAIRMAN: Right.  
 5 MR. SMITH: You list these soils courses.  
 6 MS. SIMPSON: What is the difference between a  
 7 seminar course and another kind of course? I  
 8 mean, why are you -- why are you -- just  
 9 because I don't understand this. Why are you  
 10 focusing on that one --  
 11 MR. SMITH: Well, normally in a course like I teach,  
 12 like soil science or crop science, I stand up  
 13 there and talk about a subject, and it's  
 14 usually two or three or four hour course  
 15 (inaudible). In seminar the individual taking  
 16 the course participates in that he or she has  
 17 to present something in the subject area.  
 18 Usually -- if it's a soil seminar they can  
 19 select any topic they want that's of interest  
 20 to them. And they have to do a literature  
 21 review and it's usually replete with visual  
 22 aids and this sort of thing. And it's anywhere  
 23 from, I don't know, 20 or 30 minutes to maybe  
 24 an hour, depending on how long winded they are  
 25 and how extensive -- how they do in researching

1 available or not, but used to every state had  
 2 a list of courses that they accepted for USDA  
 3 employment, for soils courses and so forth, but  
 4 --  
 5 MR. CHAIRMAN: We had there here too, I believe. We  
 6 had one for the council.  
 7 MS. MOORER: We've had one.  
 8 MR. STUCKEY: North Carolina may have one, if you  
 9 can get theirs. It's cheap to compare, you  
 10 know, early on.  
 11 MS. MOORER: We actually have a list of North  
 12 Carolina's on that list. In fact, we used that  
 13 list in drafting the regulations, because y'all  
 14 put a definition for what soils courses would  
 15 count in the proposed regulations and we used  
 16 that list to develop that definition or what --  
 17 MR. CHAIRMAN: I think we did limit it. I think we  
 18 said including these other courses.  
 19 MS. MOORER: I think we kind of generalized it, but  
 20 we put in the regulation the following courses  
 21 are considered --  
 22 MR. CHAIRMAN: Right.  
 23 MR. MOORER: -- towards the educational requirement.  
 24 And we had general areas that they could be in  
 25 when we realized people might be coming from

1 the topic or whatever. That involves two  
 2 presentations per semester. But usually -- and  
 3 they also have to attend the seminar. It's  
 4 usually one hour, one day a week. And all the  
 5 people who enroll in seminar will present one  
 6 or two topics of interest to them related to  
 7 the subject of soil science, it relates to soil  
 8 science. If it's crop science, it relates to  
 9 crop science. I mean, most departments have  
 10 seminars. Forestry has seminar, entomology may  
 11 have seminars, plant physiology have seminars.  
 12 But they're listed according to the subject.  
 13 Crop science would be CSSC, or something like  
 14 that. Soil science would be -- in our case  
 15 it's CSENV, crop soil environmental science,  
 16 for example.  
 17 MS. SIMPSON: So it's like an independent study, but  
 18 it is sort of, but it is --  
 19 MR. SMITH: It's more a literature review of some  
 20 subject area.  
 21 MS. SIMPSON: And then there is a professor who  
 22 gives a grade?  
 23 MR. SMITH: Oh, yes.  
 24 MS. SIMPSON: Okay. Thank you.  
 25 MR. STUCKEY: I don't know if they're still

1 other states, since 35 states license, we kept  
 2 it broad so people coming from different parts  
 3 of the country could still count the courses.  
 4 But we do have that list, and we -- we used it  
 5 a lot for a while. I don't think we -- I  
 6 updated it since I moved, but I don't know that  
 7 we have used it all that much in the past  
 8 year.  
 9 MR. CHAIRMAN: Usually most our applicants have more  
 10 than one soils course that -- we don't have to  
 11 really go into it so deep, you know. Like this  
 12 fellow here. Most of them have 20 hours or  
 13 more that -- there's usually no issue. Sherri,  
 14 is there any other issues with council for  
 15 parameters with that on the agenda item? I  
 16 know that -- have we -- have we addressed this  
 17 seminar issue? I mean, do you want to put it  
 18 in some kind of policy? Do you want to draft  
 19 a policy for us to consider regarding these  
 20 seminars to make sure that they are, in fact,  
 21 of some educational value, just ensure that, or  
 22 put it back on the applicant to describe to us?  
 23 Because we need some policy on this that we can  
 24 fall back on.  
 25 MR. FOWLER: Can the policy be as simple as if there

1 is a course that's not traditional -- we all  
 2 know what soil classification, or soil is  
 3 concluded. If it's a course, quote seminar,  
 4 that it would be routine to ask the applicant  
 5 to clarify what the content of that course was,  
 6 either by course description and/or his  
 7 comments.  
 8 MS. MOORER: We actually have something in the  
 9 proposed regulations, and I know they're not  
 10 going in until January, but we need to be  
 11 careful and remain consistent with them if they  
 12 do pass. Approved courses means courses that  
 13 have a significant aspect of soil science as  
 14 their main topic of instruction. Examples  
 15 include soil taxonomy, soil classification,  
 16 soil interpretation, soil physics, soil  
 17 chemistry, soil genesis, soil neurology, soil  
 18 mineralogy, soil biology, soil fertility, and  
 19 wetlands soil. Special projects seminars and  
 20 other courses will be considered on a case by  
 21 case basis by the council.  
 22 MR. GRIGG: And one thing you have to consider is, I  
 23 think what she just read would be sufficient,  
 24 and I don't what to writing a separate policy  
 25 because the burden is on the applicant. It's

1 MR. CHAIRMAN: So we're okay then.  
 2 MR. GRIGG: I think you're okay.  
 3 MR. CHAIRMAN: Are there any other parameters you  
 4 want us to discuss?  
 5 MS. MOORER: Disciplinary. I think we've got the  
 6 application pretty well covered. I think  
 7 disciplinary and things with that is if  
 8 somebody sends us an application and something  
 9 has happened -- it's -- it's rare. In 12 years  
 10 I've never seen an application come in where  
 11 somebody said I was arrested five years ago or  
 12 anything like that.  
 13 MR. CHAIRMAN: Right.  
 14 MS. MOORER: But as soon as we decide not to address  
 15 this an application's going to come tomorrow.  
 16 MR. CHAIRMAN: It will happen. It will happen.  
 17 MS. MOORER: So I think maybe some basic guidelines.  
 18 And we can add to these later as situations  
 19 come up that look like they need to be  
 20 addressed. But I think that my main concern  
 21 is practice related sanctions. If we get an  
 22 application and somebody says they've been  
 23 sanctioned in soil science in another state, at  
 24 what point do you say, well, that was long  
 25 enough ago. If they've met the conditions in

1 always on the applicant.  
 2 MR. CHAIRMAN: Right.  
 3 MR. GRIGG: You're right in what you're saying that  
 4 you want to get back to that and making the  
 5 applicant do the legwork instead of y'all doing  
 6 the legwork. But every application that comes  
 7 into this office, the burden is on the  
 8 applicant to prove to y'all that they are fit  
 9 to practice their profession, you know, with  
 10 the language she just read, and then you've got  
 11 other language in here about, you know,  
 12 character and fitness and their education  
 13 requirements and whatever else. I think you're  
 14 fine. I think it just needs to be -- make sure  
 15 that you're putting all that back on the  
 16 applicant, where it should be --  
 17 MR. CHAIRMAN: Right.  
 18 MR. GRIGG: -- to make sure they're showing you what  
 19 this class means. If you've got a question for  
 20 this gentleman that y'all just talked about.  
 21 We don't quite know what this is, so it's your  
 22 responsibility to tell us.  
 23 MR. CHAIRMAN: Right.  
 24 MR. GRIGG: It's not our responsibility to predict.  
 25 So I think you're fine.

1 the other state we're not going to worry about  
 2 it. We'll just let them know, well, that --  
 3 well, is or not legal, because that's not  
 4 clear. Some states' licensed soil scientists,  
 5 which covers a whole lot more than violation in  
 6 the other state might not be a violation here.  
 7 So I think probably something along those lines  
 8 would just be helpful to us, since we're --  
 9 especially with North Carolina just to the  
 10 north of us and they license a whole lot more  
 11 in that field than we do, to know what do we  
 12 want to look at more closely and what are we  
 13 okay with. So, let's say, somebody says I was  
 14 sanctioned in another state and you say, well,  
 15 if it was more than five years ago in the  
 16 commission from that, we'll do it in a regular  
 17 application or do like we always do, versus if  
 18 it were less than five years ago --  
 19 MR. FOWLER: I guess that would probably depend on  
 20 the number, because let's say it was more than  
 21 five years ago. However, if it was falsifying  
 22 documents. It's different than some minor --  
 23 you know what I'm saying? I don't see how --  
 24 MS. MOORER: Well, that's just it. That's why I'm  
 25 saying maybe we should --

1 MR. FOWLER: Maybe a time frame on it other than --  
 2 it appears to me that this would -- we get so  
 3 few, almost it would have to be just a case by  
 4 case thing. There's no point in --  
 5 MR. GRIGG: Y'all get so few that may not be a bad  
 6 way to look at it. Just deal with it as they  
 7 come up. A lot of times parameters are  
 8 intended -- a lot of these other boards that  
 9 have a lot more issues, like nursing, or  
 10 residential builders or something like that,  
 11 they have parameters -- and just to throw an  
 12 easy one out. They have parameters that like,  
 13 say, if this person's application comes in and  
 14 they had a DUI 10 years ago, we don't care. Go  
 15 ahead and let's just push that through. Let's  
 16 not worry about having a hearing, you know.  
 17 Because they do a lot of that. They'll know.  
 18 So obviously what you're more concerned with,  
 19 as she said, are actual sanctioning and things  
 20 related to your business. The problem with  
 21 that is when you do that, as far as putting a  
 22 time frame on that, because it may be five or  
 23 ten years ago, but it may have been fairly  
 24 serious and y'all may want to know about it.  
 25 So it's completely up to y'all. But you raised

1 to y'all in an email or on the secure website.  
 2 It would be put on your next agenda and y'all  
 3 got to deal with it in follow up session as a  
 4 disciplinary matter at that point to address  
 5 whatever the issue is she saw. And again, it's  
 6 not tainting me, since I don't vote, so you can  
 7 always ask me a question --  
 8 MS. MOORER: Yes.  
 9 MR. GRIGG: -- if there's a yes answer on something,  
 10 you know, and before you show it to them or  
 11 whatever. So you and I can always talk about  
 12 it. But it may be that y'all just want to say  
 13 any yes answer, or any yes answer related to  
 14 our profession, or whatever, you know -- again,  
 15 if it's a DUI or something like that, or  
 16 somebody might have had pot in their pocket,  
 17 you know, in college 15 years ago or whatever.  
 18 But if it's disciplinary related to y'all's  
 19 profession you may just want to leave it like  
 20 you're saying.  
 21 MR. FOWLER: I agree with that.  
 22 MR. CHAIRMAN: Are you okay with that, Bill? That  
 23 approach?  
 24 MR. SMITH: Well, it sounds like you don't --  
 25 MR. CHAIRMAN: Sounds reasonable. We --

1 a good point, and it may be something that you  
 2 just want to -- because we get so few anyway.  
 3 MR. CHAIRMAN: I like that going on a case by case  
 4 basis. We can do that without being tainted by  
 5 it. I mean --  
 6 MS. MOORER: I just need for y'all to tell me so  
 7 when the application -- if an application comes  
 8 in, I know what to do with it. I have no  
 9 opinion, and I will certainly differ to the  
 10 council. I'm okay with what y'all decide. I  
 11 just need for y'all to tell me something. And  
 12 if I can get a yes answer on an application  
 13 Saturday -- or tomorrow or next week, I know  
 14 what to do with it --  
 15 MR. CHAIRMAN: Right.  
 16 MS. MOORER: -- and I don't have to sit and try to  
 17 figure out who do I ask without obtaining  
 18 council to make sure that this is handled.  
 19 MR. GRIGG: Yeah. Without putting a date on it, a  
 20 year on it, you can give her just some basic  
 21 guidelines to where if we see this, or maybe  
 22 you want to say if we see any sanctioning  
 23 related issue, or any professional related  
 24 issues, we need it to come before the board,  
 25 and then at that point it wouldn't be presented

1 MS. MOORER: I think we've licensed maybe four  
 2 people since we moved, so we don't get a lot.  
 3 MR. GRIGG: But it's a good idea just to at least  
 4 just give her kind of a general --  
 5 MR. CHAIRMAN: Right, something --  
 6 MR. GRIGG: -- like, you know, it can be broad.  
 7 MR. CHAIRMAN: Right. But is there any issue, if we  
 8 do have somebody that --  
 9 MS. SIMPSON: I as going to say, and if it does come  
 10 in this afternoon or tomorrow and we don't want  
 11 to wait six months, we may set up a call  
 12 meeting --  
 13 MR. CHAIRMAN: We can always do that.  
 14 MS. SIMPSON: -- at some point between now and the  
 15 next regularly scheduled meeting.  
 16 MR. CHAIRMAN: Sure. Sure. Okay. But how -- is it  
 17 legal to decline or license somebody if they  
 18 qualify technically but they have some major  
 19 infraction that we think is major?  
 20 MR. GRIGG: Yeah.  
 21 MR. CHAIRMAN: Can we decline to license based on  
 22 that? Is that like a character issue?  
 23 MR. GRIGG: When you say that technically we, I  
 24 assume, you're talking about the education  
 25 requirements, work experience --

1 MR. CHAIRMAN: Right.  
 2 MR. GRIGG: -- whatever, that stuff?  
 3 MR. CHAIRMAN: Right.  
 4 MR. GRIGG: Their exams and all the right scores.  
 5 MR. CHAIRMAN: Right, yeah.  
 6 MR. GRIGG: Yeah. You've got a provision in here  
 7 that refers to someone's character and fitness.  
 8 I mean, you know, criminal background and  
 9 whatnot go to that.  
 10 MR. CHAIRMAN: Okay.  
 11 MR. GRIGG: Sanctioned in another state, in Georgia  
 12 or North Carolina, goes to that.  
 13 MR. CHAIRMAN: Okay.  
 14 MR. GRIGG: So you certainly can.  
 15 MR. CHAIRMAN: Sure.  
 16 MS. MOORER: Y'all have done that. I don't know if  
 17 any of y'all are sitting on council a few years  
 18 ago. We did get an application like that. I  
 19 don't know if y'all recall this, but we got an  
 20 application where technically he met the  
 21 requirements but there were serious ethical  
 22 violations on the application in two other  
 23 states and he was declined based on the fact  
 24 that he had unresolved ethical violations in  
 25 two other states, and we did not feel like it

1 reinstatement fee and every other penalty  
 2 that's required? That happen just this past  
 3 year.  
 4 MR. SMITH: Yeah. I did that in North Carolina a  
 5 couple of years ago. It got lost in the mail.  
 6 MR. CHAIRMAN: Easy to do.  
 7 MR. SMITH: It cost me. It cost me a significant  
 8 amount more.  
 9 MS. MOORER: I think I was just asking is it okay to  
 10 do that at the staff level since basically  
 11 y'all have already approved the application and  
 12 --  
 13 MR. CHAIRMAN: Yeah. The individual qualified. All  
 14 they did was forget to pay dues.  
 15 MS. MOORER: We had somebody that accidentally let it  
 16 go, had a project come up, was fixing to start  
 17 on it --  
 18 MR. CHAIRMAN: Right.  
 19 MS. MOORER: -- realized his license lapsed, and  
 20 when he did --  
 21 MR. GRIGG: And y'all have a breakdown of the fees?  
 22 Because looking at the statute it says within  
 23 three years from the date of license lapsed for  
 24 following the state application and paying  
 25 required fees. Do y'all have that on the

1 was -- council did not feel like it was in the  
 2 best interest of the public in South Carolina  
 3 to license this person and allow him to  
 4 practice when he had violated while in two  
 5 other states.  
 6 MR. CHAIRMAN: Right, okay.  
 7 MS. MOORER: And it was under law. So y'all have  
 8 done that. I don't know if any of y'all were  
 9 sitting on council at that time. It's been a  
 10 little while back. But I remember going back  
 11 -- I remember going back through our legal  
 12 department at that point in time saying he  
 13 meets the letter of the law but there are  
 14 problems in other places, and he said they  
 15 don't have to license this guy. Character is  
 16 an issue. I mean --  
 17 MR. CHAIRMAN: Okay. The first one on the  
 18 applications is -- like if it's a restatement  
 19 application with no derogatory on file, is it  
 20 okay to license through the staff an no council  
 21 review? Meaning if somebody let's their  
 22 license expire, which has recently happened,  
 23 instead of checking. Oh, my God, I forgot.  
 24 We're beyond the restatement date. Can staff  
 25 just issue a license if they pay the

1 application? Do you have a fee breakdown or  
 2 something that they --  
 3 MS. MOORER: It's \$250. Their fees are in  
 4 regulation.  
 5 MR. CHAIRMAN: I'm not sure what's on the  
 6 application though.  
 7 MR. GRIGG: Well, I just want to make sure it is  
 8 somewhere they can get it.  
 9 MS. MOORER: It is. It is. And our fees are  
 10 actually in the proposed regulations, and I  
 11 hope that is not going to be a problem when we  
 12 go through legislative review, because there's  
 13 been a legislative push to move those fees from  
 14 regulation to law and I hope that's not an  
 15 issue. We're not going to worry about that  
 16 today. We've addressed it the best way that we  
 17 can with what we've been given. But 200 -- I  
 18 believe y'all voted on a \$250 reinstatement fee  
 19 before we went into the last round, just so we  
 20 can let people know how much it was going to  
 21 cost if they did let it lapse.  
 22 MR. CHAIRMAN: I think you mentioned that in your  
 23 renewable email or letter or whatever.  
 24 MS. MOORER: Something I sent out to tell people  
 25 it's going to be \$250 if you let this lapse.

1 MR. FOWLER: It's on there somewhere.  
 2 MS. MOORER: It was in a newsletter or --  
 3 MR. FOWLER: I think it might be on the renewal  
 4 application or something.  
 5 MS. MOORER: I think it might be. I think I had  
 6 them put that on there just to let them know.  
 7 MR. CHAIRMAN: The second thing is how should we  
 8 formalize the application review process. Have  
 9 we covered that now?  
 10 MS. MOORER: I believe we've covered that.  
 11 MR. CHAIRMAN: Okay. Make sure of that. What  
 12 conditions would require the applicant to  
 13 appear before the council for an application  
 14 hearing.  
 15 MS. MOORER: I think we've already covered that too  
 16 pretty much, if we did anything.  
 17 MR. CHAIRMAN: Very good. Another new business is  
 18 education and experience requirement. That's a  
 19 question. I think we've covered that though.  
 20 I take it that the application there to present  
 21 an issue. Sherri will ask our advice. Not  
 22 that we're going to vote on it right then, but  
 23 staff will handle it.  
 24 MR. FOWLER: Where it says also --  
 25 MR. CHAIRMAN: And continuing education audit

1 with the other boards that audit a percentage,  
 2 we wait until they -- until we get past the  
 3 renewal date and then give them another month  
 4 or so. And then we chose whoever we're going  
 5 to audit, and then we ask for the documents.  
 6 So if we're doing all of them, we could just  
 7 share everything. We could just ask them to  
 8 send it in with the renewal.  
 9 MS. MOORER: I think that would be easier, because  
 10 then they would just do everything up front.  
 11 MR. CHAIRMAN: Well, supply a form for them also, a  
 12 Department form that they could fill the blanks  
 13 there. That's what I do with RPACs every year.  
 14 You've got to send in your CPU form whenever  
 15 you renew every two years. So that's a routine  
 16 thing anyway.  
 17 MS. MOORER: Would it be all right -- I know this  
 18 question will come up, but would it be all  
 19 right if they send it digitally if, say, it's  
 20 somebody who's licensed in South Carolina but  
 21 right now I'm working in Oregon. Could they  
 22 mail that to us or send it by some sort of  
 23 digital means? Would y'all be okay with that?  
 24 MR. CHAIRMAN: If we could somehow tie it back to  
 25 them legally, that's fine by me.

1 process. We're going to require CPUs starting  
 2 -- if the regulations pass as proposed, we're  
 3 going to require eight CPUs in this next  
 4 calendar year, this current licensing period.  
 5 And then 30 per licensing period after that.  
 6 But correct me if I'm wrong, Jan. I think LLR  
 7 does a certain percentage of applicants to  
 8 review. But I think last time somebody said  
 9 since we're such a small group we can do  
 10 everybody, and I would personally prefer that  
 11 until it gets to be an issue. There's 40 some  
 12 -- 49 or something. We can -- 49 of us. If  
 13 staff could review that without -- is that an  
 14 undue burden on staff to do that, 49 --  
 15 MS. SIMPSON: We would need some board member  
 16 participation --  
 17 MR. CHAIRMAN: We can do that.  
 18 MS. SIMPSON: -- to make sure that we understand, or  
 19 that there's a course or seminar that they've  
 20 taken and we can't tell from the title what it  
 21 is, and y'all would probably know that. Since  
 22 we're going to do a -- if you want to do all of  
 23 them, we might be able to just ask them that  
 24 when they would -- when they renew, send their  
 25 information at that point. Because what we do

1 MS. MOORER: Okay.  
 2 MR. CHAIRMAN: If we get the information.  
 3 MS. MOORER: I was wondering about original  
 4 documents, if that would be a problem. I've  
 5 never done a continuing education audit. This  
 6 is all new to me, so I don't know.  
 7 MS. SIMPSON: The engineers just did digitally this  
 8 year, and the architects take it as a  
 9 transcript from AIA if -- we don't get them all  
 10 like that, but it's those who have them, and  
 11 it's just a list. And if there's a question on  
 12 title we'll ask for more information. But  
 13 that's -- that has already been confirmed and  
 14 evaluated. So it's a list from an evaluator  
 15 saying this one was okay.  
 16 MR. CHAIRMAN: Right.  
 17 MS. MOORER: Does the Social Science Society of  
 18 America have something comparable to that? I  
 19 know if you're certified then you have to do  
 20 the hours. Do they have a clearing house where  
 21 you file that and you could give it to us like  
 22 that?  
 23 MR. CHAIRMAN: Well, yes and no. You have to do it  
 24 online. But you have to give them the name of  
 25 the course, the date, number of hours and the

1 instructor. The person in charge of the  
 2 meeting or whatever. And that's --  
 3 MS. MOORER: I wondered if they generally --  
 4 MR. CHAIRMAN: -- generally the same.  
 5 MS. MOORER: Yeah, I wondered if they generated a  
 6 list per person. That any person could go into  
 7 their profile and print it out. So if they  
 8 were with the Soil Science Society, it would  
 9 make it easier for them to keep up with that  
 10 instead of drowning in certificates and  
 11 agendas.  
 12 MS. SIMPSON: Right, yeah.  
 13 MR. CHAIRMAN: They do. You keep them published.  
 14 You can print your own printout of your current  
 15 CPUs.  
 16 MS. SIMPSON: That's kind of self-reporting.  
 17 MR. CHAIRMAN: Correct.  
 18 MS. SIMPSON: You wouldn't have a document that the  
 19 sponsor of the event gave you?  
 20 MR. CHAIRMAN: You're supposed to keep that.  
 21 MS. SIMPSON: Yo would get that --  
 22 MR. CHAIRMAN: No.  
 23 MS. SIMPSON: -- in addition to the list?  
 24 MR. CHAIRMAN: No. You would just get the list, and  
 25 the person keeps that document and surrenders

1 their name while they're there.  
 2 MR. CHAIRMAN: Right. In fact, I gave it out after  
 3 it was over so people couldn't come at lunch  
 4 and take off with a certificate, so.  
 5 MS. SIMPSON: Good for you.  
 6 MR. CHAIRMAN: Wait till the end.  
 7 MS. SIMPSON: We can do some research on how other  
 8 people do it and, you know, what's acceptable  
 9 -- what there might be available that somebody  
 10 could tap into. We all know that.  
 11 MR. CHAIRMAN: Yeah. I don't mind having the  
 12 documentation sent with the list. It's more on  
 13 you folks, but that's fine with me, too. And  
 14 the board will help out. That's fine. If this  
 15 is legitimate, these courses.  
 16 MR. FOWLER: Right.  
 17 MR. CHAIRMAN: Happy to do that. The next thing is  
 18 the 2012 meeting schedule. That's going to be  
 19 six months from now roughly in March. Are you  
 20 okay with March 20th? It's a Tuesday. Well,  
 21 let's meet at 10:00 a.m. You guys okay with  
 22 that?  
 23 MR. SMITH: Yeah. I was going to suggest we meet at  
 24 10:00. We drive from all over the state and  
 25 it's a little hard to get here at 9:00.

1 that if it requires it. And I'm fine with  
 2 that, too. I don't want to have you folks look  
 3 at every little -- because some of them you  
 4 don't get to -- some of them you don't get a  
 5 certificate of completion. Like you go to like  
 6 a meeting, for instance. You just copy down  
 7 the meeting, location. That's right. Meeting,  
 8 or the -- whatever the course, location, date,  
 9 and instructor or person in charge.  
 10 MS. MOORER: Probably submit an agenda with that if  
 11 you ask for it.  
 12 MR. CHAIRMAN: Keep an agenda. Anything that you  
 13 could prove that you were there.  
 14 MS. MOORER: You might need the backup documents  
 15 starting out.  
 16 MS. SIMPSON: Yeah. We don't -- yeah.  
 17 MS. MOORER: Starting out at least. I think we  
 18 might need the backup documents. At least that  
 19 first cycle, just --  
 20 MR. FOWLER: Soil Science Society field meetings --  
 21 that mechanism --  
 22 MR. CHAIRMAN: It issues the certificate for the one  
 23 in Simpsonville. So, we can do that. As a  
 24 matter of fact, we could issue them via email.  
 25 MR. FOWLER: That's fine. Print it out and fill in

1 MR. CHAIRMAN: If we have anything that we think is  
 2 going to take longer we can meet at 9:30 if we  
 3 had to, but --  
 4 MR. FOWLER: Well, the day is pretty much shot  
 5 regardless, so I suggest we move it to 8:00.  
 6 If we break for lunch, or take a late lunch,  
 7 that's --  
 8 MS. MOORER: I usually reserve the room for the  
 9 whole day, because there's been a time or two  
 10 when we felt we were only going to be two hours  
 11 and we wound out breaking for lunch and having  
 12 to come back afterwards and we were still  
 13 another hour or two after lunch, so it happens.  
 14 MR. CHAIRMAN: What is this on the agenda about  
 15 consideration of the funding requests?  
 16 MS. MOORER: We don't have any funding requests for  
 17 right now. That's just --  
 18 MR. CHAIRMAN: What does that mean? Who would  
 19 request funding from us?  
 20 MS. MOORER: I think it would be more if we were  
 21 requesting to spend money on something --  
 22 MR. CHAIRMAN: Oh, that's what -- okay.  
 23 MS. MOORER: -- like if a seminar coming up that all  
 24 the council members wanted to go to --  
 25 MR. CHAIRMAN: I got you.



1 MS. MOORER: -- we'd need to do a formal motion on.  
 2 If -- we'd have to check to see if we had  
 3 enough money. We probably would, because we're  
 4 so small --  
 5 MR. CHAIRMAN: Right.  
 6 MS. MOORER: -- and how many we would approve to do  
 7 that. And I think that's something we might  
 8 have done in the last meeting.  
 9 MS. SIMPSON: I think we did.  
 10 MR. CHAIRMAN: Yeah.  
 11 MS. MOORER: We had to do a --  
 12 MS. SIMPSON: Because we talked about that day.  
 13 MR. CHAIRMAN: We approved -- Sherri wanted some  
 14 seminar hours if it was possible. And I --  
 15 MS. MOORER: I mean, it's something -- I think we  
 16 just did a general if something comes up we'll  
 17 approve as needed.  
 18 MR. CHAIRMAN: Got you.  
 19 MS. MOORER: But what about the second meeting for  
 20 2012?  
 21 MR. CHAIRMAN: Let's go, I guess, September.  
 22 MS. MOORER: And we can call more as needed. We  
 23 usually do at least two a year anyway.  
 24 MR. CHAIRMAN: September 18th. That's a Tuesday.  
 25 You guys okay with Tuesday?

1 beneficial. You'll hear more from the legal  
 2 aspect of how we do things and some of the  
 3 reasons we do things the way we do them.  
 4 MR. CHAIRMAN: Yeah.  
 5 MS. SIMPSON: I hope you can come.  
 6 MR. STUCKEY: I'll be out of town that week, so I  
 7 can't come. I'm certain other members --  
 8 MR. CHAIRMAN: That's a Tuesday.  
 9 MS. SIMPSON: Can anybody come, that you know of?  
 10 MR. CHAIRMAN: October the 11th. We'll call ahead if  
 11 any of us can, but I know that I can't at this  
 12 time.  
 13 MS. SIMPSON: Okay.  
 14 MR. CHAIRMAN: Sorry about that.  
 15 MS. MOORER: Dave Hargett, I'll check and see if he  
 16 may --  
 17 MR. CHAIRMAN: I'll ask him, yeah. Sherri, do you  
 18 have any reports you want to make or anything?  
 19 MS. MOORER: Just some general information. I have,  
 20 first of all, given y'all the financial reports  
 21 for June, July and August, and it looks like,  
 22 at last count, we had \$18,757.56.  
 23 MR. CHAIRMAN: Is that just Soil Classifiers, or is  
 24 that for the whole --  
 25 MS. MOORER: That's Soil -- that's just Soil

1 MS. SIMPSON: I can't be there then.  
 2 MR. CHAIRMAN: How about the 19th? That's a  
 3 Wednesday?  
 4 MS. MOORER: How about the 25th?  
 5 MR. CHAIRMAN: 25th?  
 6 MS. MOORER: Tuesdays seem to work better for y'all.  
 7 MS. SIMPSON: I don't have a problem with the 25th  
 8 at this point.  
 9 MR. CHAIRMAN: The 25th so far okay with you?  
 10 MR. FOWLER: It's a little far out, but --  
 11 MR. CHAIRMAN: Yeah.  
 12 MS. MOORER: Yeah.  
 13 MR. CHAIRMAN: 9/25, Tuesday at 10:00 a.m. Any  
 14 reports from -- let's see. Jan, do you have  
 15 any reports from yourself?  
 16 MS. SIMPSON: I just have one thing, and that is  
 17 that I think you should have received from --  
 18 received an invitation from Catherine Templeton  
 19 about board member training --  
 20 MR. CHAIRMAN: Yes.  
 21 MS. SIMPSON: -- on October the 11th at the Fire  
 22 Academy. And if you could do that, it would be  
 23 very helpful. I realize that's more travel,  
 24 and we'd pay the mileage on that. But if you  
 25 would -- if you can come, I think it would be

1 Classifiers.  
 2 MR. SMITH: How much, Sherri?  
 3 MS. MOORER: \$18,757.56. And I posted those on the  
 4 secure website and I've given you the  
 5 breakdown of expenses, too. We haven't had any  
 6 new applications come in this fiscal year. I  
 7 think most of it is just routine reimbursing  
 8 y'all for travel, things of that nature. I  
 9 wanted to let you know that the final  
 10 regulations are going to be published on  
 11 September 23rd. So they will be in for  
 12 legislative review in January, and we'll be  
 13 ready to go. And we've been in the State House  
 14 before, so y'all know how that drill goes. We  
 15 might get a day or two's notice that there is  
 16 a Senate Subcommittee meeting or Committee  
 17 meeting coming up and they need people there.  
 18 So just make y'all -- I'll give y'all as much  
 19 notice as I can on those.  
 20 MR. SMITH: Yeah.  
 21 MS. MOORER: And anybody that could come, kind of  
 22 help out. Sometimes they have questions. They  
 23 like to hear from people that actually work in  
 24 the field --  
 25 MR. CHAIRMAN: Right.

1 MS. MOORER: -- that could tell them what this means  
 2 for you. I can answer some questions from the  
 3 administrative perspective, and I'll certainly  
 4 be glad to, but most of their questions seem to  
 5 be directed to the professions it's going to  
 6 effect.  
 7 MR. CHAIRMAN: Right. Who all from LLR can come  
 8 besides you? I mean, could counsel come also?  
 9 MR. GRIGG: It would not be me. It would be Grant  
 10 and --  
 11 MR. CHAIRMAN: Grant Gillespie?  
 12 MR. GRIGG: Grant Gillespie. He would -- he's our  
 13 legislative liaison for the agency, so.  
 14 MR. CHAIRMAN: All right. I mean, you could come  
 15 Sherri --  
 16 MS. SIMPSON: Anybody could come. I think she's the  
 17 one that can answer more questions than  
 18 anybody, I'm sure.  
 19 MR. CHAIRMAN: Okay.  
 20 MS. SIMPSON: Grant could provide the LLR  
 21 perspective on any questions they may have.  
 22 MR. GRIGG: As far as the legislation, yeah.  
 23 MS. MOORER: He's usually over there anyway, so if  
 24 he knows -- and usually he's the one that  
 25 contacts me to find out who else is going to be

1 there from our end so he'll know who to expect.  
 2 MR. CHAIRMAN: Is it going to go to the same  
 3 committees as the statute? In other words,  
 4 LCI, the Senate, and agriculture and the House?  
 5 MS. MOORER: It's going to go to the same  
 6 committees.  
 7 MR. CHAIRMAN: Well, we're okay with the House, but  
 8 the Senate -- I'd better be careful what I say  
 9 here, but --  
 10 MS. MOORER: All right. Let's see. I think we've  
 11 already mentioned this. We've got 49 people  
 12 licensed in South Carolina right now. That's  
 13 held pretty steady. And that's -- those are  
 14 the only reports that I have. It's been pretty  
 15 quite since our late June meeting.  
 16 MR. CHAIRMAN: Any reports or any comments, Chris,  
 17 Bill or Randy, you want to make?  
 18 MR. SMITH: I wanted to ask -- back up just a little  
 19 bit --  
 20 MR. CHAIRMAN: Sure.  
 21 MR. SMITH: -- about these CE credits. How do we  
 22 decide on what these are? It probably won't  
 23 effect many people many times, but you sure  
 24 don't get as much credit for teaching a  
 25 course. North Carolina I would get 15 CEUs per

1 hour for teaching a course for the first time.  
 2 You get no credit after that for each course.  
 3 But if it's a new course -- so this past  
 4 semester, for example, I taught CSENV 388  
 5 creating and requiring three hours. So I got  
 6 45 credits in North Carolina for that. Here I  
 7 would get three and it required 80. I don't  
 8 have to have 45 in a year up there, so that  
 9 would -- that would fulfill my requirements.  
 10 MR. CHAIRMAN: Courses in North Carolina are the  
 11 same requirements for CEUs. They require 45  
 12 every three years. We require 30 every two  
 13 years. So there's 15 per year, it kind of  
 14 works out. So if you qualify there, you're  
 15 good for us here too, and vice versa.  
 16 MR. SMITH: That's what I'm saying is, if I read this  
 17 on page five, a maximum of one CE credit may be  
 18 claimed per class hours of teaching soil  
 19 classifier courses in seminar.  
 20 MR. FOWLER: What number is that under?  
 21 MR. SMITH: Page five. Or page eight actually.  
 22 Everything is five at the top, I see.  
 23 MS. MOORER: That will refer you to the agenda item  
 24 number.  
 25 MR. SMITH: Page eight.

1 MR. FOWLER: Is that semester hour or real hour?  
 2 Like if you went to a --  
 3 MR. SMITH: It should be semester hour. If you  
 4 teach a three hour course.  
 5 MR. FOWLER: Yeah. I thought it was maybe going to  
 6 a --  
 7 MR. SMITH: Maybe three hours in a week.  
 8 MR. FOWLER: -- workshop. If you're teaching at a  
 9 workshop and you're teaching for five hours  
 10 you get --  
 11 MR. SMITH: I don't know what this means. You know,  
 12 it says teaching soil classifier courses for  
 13 seminar. I don't who is teaching what.  
 14 MR. FOWLER: That means for one hour seminar you get  
 15 one hour? For a three hour course you get  
 16 three credit hours? Is that what that means?  
 17 MR. SMITH: That's what this says.  
 18 MR. FOWLER: Yeah.  
 19 MR. SMITH: Whereas in North Carolina I would get --  
 20 for example, as I said, that SCENV 388 Require  
 21 course that I taught for the first time this  
 22 past spring, I got 15 hours --  
 23 MR. FOWLER: Per hour credit.  
 24 MR. SMITH: -- 15 credits per hour. So I got 45.  
 25 Now, if I do it again, I won't get that again

1 because I -- that's the first time. If I teach  
 2 the course again I get no credit.  
 3 MR. FOWLER: Actually it's pretty low for teaching a  
 4 class.  
 5 MS. SIMPSON: A three hour course generally requires  
 6 --  
 7 MR. SMITH: We have the same thing here. Look at  
 8 item iii. Look at item three down there, just  
 9 like under that. I think ours is the same  
 10 thing there. Ours is the same thing.  
 11 MR. FOWLER: Semester hour credit.  
 12 MR. CHAIRMAN: It's the same thing --  
 13 MR. SMITH: Well, that's the credit you get for  
 14 taking the course, right?  
 15 MR. CHAIRMAN: No. That's teaching, under item C  
 16 there.  
 17 MS. MOORER: That's under teaching.  
 18 MR. STUCKEY: Well, I think that first one, Bill, is  
 19 what Chris was saying. If you teach a four  
 20 hour seminar one time --  
 21 MR. FOWLER: Like a workshop type of a thing.  
 22 MR. CHAIRMAN: You've got 15 CEUs per hour of a  
 23 course --  
 24 MR. SMITH: Okay. I guess I don't understand --  
 25 MR. CHAIRMAN: -- and if you teach it again you just

1 get one hour.  
 2 MR. SMITH: -- the difference between one and three  
 3 then.  
 4 MR. CHAIRMAN: One is if you teach it a second time.  
 5 Number three is if the first time you teach  
 6 that course you get -- let's say 45 CEUs for a  
 7 three hour credit course. You teach it again  
 8 you just get three hours.  
 9 MR. SMITH: Oh, I got you. So you do get credit.  
 10 In North Carolina you don't get credit. I  
 11 don't think you get credit for anything except  
 12 the first time you teach it.  
 13 MS. SIMPSON: Is that what you mean for it to -- I  
 14 mean, it doesn't really -- it says a maximum  
 15 of one CE credit may be claimed per class hour  
 16 spent teaching. But then three says each  
 17 semester hour credit shall be deemed to be 15  
 18 hours.  
 19 MR. CHAIRMAN: Yeah, that's a -- we have to clarify  
 20 that. It doesn't say --  
 21 MS. SIMPSON: Do you think they can interpret that?  
 22 I could get to it on the legislative -- I mean,  
 23 on our website.  
 24 MR. CHAIRMAN: It says teaching up above it on item  
 25 C.

1 MR. FOWLER: Everything under C says teaching.  
 2 MR. SMITH: Well --  
 3 MR. CHAIRMAN: It may be a default there. Item  
 4 three may --  
 5 MS. MOORER: I think the intent of that maximum of  
 6 one CE credit may be claimed for class hours  
 7 spent teaching soil classifiers -- I believe  
 8 the intent of that was because it is impossible  
 9 to document how much time was spent in  
 10 preparation. That all that we could get real  
 11 documentation for is the actual teaching that  
 12 they do. That's the only credit that we can  
 13 really offer, because I think the discussion  
 14 was, the first time you teach a course you  
 15 might spend 30, 40, 50 hours pulling everything  
 16 together, and then however many hours per week  
 17 preparing for your lecture. We don't want all  
 18 those CEs coming from teaching this one class.  
 19 We don't want somebody coming in saying I've  
 20 got 200 CE hours because I taught a course that  
 21 I put 200 hours into it.  
 22 MR. CHAIRMAN: No.  
 23 MS. MOORER: All we could document is how many hours  
 24 they actually taught. I think that was the  
 25 intent of that.

1 MS. SIMPSON: And it says seminars. So it could be  
 2 that if you -- you know, as opposed to a class  
 3 and a college, a seminar one hour per hour in  
 4 the class. If you're teaching a six hour  
 5 course, you get six hours credit --  
 6 MS. MOORER: Yeah.  
 7 MS. SIMPSON: -- the first time.  
 8 MR. MOORER: Or if you do a field day and you go out  
 9 in the field and you've got some instruction  
 10 with that. The day was eight hours, and we're  
 11 not counting the credit time or --  
 12 MR. SMITH: Well, what's the --  
 13 MS. MOORER: -- you know, we're going to give you  
 14 eight hours for that day.  
 15 MR. SMITH: Teaching credit does not apply to full  
 16 time factors. What does that mean?  
 17 MS. SIMPSON: Because that's your job.  
 18 MS. MOORER: I believe that was the rationale.  
 19 MR. SMITH: But if you teach a new course, I mean,  
 20 that's --  
 21 MR. CHAIRMAN: Yeah, the first time you teach a  
 22 course you're going to spend -- if you do a  
 23 decent job, you're going to spend a lot of  
 24 time.  
 25 MS. SIMPSON: But it also could be a freshman level

1 course and it's not going to provide any kind  
 2 of continuing education for you, and I think  
 3 that's the reason most -- most of the CEs that  
 4 I'm familiar with have that same provision.  
 5 MR. FINCHAM: But all kind of new information that  
 6 you're --  
 7 MR. FOWLER: -- in the workshops.  
 8 MR. CHAIRMAN: Right.  
 9 MR. FOWLER: But it's continuing education.  
 10 MR. CHAIRMAN: Yes.  
 11 MR. FOWLER: And that would be part of my job, too.  
 12 MR. SMITH: Yeah. You're always learning if you're  
 13 paying attention, you know.  
 14 MR. GRIGG: You may want to talk to Grant --  
 15 MR. SMITH: This seems a little confusing. Because  
 16 it sounds like you're getting credit, you know.  
 17 And if you get the three under C, it sounds  
 18 like you're getting credit for taking the  
 19 college course, not teaching the course.  
 20 MR. GRIGG: My understanding is, if they want to  
 21 clarify something like this, if they want to  
 22 make this clearer, there's a process in place  
 23 during the review process of your regs that you  
 24 can make an addendum. You can withdraw certain  
 25 statutes and then add back to it. I'm not

1 familiar enough with the legislative process to  
 2 know, so we may want to ask Grant.  
 3 MS. MOORER: Oh, okay.  
 4 MR. GRIGG: He may be able to tell us. But I think  
 5 there is a mechanism in place. If they want to  
 6 clear this up, before those get addressed in  
 7 January, I think there is a way to do that.  
 8 MS. SIMPSON: There is a withdraw and resubmit  
 9 process.  
 10 MR. GRIGG: Yeah.  
 11 MS. SIMPSON: I don't know if they have to have been  
 12 already submitted to the legislature.  
 13 MR. GRIGG: That's -- I'm not sure of the timing on  
 14 it.  
 15 MS. SIMPSON: Right.  
 16 MR. GRIGG: Yeah. I'm not sure of the timing on it.  
 17 Maybe Grant --  
 18 MS. SIMPSON: It can be done the same day, so you  
 19 don't --  
 20 MR. GRIGG: Or maybe Jennifer. Jennifer Cooper and  
 21 Sheridan are really good on that, too.  
 22 MS. SIMPSON: Right.  
 23 MR. GRIGG: So I'm just not familiar enough with it  
 24 to know that answer. But if they want to clear  
 25 that up -- because it is confusing. I think we

1 all could -- then maybe we should talk to those  
 2 guys about maybe how we do that.  
 3 MR. CHAIRMAN: So you want to -- you want to stop  
 4 the submission to the state register of these  
 5 -- or the regs? You were going to submit them  
 6 --  
 7 MS. MOORER: They were submitted a few weeks ago.  
 8 MR. CHAIRMAN: You were saying like September 24th?  
 9 MS. MOORER: I don't think we can stop it. I think  
 10 what he's saying is how do we address --  
 11 MR. GRIGG: I think there's an amendment process at  
 12 some point. Like Jan said, I'm just not sure  
 13 of the timing as to when they're going to do  
 14 that. They've already been submitted. I think  
 15 you said they were being posted --  
 16 MS. MOORER: Friday.  
 17 MR. GRIGG: -- on Friday. So, yeah, that cat's out  
 18 of the bag. But I think somewhere during the  
 19 review process. It's just a matter of time.  
 20 But if there's a way to amend, we just need for  
 21 that to happen somehow.  
 22 MR. CHAIRMAN: I think we just need a little bit of  
 23 clarification here, I think.  
 24 MS. MOORER: There is a process for that.  
 25 Sometimes the legislature requests -- they can

1 also send it back and ask that you clarify some  
 2 things.  
 3 MR. GRIGG: Y'all would need to think about and  
 4 decide what y'all wanted to say how best to  
 5 clear it up. Like I know you're speaking as to  
 6 what the intent was, and I guess the key is to  
 7 make sure that the actual language reflects  
 8 what the intent was. So you might need to  
 9 think about what you wanted to say. But we can  
 10 talk to Grant and to some people and try to  
 11 figure out exactly how you go about making that  
 12 change, because I'm just not sure, is the  
 13 problem with that.  
 14 MR. SMITH: And we could see what North Carolina  
 15 regulations say. We could make a copy of that  
 16 pertinent section and send it out to folks  
 17 whenever you got it.  
 18 MS. MOORER: I'll see how they've got it.  
 19 MR. SMITH: Do you have a copy of their --  
 20 MS. MOORER: I can find their regulations.  
 21 MR. FINCHAM: That and RPAC. They've got a really  
 22 good system already set up.  
 23 MS. MOORER: I think we actually use their language.  
 24 MR. FINCHAM: Really?  
 25 MS. MOORER: I think we actually pulled this from

1 archives.  
 2 MR. FOWLER: I don't guess I'm --  
 3 MS. MOORER: So maybe they need to clear theirs up,  
 4 too, if we pull this from them.  
 5 MS. SIMPSON: The architects don't allow teaching  
 6 credit for a full time professor. If that's  
 7 your job, you don't get credit for what you do.  
 8 Just as if you were in an office, you don't get  
 9 credit for doing something in your daily  
 10 business that would count as CE. So it's the  
 11 same philosophy. But if you teach -- you know,  
 12 if you were an adjunct professor and it's not  
 13 your real job, but you're doing it one semester  
 14 or something, you get 45 hours of CE credit for  
 15 a three hour course. And it's 15 per, so.  
 16 MR. SMITH: You do in North Carolina one time.  
 17 MS. SIMPSON: Right.  
 18 MR. SMITH: You don't get any credit --  
 19 MS. SIMPSON: For the second --  
 20 MR. SMITH: -- for teaching the course the second or  
 21 third --  
 22 MS. SIMPSON: Correct.  
 23 MR. SMITH: -- thirtieth time, like I've done for a  
 24 lot of courses.  
 25 MS. SIMPSON: Right.

1 MR. CHAIRMAN: Right.  
 2 MR. GRIGG: -- as opposed to an individual course or  
 3 seminar. So I think number I, or one, however  
 4 you want to say it, is just talking about  
 5 individual course. Like I know we go to  
 6 continuing legal education that's, you know,  
 7 not part of an actual semester. It's just you  
 8 go for the day and you --  
 9 MS. SIMPSON: I agree.  
 10 MS. MOORER: It might be --  
 11 MR. GRIGG: -- so, I think that's what it's saying.  
 12 I just --  
 13 MR. FOWLER: It might be. But why is iii even under  
 14 C?  
 15 MR. GRIGG: That I don't know. That I don't  
 16 understand either. That might would be better  
 17 in a different section. I agree with you.  
 18 MS. SIMPSON: Y'all, I apologize. I have a national  
 19 teleconference call at 11:00, so I have to go  
 20 to that. I'm sorry I have to leave.  
 21 MR. CHAIRMAN: You're fine Jan. Thank you.  
 22 MS. SIMPSON: Thank you for letting me be with you  
 23 today. Thank you.  
 24 MR. GRIGG: Sorry I was late.  
 25 MS. MOORER: It might just be that we need to add --

1 MR. SMITH: But if it's a new course -- which we  
 2 don't institute very often, but there are  
 3 occasionally new courses that we've taught, and  
 4 it takes --  
 5 MS. SIMPSON: It's a huge amount of time.  
 6 MR. SMITH: It takes more time to teach a course the  
 7 first time then it takes the second.  
 8 MR. GRIGG: Is there ever a time you're teaching a  
 9 course that's not in the semester setting?  
 10 Like it's not for semesters? Is there a time  
 11 that you're just like asked to come teach a  
 12 course somewhere? Because that -- the I of  
 13 this is talking about one CE -- I mean, it's  
 14 one right here, one CE per class hour spent  
 15 teaching, and it just says courses or seminars.  
 16 Number three is I think, of course, you or  
 17 somebody was looking at, is talking about -- I  
 18 think you might have said it. Talking about  
 19 semester hours, which makes me wonder if the  
 20 intent was if you're doing it -- you know, most  
 21 of my -- when I was in school anyway, I know  
 22 most of my -- I see you got three -- you know,  
 23 you're in class for a semester and you've got  
 24 like 3.5 hours of credit. That's what number  
 25 three is talking about --

1 take that small item three and move it  
 2 somewhere else. You know, to maybe a --  
 3 MR. SMITH: It doesn't really have anything to do  
 4 with teaching.  
 5 MR. GRIGG: No.  
 6 MS. MOORER: Underneath approved program somewhere.  
 7 But as far as --  
 8 MR. CHAIRMAN: Yeah. It's just typed there, sort of  
 9 mis or copied and pasted or something like  
 10 that.  
 11 MS. MOORER: I think that a maximum of one CE credit  
 12 may be for class hours teaching soil  
 13 classifier courses or seminars. I think we did  
 14 that in anticipation of okay, these providers  
 15 were going to be coming into South Carolina,  
 16 and all classes in soil classifier wants to  
 17 offer one, this is a credit that you're going  
 18 to get for teaching the course. But that  
 19 doesn't give them any more than attending this.  
 20 So --  
 21 MR. CHAIRMAN: I agree, it has to be moved. That  
 22 three I has to be moved.  
 23 MR. FOWLER: I guess I'm still -- I'm kind of in --  
 24 need to know this but the teaching credit does  
 25 not apply for, in fact, if you take that

1 approach and apply it. For example, for Chris.  
 2 Let's say he had -- there is a wastewater  
 3 seminar in North Carolina. You go to the  
 4 seminar, and they're talking about soils and  
 5 wastewater interaction, and you're learning.  
 6 DHEC is paying your expenses. I don't see why  
 7 you wouldn't get continuing education. It's  
 8 part of your job. They sent you to that. But  
 9 why wouldn't you get credits for that when you  
 10 brought in your experience with wastewater.  
 11 And the same as --

12 MR. CHAIRMAN: I think you do.  
 13 MR. FINCHAM: Yeah. I think you do. The -- versus  
 14 if I -- if I'm going in -- going out to our  
 15 folks and DHEC and I'm teaching them, you know,  
 16 like I try to do -- there's eight regions and  
 17 I try to do region by region. In the coastal  
 18 plain ones, that's pretty much going to be kind  
 19 of the same presentation. Moving upstate it  
 20 changes, to -- you know, due to the soils and  
 21 that type of stuff. But -- so the way I'm  
 22 taking it, since I -- since I'm -- that's my  
 23 job is to teach them, then I won't get credit  
 24 for teaching them. If that -- if that's true.  
 25 But on the same token, what Dr. Smith was

1 saying, if he gets credit for teaching the  
 2 first time, you know, then -- then maybe I  
 3 should go ahead and take credit for the first  
 4 time I do the coastal plain one and it's an all  
 5 day deal, and then I don't know if I could get  
 6 -- since it's different soils and different  
 7 systems and all that type of stuff, that I get  
 8 different credit for, you know, slat belt,  
 9 expansive clay and then, you know, moving up  
 10 that type of way -- that thing, or --

11 MR. FOWLER: We're pretty open minded. Like that  
 12 preparation it would take for a full time  
 13 faculty member to teach that course for the  
 14 first time. That's -- that's continuing  
 15 education. The fact that you're a full time  
 16 faculty, I just don't see why that would say  
 17 you don't get credit for that the first time.

18 MR. SMITH: Right.  
 19 MR. CHAIRMAN: I don't think that -- I think would  
 20 be misworded about excluding full time faculty.  
 21 MR. GRIGG: I'd say without going back -- and I  
 22 don't know how we'd do it. Without going back  
 23 and looking at the intent when this was  
 24 written. And it sounds like they grab language  
 25 from different places, you know. I don't know

1 if we'll ever know why it's there. But  
 2 unfortunately, if y'all don't like it, we need  
 3 to work on getting it changed. And --  
 4 MR. CHAIRMAN: I don't mind right now.  
 5 MS. MOORER: I could check with Jennifer, too. She  
 6 seems to know --  
 7 MR. GRIGG: Well, I mean, Jennifer is really on the  
 8 ball with it.  
 9 MR. MOORER: -- really know that process.  
 10 MR. GRIGG: And Grant. And we can -- yeah, we can  
 11 try to find out how that amendment process  
 12 works.

13 MR. FOWLER: And what kind of -- would that open the  
 14 door for any problems.

15 MR. GRIGG: Yes.  
 16 MS. MOORER: I know that they had to go in this  
 17 month to be presented for legislative review in  
 18 January. So I think at this point they are  
 19 going to publish -- just so we can get in for  
 20 that review. But there might be something we  
 21 can do come January when the session starts, or  
 22 we can withdraw and resubmit it. And that's --  
 23 that's something, if we know what we want to  
 24 say, we can do that in a day or two.

25 MR. CHAIRMAN: Okay.

1 MS. MOORER: I just need to find out the formal  
 2 process, because I have dealt with that on the  
 3 end that the Senate Subcommittee sent something  
 4 back and asked me to make a change and we did  
 5 that. I need to find out what the process is  
 6 if we're the ones that would want to make the  
 7 change, what do we need to do. I'll find that  
 8 out.

9 MR. CHAIRMAN: That's a good point. Why don't you  
 10 bring that up.

11 MS. MOORER: And it shouldn't set us back. I mean,  
 12 it might set us back a day or two at most.

13 MR. CHAIRMAN: Any public comments? Then our next  
 14 meeting is going to be then in March --

15 MS. MOORER: March 20th.

16 MR. CHAIRMAN: -- 20th is the date we set it. So  
 17 Tuesday at 10:00 a.m. Any other comments or  
 18 anything anybody wants to say? Entertain a  
 19 motion to adjourn?

20 MR. SMITH: So voted.

21 MR. FOWLER: Second.

22 MR. CHAIRMAN: Everybody say aye.

23 BOARD MEMBERS: Aye.

24 MR. CHAIRMAN: Board adjourned.

25 (There being no further discussion, the board meeting

1 concluded at 10:58 a.m.)