

MINUTES

S. C. BOARD OF REGISTRATION FOR FORESTERS

Board Meeting
January 21, 2000
The Koger Executive Center
The Kingstree Building
110 Centerview Dr., Room 111
Columbia, South Carolina

Dr. Larry Nelson, of Clemson, Chairman of the Board, called the regular meeting of the S. C. Board of Registration for Foresters to order at 10:00 A.M., on Friday, January 21, 2000, at 110 Centerview Drive, Room 111, Columbia, South Carolina, with a quorum present. Other members of the Board present were as follows: Mr. Don M. Handley, Vice Chairman, of Florence; Mr. Charles F. Moore, II, Secretary, of Camden; Mr. Fred H. Gantt, of Columbia; Mr. Kenney P. Funderburke, Jr., of Summerville; and Mr. Dwight L. Stewart, Jr., of Summerton. Absent from the meeting was Mr. Raymond L. Boozer, of Gilbert.

Members of the staff participating at various times in the meeting included: Lou Ann Pyatt, Board Administrator; Wendy Harvey, General Counsel; Sharon Dantzler, Deputy General Counsel; Terri Hooper, Administrative Assistant; and Sandra Dickert, Administrative Assistant.

Members in the public audience included: Buff Green and Mike Hunter.

Chairman Nelson announced the meeting was being held in accordance with the Freedom of Information Act [40-4-80 (e)] by notice mailed to The State newspaper, Associated Press, WIS-TV and all other requesting persons, organizations, or news media. In addition, notice was posted on the bulletin boards located at both of the main entrances of the Kingstree Building where the Board office is located.

INVOCATION

Mr. Stewart delivered the invocation.

APPROVAL OF MINUTES

Mr. Moore moved the minutes of the October 22, 1999 meeting be approved as corrected. Mr. Handley seconded the motion and it was unanimously carried.

CHAIRMAN'S REMARKS

Dr. Nelson welcomed the new board members: Mr. Fred Gantt and Mr. Dwight Stewart, Jr.

1. Dr. Nelson stated he had spoken with Mr. Hugh Ryan on Thursday, January 20, 2000. Mr. Ryan had met with Senator Waldrop, who is chairing the subcommittee reviewing the pending bill. According to Mr. Ryan nothing is currently being done on the pending bill; however, he did need clarification on a few points in the Board's minutes, mainly whether or not an individual had to have a four year degree in forestry in order to become registered. Dr. Nelson informed Mr. Ryan he would contact Ms. Judy Weston, his legislative liaison, after today's meeting.

2. Dr. Nelson indicated that since the new board members are in place the election of officers could take place at the appropriate time on the agenda.
3. Dr. Nelson met with the Enoree Chapter of the SAF this past week at which time he updated the members on the pending bill and what changes to the amendments had been made. He indicated the chapter members gave a neutral response to the proposed amendments.

Mr. Stewart asked Dr. Nelson if an individual who had a two-year technical education would no longer be able to become registered. Mr. Funderburke stated this is to create a separate and distinct classification with an appropriate certificate.

Mr. Stewart stated he had spoken with Mr. Brian Clark who has indicated his group will not agree with this classification. He further stated Mr. Clark's group would use any means necessary to protest the amendment. He indicated they do want to remain registered.

There was a detailed discussion concerning individuals with two-year technical degrees and there was a consensus not to seek a classification.

ADMINISTRATOR'S REMARKS

1. Welcome of New Board Members

Mrs. Pyatt welcomed Mr. Gantt and Mr. Stewart to the Board.

2. December 1999 Registration of Foresters exam

Mrs. Pyatt stated nine individuals took the December 1999 exam. Of those nine individuals, one failed.

3. Rosters

Mrs. Pyatt stated the vendor had problems with the printing of the roster; however, staff received the rosters on Wednesday, January 19, 2000. Staff opted to place the labels on the rosters for mailing instead of having the mail service complete this task and as a result the rosters will be mailed out today. Mrs. Pyatt stated she appreciated the extra work her staff put in to getting the rosters out.

4. Statement of Economic Interest

Mrs. Pyatt presented the members with copies of the Statement of Economic Interest form, which must be completed by all members and mailed to the State Ethics Commission by April 15, 2000. She went on to say staff would have to obtain extra copies for the new Board members. Staff has mailed the forms to the Board members who served in the 1999 year.

5. Absence of Board Member

Mrs. Pyatt stated Mr. Boozer telephoned staff early in the week to say he would be unable to make the Board meeting today.

6. Fiscal Year 2000 Budget Information

Mrs. Pyatt presented the members with copies of the FY 2000 Budget Information for their review. She further stated the program calls for fees received. She continued by saying the

information is broken down by personnel information, contractual services, travel and also shows the amount of money that the Board is allotted to pay for administrative matters, including remittance to the general fund. She asked the Board members if they had any questions.

Mr. Funderburke stated this information throws a great deal of light on a lot of things. He indicated it is the first revelation of money the Board has had. He said it is interesting the Board goes deeper in the hole and indicated the figures imply that the registration fees need to be raised.

Mrs. Pyatt stated the agency is looking at the overall process of the budget and may make recommendations as to whether there should be any fee increases in the next year or so. She went on to say this is the case for a lot of Boards under LLR.

Mr. Stewart asked the members if it is the Board's responsibility to make sure we are in the black. Mrs. Pyatt replied negatively and indicated it is the agency's responsibility. She further stated if the agency makes a recommendation of a fee increase the Board will have to take action to see the fees are increased.

7. Web Page Updated

Mrs. Pyatt stated staff has updated the web page and the information has been sent to the Office of Communications & Governmental Affairs, which is responsible for updating the agency's web pages. She further stated the changes include the new Board members, the 2000 Board meeting and exam dates. She continued by saying the web page includes board member information, staff information, instructions on completing the application, reciprocity, a listing of frequently asked questions, the requirements, the fee schedule, how to renew licenses, how to file a complaint, continuing education, and the state law and regulations.

Mrs. Pyatt indicated staff is looking into the possibility of adding licensee verification to the web site; however, it may take three to six months to get this information on the web page for this section of the agency. She said the information would include current licensees, their registration numbers, and their business address and telephone number.

Mrs. Pyatt reminded members to notify staff of any changes in address, telephone numbers or fax numbers. She indicated staff does have things which come up from time to time when we would need to get in touch with the members right away. She further stated staff has attempted to fax information to some other Board members only to find out the fax number had changed and they did not notify staff.

Mrs. Pyatt stated business cards will be ordered for the new Board members so if there is any information which the members would like included other than what was sent to the office, the members will need to let staff know.

8. Letter from James Ridley Concerning CFEs for Retired Foresters

Mrs. Pyatt asked the members to review the letter which requests the Board consider reducing the number of continuing education hours for retired foresters. She said she has acknowledged his letter and has notified him that the Board would be discussing the issue.

She also presented the Board members with a draft of a letter to be sent to Mr. Ridley.

Mr. Moore stated Mrs. Pyatt's draft response to Mr. Ridley indicates exemption of CFE after thirty years of service or at age sixty. He believes that would be a narrow window. Mrs. Pyatt stated that was the requirement from 1991.

Mr. Funderburke suggested inserting prior to 1991 at the end of the sentence and changing the word "are" to "were" to the first sentence of the second paragraph. The sentence would read: "The current statute exempts registered foresters who had at least thirty (30) years of experience or were at least sixty years of age prior to 1991."

Mr. Handley stated requiring the reduction of continuing education hours would have to be inserted into the law. He also stated to put a blanket statement in the bill that three hours of continuing education is all that is required of retired individuals would be opening Pandora's box.

Mr. Gantt asked the members how many hours of continuing education are currently required. Mr. Handley answered ten hours are currently required.

Mrs. Dantzler stated that Mrs. Pyatt's recommendation was to let the legislative committee handle it along with everything else.

Mr. Handley stated the Board should let its position be known; however, he agrees that the legislative committee should handle it. He continued by saying what Mr. Ridley is proposing South Carolina do what North Carolina is attempting to do and that is to require retired foresters to have three continuing education credits per year after retirement. He stated this brings up two things: (1) an individual retires and does not return to work, which would mean he does not need any continuing education; however, (2) another individual retires from a company and then goes into business as a consulting forester and begins practice. The second individual would need to qualify that he is totally retired if he is going to ask for the exemption. He appreciates a forester who puts in the years, then retires and would like to retain his current license and is willing to pay the price to keep the license current but doesn't want to attend continuing education classes.

Mr. Handley suggested Dr. Nelson appoint a committee, with Mr. Gantt, to draft a position on this issue. Mr. Stewart volunteered to serve on the committee.

Mr. Stewart moved to accept Mrs. Pyatt's response to Mr. Ridley as amended. Mr. Funderburke seconded the motion and it carried unanimously.

9. Legislative Update

Mrs. Pyatt stated the legislative liaison would not be here today as there is no new information. However, staff does anticipate getting the final draft of the amendment sent over today or Monday. She indicated this would be the draft for the Board is to review and sign off on to go back to the committee.

10. Proposed Bill

Dr. Nelson asked Mrs. Pyatt if this draft is the pending bill with the amendments

included. Mrs. Pyatt replied affirmatively. She went on to say the legislative office had merged the amendments with the proposed bill. The Board asked if Mrs. Pyatt could provide them with a one-page summary of the bill. Mrs. Pyatt answered affirmatively.

OLD BUSINESS

1. Continuing Education Policy – Dr. Nelson

Dr. Nelson presented the members with proposed policy 4000.3C concerning the continuing education policy. He stated one of the questions asked at the previous meeting concerning the continuing education policy was whether or not the Board should give credit for an individual who returns to school to continue his forestry education. He indicated the Board felt there should be some credit for taking courses toward obtaining a master's degree or a Ph.D.; however, the problem was how to add up the credits. He continued by saying that what the Board determined was to allow those individuals working on advanced degrees to be exempt from CFEs. He asked the Board members to read paragraph one.

Mrs. Dantzler stated some advanced degree programs allow individuals to take courses outside of the scope of that particular degree. She asked if, during this time, does the exemption include all classes while seeking the degree or is it limited to Foresters classes only. Dr. Nelson stated he had not considered that avenue.

Following some discussion concerning whether or not to limit the exemption to foresters classes or to universally accept all classes, Mr. Funderburke moved that the Board allow Dr. Nelson to take the proposed policy back to committee. The motion was seconded by Mr. Moore and unanimously carried.

2. Discussion of Lawrence R. Gering's Attempt to Become Registered

Dr. Nelson stated this discussion has been ongoing for six months to one year. He further stated something has recently come up which may or may not change the situation. He indicated the State of Arkansas has a law in place, where they will be requiring an exam effective January 1, 2001. He said the question is, once the Arkansas law is in compliance with South Carolina industry requirements, and assuming we obtain reciprocal agreement with Arkansas, should Mr. Gering wait until next year and take the exam in Arkansas will the Board grant him a license. He indicated Mr. Gering was previously denied a license because he was not registered with a State compliant with South Carolina law.

Mrs. Dantzler stated the current licensing decisions for registration are somewhat different from the proposed legislation. She further stated a prospective ruling might not be worth anything based on the current law.

Following a brief discussion it was determined the Board would notify Mr. Gering that under advice of counsel, the Board cannot make a prospective ruling at this time.

NEW BUSINESS

1. Applications for Examination

a. Herman Lieding Green

Mr. Green stated he began forestry experience in high school. He had a logging job after high school and was then hired by Westvaco. He has been with Westvaco just over eighteen years. He felt it made sense to continue in the forester field since he has been in the industry this long. He indicated Westvaco is not requiring he apply for the examination; however, they are aware he is applying and he has their blessing.

Mr. Funderburke moved the Board approve Mr. Green's application for exam.

Mr. Stewart seconded the motion and it carried unanimously.

b. Michael A. Hunter

Mr. Hunter stated he has essentially held the same position during his tenure at Westvaco, although the title has changed some. His specialty over the last five years has been in the management of fertilizer, herbicide, etc. He indicated not all dead trees are removed, some are left behind for the harbor of predators.

Mr. Funderburke moved the Board approve Mr. Hunter's application for exam.

Mr. Gantt seconded the motion and it carried unanimously.

2. Applications for Registration Approval

Mr. Gantt asked Dr. Nelson if this is an automatic process or what are the qualifications to become registered. Dr. Nelson stated the Board looks at the individual applications, whether or not they passed the exam, have the two-year work experience, references and whether or not there are legal problems or criminal records. Mrs. Pyatt stated William G. Spitzmiller's exam score was inadvertently left off of the Summary of Applications. She further stated his score was 75.

Mr. Handley made a motion for the Board to approve the following applicants for registration approval, which was seconded by Mr. Moore and unanimously passed:

Mark Harrison Hood
James C. Brown
Don Fletcher Roach II
William G. Spitzmiller
Johnny Pershing Stowe, Jr.

3. Applications for Reciprocal Registration

Mrs. Pyatt stated Mr. Hughes' and Mr. Noble's verifications do not indicate how they were licensed. However, staff contacted the State of Georgia and discovered they were both registered by state exam.

Mr. Gantt made a motion for the Board to approve the following applicants for reciprocal registration, which was seconded by Mr. Moore and unanimously passed:

Douglas Carter Burleson
Jeffery Talton Hughes
Christian Stow Noble

4. Applications for Reinstatement

Mr. Handley asked Mrs. Pyatt why Mr. Hubright's registration had lapsed. Mrs. Pyatt stated he did not submit his CFE. She further stated Mr. Hubright submitted 14.5 hours and 7.5 in category 1.

Mrs. Pyatt stated the individuals had not renewed by September 30, 1999. She

went on to say they either did not pay their fee or had not submitted the required CFE hours. She noted that Mr. Durham had already submitted his hours for category 1 and has since submitted his additional hours for categories 2 and 4.

Mr. Handley made a motion for the Board to approve the following applicants for reinstatement, which was seconded by Mr. Stewart and unanimously passed:

Lewis P. Brown, Jr.
Ralsa Patrick Durham
Russell Paul Hubright
William Tony Thomas

Mr. Funderburke stated the Board has a clear-cut policy in making exemptions and does not recommend breaking the policy. He went on to say Marvin Eugene Hunley, employed by Westvaco, went to New Zealand in July 1999 for a worldwide safety conference. He presented each Board member a package of material Mr. Hunley assembled for the conference. He indicated Mr. Hunley was a participant and a lecturer in the conference. He continued by saying the material, which includes his lecture, to be informative.

Mr. Funderburke stated he had presented the members package as information because he thinks it is worthwhile and an incidental request be made to see if the Board would approve as his requirement for the 5 hour in category 1. He continued by saying he informed Mr. Hunley he did not think the Board would approve it and would not request the Board to approve it; however, he would present it to the Board.

Mr. Handley stated he is looking forward to reading the material, however, he does not think the Board can make an exemption for Mr. Hunley.

5. Review/Approval of CFE Course – Travis Cork

Dr. Nelson read into record Mrs. Pyatt's letter to Mr. Cork advising him to appear at today's meeting for determination of whether his CFEs were acceptable. He stated he thought the Board had determined at its last meeting that Mr. Cork's CFEs were not acceptable for category 1. He indicated Mr. Cork is not present at today's meeting.

Mr. Stewart stated Mr. Cork contacted him on Thursday, January 20, 2000 at which time he indicated he had something to come up with a client and could not appear at today's meeting. He further stated Mr. Cork requested he be allowed to appear at the Board's next scheduled meeting to plead his case.

Mr. Handley stated, if he remembers correctly, Mr. Cork submitted a letter which indicated he was self taught and would like to submit his own work as hours required for category 1.

Mrs. Pyatt stated that was basically what the discussion was about. Mrs. Dantzler indicated that because he was not placed on the last meeting he did not have the opportunity to present information that the self-taught things were actually approved by someone. She went on to say the October 25th letter went out in response. She further stated the Board has given Mr. Cork an opportunity to supplement the record either by personal appearance or by documents. She continued by saying Mr. Cork has not done so in any way other than by a telephone conversation to a member of the Board. She stated the Board is in a much better procedural posture to deny his request, grant his request or whatever the Board so

desires.

Mr. Moore asked if Mr. Cork would not have his CFEs for the 1998/1999-license year without the Board's approval of these credit hours. Mrs. Pyatt stated the CFEs would be for the 1999/2000 license year. She went on to say his license had already been reviewed; however, since the Board ordered it to be audited and if they don't meet the requirements the Board would have to take action against his license.

Mrs. Dantzler stated Mr. Cork is currently licensed and was included on one of the routine audits. She went on to say the audit letter was mailed asking him to verify what he had reported. She pointed out the Board received the letter which is now before the Board, which is incomplete. Mr. Cork was asked to clarify and has not done so. She pointed out the appropriate motion to be considered is a motion to sanction his license; a motion to bring him before the Board on charges that he misrepresented material fact in his application for the 1999/2000 license. She indicated this would be a full evidentiary hearing.

Mr. Gantt stated it seems that knowing his license is in jeopardy, Mr. Cork should have made plans to attend the meeting. He further stated if he was in that situation, and if his license were a priority, he would have made arrangements to be at today's meeting.

Mr. Funderburke stated in view of Mr. Cork's actions and by his own admittance on page two of his letter dated October 5, 1999, he has rendered a judgement in a decision.

Mr. Handley stated he does not feel Mr. Cork has misrepresented anything. He pointed out Mr. Cork's application indicates "see attached the documents". He continued by saying that when the documents are reviewed it specifically describes what he did. He further stated when the description is read it is clear the credit hours are category 4. He also pointed the law states a licensee must have a minimum of 5 hours in category 2.

Mr. Moore stated he did not see any way the material Mr. Cork has submitted to the Board can be placed in category 1. He further stated Mr. Cork possibly has 5 hours in category 4.

Mr. Handley stated that if Mr. Cork can qualify that he has 10 hours of credit then he has half of this current year's credit hours and half of next year's credit hours taken care of. However, Mr. Cork will still need category 1 credits.

Following further discussion in the matter, Mr. Funderburke moved the Board advise Mr. Cork he is on probation effective this date, January 21, 2000; that the period of probation will be six months; he must present, as required, five hours in category 1 for the 1999/2000 year; and he must present five additional hours in category 1 in July 2000 and that the Board will accept the material he has submitted as five hours each in the years 1999 and 2000. Mr. Moore seconded the motion and it was carried unanimously.

Mr. Stewart stated he thinks it may be a good idea for a subcommittee to review what the purpose of the CFEs is. He feels the Board is in a field, which changes very slowly.

Dr. Nelson stated he doesn't think he necessarily agrees with Mr. Stewart; however, it would be worth looking in to. He suggested he and Mr. Stewart meet sometime regarding the

CFEs.

PUBLIC COMMENTS

There were no public comments made at the January 21, 2000 meeting

EXECUTIVE SESSION

Mrs. Pyatt stated staff had no reports for approval or disapproval. The Board did not enter into executive session.

OTHER BUSINESS

Mrs. Pyatt stated she provided the Board members with two additional handouts. One of the handouts concerned the agency's Groundhog Job Shadowing Day. She continued by saying the Governor will be announcing the program at 2:15 p.m., Friday, January 28, 2000 at the Statehouse rotunda. She said the chairmen of all boards are invited to attend. She indicated she would need to let Mrs. Youmans know if anyone from the Foresters Board will be able to attend.

1. Mrs. Pyatt stated the other handout concerned the draft amendment just received from Senator Peeler's office. She had not had a chance to review it. She indicated this is the final version drafted by staff. She pointed out the final version needed to be approved or disapproved by 12:00 noon, Monday, January 24, 2000. Mrs. Dantzler stated the Board had already voted on content so the Board doesn't have to take another vote on that issue they just have to determine that this language does not change the content previously voted on.

The Board took approximately fifteen minutes to review the document for content. Dr. Nelson found a problem with section 48-27-30 (C) and (D). Mrs. Pyatt stated she would ask that the appropriate section be put back in.

Mrs. Dantzler explained the procedure draft legislation follows to Mr. Gantt and Mr. Stewart.

3. Mr. Funderburke stated he went through the draft of the directory the other night and he noted some information he felt might be of interest to the members. He further stated of the first 100 registrants, 18 still have active licenses; of the first 127 – 21 have active licenses. He continued by saying Mr. Handley and he are on the Board and they both appear in the first 21. He pointed out the real reason he was providing this information was to look at longevity. He said the bill creating the Board was enacted in 1962 and twenty percent of the first 100 are still licensed, although approximately one-half are no longer practicing.

4. Election of Officers

Mr. Funderburke stated over the intervening time since the appointment of the committee, he attempted to contact Mr. Boozer on several occasions; however, the phone was either busy or he was connected to the answering machine. He indicated when he has gotten the answering machine he has not received a response. He said his last attempt to call Mr. Boozer was Wednesday afternoon.

Mr. Funderburke stated Dr. Nelson would again be willing to serve as chairman; however, he would prefer to wait a year. He further stated it has more or less been a tradition that the vice-chairman be elevated to chairman, although there is no requirement that it be done. He presented the nominations as follows:

Chairman – Mr. Don Handley
Vice-Chairman – Mr. Raymond Boozer
Secretary – Mr. Charles Moore, Jr.

Dr. Nelson opened the floor for other nominations. Mr. Gantt moved the nominations presented by Mr. Funderburke be accepted. Mr. Stewart seconded the motion and it was carried unanimously.

Mr. Moore moved the Board commend Dr. Nelson for his leadership in the past year as chairman. Mr. Stewart seconded the motion and it carried unanimously.

Mr. Handley stated it was a pleasure working with Dr. Nelson this past year. He would have liked to see Dr. Nelson continue as chairman for another year. He added that Dr. Nelson would not be off the hook.

Mrs. Pyatt thanked Dr. Nelson for providing the description of the Job Shadowing for the Foresters. There were some minor changes made to the description.

There was some discussion concerning the difference between forester and forest ranger.

ADJOURNMENT

There being no further business, Mr. Moore moved the meeting be adjourned. Dr. Nelson seconded the motion and it carried unanimously. The meeting was adjourned at 3:08 p.m.

Respectfully submitted,
Charles F. Moore, Jr.
Secretary

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