

South Carolina Department of Labor, Licensing and Regulation (SCLLR)
South Carolina Board of Examiners in Opticianry
Board Meeting Minutes
March 28, 2013
110 Centerview Drive, Kingstree Building, Room 204
Columbia, South Carolina

BOARD MEMBERS PRESENT:

Daniel B. Gosnell, Chairman
C. Milton Corley, Jr., Vice Chairman
James L. Rhodes
Keith L. Hayes

BOARD MEMBER ABSENT:

Margie L. Chapman

CONSUMER MEMBERS (2):

Vacant

SCLLR STAFF PRESENT:

Sheridon Spoon, Esquire, Office of Advice Counsel
Angie Combs, Board Administrator
For IRC Report and OGC Report:
David Love, Chief Investigator, Office of Investigations and Enforcement
Serrena Swartz, Investigator, Office of Investigations and Enforcement
Erin Baldwin, Esquire, Office of General Counsel

IN ATTENDANCE:

Amy Stutsman, S.C. Association of Opticians, S.C. Licensed Optician
Ronald Harbert, S.C. Association of Opticians, S.C. Licensed Optician
Minnie Smith-Scott, S.C. Licensed Optician
Wayne Ham, S.C. Licensed Optician
Kimberly T. Power, Certified Court Reporter, Capital City Reporting, LLC

Public notice of this meeting was properly posted at the Board office and provided to any requesting persons, organizations, or news media in compliance with Section 30-4-80 of the 1976 South Carolina Code, as amended, relating to the Freedom of Information Act. A quorum was present at all times.

CALL TO ORDER / ATTENDANCE / APPROVAL OF ABSENCES: The meeting was called to order at 9:00 a.m. by Chairman Gosnell. A **motion** was made by Mr. Rhodes that the Board considers Ms. Chapman absence as excused. The motion was seconded by Mr. Hayes and carried unanimously.

APPROVAL OF AGENDA: A **motion** was made by Mr. Rhodes to accept the March 28, 2013 Agenda. The motion was seconded by Mr. Corley and carried unanimously.

APPROVAL OF MINUTES: A **motion** was made by Mr. Corley to approve the November 8, 2012 Board meeting minutes. The motion was seconded by Mr. Rhodes and carried unanimously.

REPORTS / INFORMATION

Information was provided concerning the following topics:

- Licensee Totals Report – there are 530 licensed opticians and of that number 444 are in state, 273 contact lens dispensing opticians, and 103 registered apprentices.
- License Renewal to be conducted this year, due date is October 1, 2013; online renewal is available.
- Financial Report provided as information.
- Statement of Economic Interests Report is due April 15, 2013 and must be completed online.

OFFICE OF INVESTIGATIONS AND ENFORCEMENT (OIE) REPORT: Mr. Love, Chief of Investigations and Enforcement, provided the OIE Statistical Report; the Board accepted this as information.

INVESTIGATIVE REVIEW COMMITTEE (IRC) REPORT: Mr. Love presented the IRC Board Report with a recommendation to dismiss with a Cease and Desist Order Case #2013-1. A **motion** was made by Mr. Hayes to accept the recommendation of the IRC. The motion was seconded by Mr. Rhodes and carried unanimously.

OFFICE OF GENERAL COUNSEL (OGC) REPORT: Ms. Baldwin reported there is one case pending; it is on the agenda to be heard by the Board at this meeting.

NEW BUSINESS

EXECUTIVE ORDER NO. 2013-02 / GOVERNOR'S REGULATORY REVIEW TASK FORCE: Mr. Spoon presented an explanation of Executive Order No. 2013-02 that established the Governor's Regulatory Review Task Force. All cabinet agencies have been asked to review their current and proposed statutes, regulations, rules, and policies to identify any undue burdens on South Carolina businesses. The Office of Advice Counsel will compile the submissions from the boards and commissions that fall under LLR and present this information to the Governor's Regulatory Review Task Force. This Task Force will also gather input from the public and create a final report to present to the Governor and the members of the General Assembly by November 15, 2013.

HEARING: A **motion** was made by Mr. Corley to go into Executive Session to conduct a hearing concerning case #2012-4. The motion was seconded by Mr. Hayes and carried unanimously.

EXECUTIVE SESSION (9:24 a.m. – 10:05 a.m.)

The following is provided for information only:

Advising the Board during the hearing: Georgia Lewis, Esquire, Office of Advice Counsel.

A **motion** was made by Mr. Hayes to dismiss the charges based on the evidence and facts and to include a letter of caution for advertising practices. The motion was seconded by Mr. Rhodes and carried unanimously.

OLD BUSINESS

PRACTICE ACT LEGISLATION: A **motion** was made by Mr. Hayes to approve the proposed Practice Act Legislation. The motion was seconded by Mr. Rhodes and carried unanimously.

NEW BUSINESS

ELECTION OF OFFICERS: A **motion** was made by Mr. Rhodes for Mr. Gosnell to remain as Chairman and Mr. Corley remain as Vice Chairman. The motion was seconded by Mr. Hayes and carried unanimously.

ANNOUNCEMENTS

The next South Carolina Practical Examination in Opticianry will be held June 3, 2013, Kingstree Building, Room 115, Columbia, South Carolina.

The next board meeting is scheduled for August 29, 2013.

Returned to:

EXECUTIVE ORDER NO. 2013-02 / GOVERNOR'S REGULATORY REVIEW TASK FORCE: Discussion ensued that included attending members of the public.

PRACTICE ACT LEGISLATION: A **motion** was made by Mr. Corley to approve the Practice Act Legislation with the addition of the Board's Position Statement concerning dispensing. The motion was seconded by Mr. Hayes and carried unanimously.

ADJOURNMENT

A **motion** was made by Mr. Corley, seconded by Mr. Hayes, and carried unanimously to adjourn the meeting.

There being no further business, Mr. Gosnell adjourned the meeting at 11:06 a.m.

These minutes are a record of the official actions taken by the Board and a summary of the meeting provided by Angie M. Combs, Administrator. Minutes are presented to the Board for final approval.