

MINUTES

South Carolina Board of Registration for Foresters

Board Meeting
July 25, 2000
The Koger Executive Center
The Kingstree Building
110 Centerview Dr., Room 108
Columbia, South Carolina

Mr. Don Handley, Chairman of Florence, called the regular meeting of the of the S. C. Board of Registration for Foresters to order at 10:00 A.M., on Tuesday, July 25, 2000, at 110 Centerview Drive, Room 108, Columbia, South Carolina, with a quorum present. Other members of the Board present were as follows: Mr. Raymond Boozer, Vice-Chairman, of Gilbert; Mr. Fred H. Gantt, of Columbia; Mr. Dwight L. Stewart, Jr., of Summerton; and Dr. Larry Nelson, of Clemson. Absent from the meeting was Mr. Charles Moore, II, of Brevard.

Members of staff participating at various times in the meeting included: Randall Bryant, Assistant Deputy Director, Office of Business and Related Services; Lou Ann Pyatt, Board Administrator; Robin Wilkes, CPA, Office of Business and Related Services; Sharon Dantzler, LLR Deputy General Counsel; Dwight Hayes, Assistant Administrator-Investigations; Janet Scott, Administrative Coordinator; Sandra Dickert, Administrative Assistant; and Glinda Legette, Administrative Specialist.

Mr. Handley announced the meeting was being held in accordance with the Freedom of Information Act [§ 30-4-80 (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.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Approval of Minutes

Mr. Handley called for approval of the minutes of the April 18, 2000 meeting. Following some minor changes to the minutes, Mr. Gantt moved the minutes be approved as amended. Mr. Stewart seconded the motion, which carried unanimously.

Chairman's Remarks

Mr. Handley stated he, as well as Mr. Funderburke, attended the ASBORF meeting in Arkansas and is well pleased with the results of the meeting. He noted that the ASBORF meeting will be held in North Carolina next year.

Administrator's Remarks

Ms. Pyatt introduced Mr. Daniel Breen, staff attorney with the LLR - Office of General Counsel. Mr. Breen will be taking over the litigation for the board. He gave a brief professional history to the board.

Mr. Bryant reviewed the agency web page with the board. The review included an overview of the board's web page as well as the new 'Licensee Look Up' page.

Discussion Items

Review Board's Annual Roster Format

Ms. Pyatt stated the roster would be printed using the same format as last year's, however, she is requesting the addition of adding an alphabetical listing of foresters who have cancelled their registration. She indicated she is proposing to run the roster effective October 1, 2000. She further stated the board had discussed including the law in the roster, however, due to the cost and that the law has not changed in the past several years, she is proposing to include only the registrant information. She noted that the current cost of an individual roster is \$3.05 and that by adding the additional information of cancellation information would increase the cost by only ten cents to fifteen cents. She also indicated that it cost \$3,600.00 last year to publish 1,200 copies of the roster.

Review of Proposed Changes to Board's Application

Ms. Pyatt stated staff is revising the board's application with minor changes. A short discussion ensued regarding the changes. During the discussion the board made several recommendations.

Review of Annual Budget and Proposed Fee Increases

Mr. Robin Wilkes, CPA, Office of Business and Related Services, presented the members with the board's budget over the past four years. He indicated the board has been spending over its budget since coming under the umbrella of the Department of LLR. He briefly went over the fee increases staff is proposing and indicated the increases would generate enough funds to operate with a balanced budget.

Following a brief discussion regarding the budget during the years since coming under the agency and board investigations, Mr. Gantt moved the board table a decision regarding a position on the fee increases to the next meeting. The motion was seconded by Mr. Stewart and carried unanimously.

Discussion of Board's Legislative Position

Ms. Pyatt requested the board's position regarding the proposed legislation. She stated staff must submit the proposed bill to the Legislative Liaison Office by November 1, 2000.

Mr. Damon Jeter, of the LLR Legislative Liaison Office, stated that there were actually two bills introduced last year, a House version and a Senate version. He further stated the House bill was introduced in March 1999 and the Senate bill was introduced in March 1999. He indicated the Senate bill was able to move faster than the House version and that the House version was attached to the Senate bill in hopes that it would move faster. He also stated the Senate bill made it through a first reading and was referred to the Senate Fish, Game and Forestry committee. He indicated the bill passed out of subcommittee and the full committee after which it went through second and third readings. He said the bill was

then referred to the House. He stated after the first reading in the House it was referred to the House Agriculture and Natural Resource Committee. He noted that the bill got hung up while in the committee for several reasons.

Following some discussion regarding the issues with proposed bill; Mr. Stewart asked the board to delay voting on this matter until the next meeting to see if the matter could be resolved. Ms. Pyatt stated if action were delayed staff would have a very short time to have the proposed bill formatted and to the Legislative Liaison's Office by the deadline.

Mr. Boozer moved the board approve the current proposed legislation being resubmitted. Dr. Nelson seconded the motion, which carried with a majority vote. Mr. Stewart voted negatively and is opposing the Board's position regarding the bill.

Mr. Handley asked the board if he should appoint a committee to propose language regarding the technician prior to the November 1, 2000 deadline. Mr. Stewart stated that was why he had asked for a delay in the vote. Mr. Handley stated he would not appoint a committee at this time.

Acceptance of Proposed 2001 Meeting Dates

Ms. Pyatt presented the following dates for proposed meetings during the year 2001:

January 18, 2001	April 17, 2001
July 17, 2001	October 16, 2001

Mr. Boozer moved the board accept the proposed 2001 meeting dates as presented. Mr. Stewart seconded the motion, which carried unanimously.

Information Items

Article from The State Dated May 7, 2000 Concerning the Elderly and Minorities Likely to Be Exploited by Timber Cutters

Ms. Pyatt stated she had included copies of an article from The State Newspaper in the members' packets for the members' information. The article was regarding the elderly and minorities who were likely to be exploited by timber cutters. She noted that no registered foresters were involved in the situation noted in the article.

Mr. Funderburke's July 10, 2000 Letter

Ms. Pyatt stated she had also included Mr. Funderburke's letter to Governor Hodges for the members' information. She went on to say Governor Hodges accepted Mr. Funderburke's resignation.

Continuing Education

Ms. Pyatt stated she included a list of pre-approved continuing education courses for the members' information. She indicated staff obtains this information from the association. She noted that staff is continuing to also include this information on the board's web site.

Mr. Handley asked Ms. Pyatt if staff had audited the continuing education classes yet. Ms. Pyatt replied negatively and indicated it would be done at the end of this month. She indicated the audit would be presented to the board when it has been completed. She explained the audit process to the members.

Report of Renewals

Ms. Pyatt stated that as of today's date staff has processed 753 renewal applications. She went on to say if the board remembered from the budget discussion that information was gathered from last year's annual report. She noted that staff is still showing approximately 114 individuals who were licensed last year but have not renewed this year.

Board's Policy – No discussion

Legislative Update, Legislative Liaison Office

Ms. Pyatt stated that the legislative update was given during the board's discussion of the proposed legislation.

Advisory Opinions, Office of General Counsel (Rules of Procedures for Disciplinary Hearings)

Ms. Dantzler briefed the board on a letter from Ms. Wendy Harvey regarding the rules of procedures. She went on to say the rules of procedures is a proposal the agency will take to the legislature as an amendment to the engine bill. She indicated it is an answer to two problems which has surfaced agency wide. She noted that one problem concerns various boards bringing disciplinary actions against a licensee. The ALJ Division and/or the courts have been reversing the cases back to the boards because of due process reasons.

Ms. Dantzler stated that the rules are flexible enough to be as formal or informal as needed in its procedures for routine cases. However, the rules say that when a non-routine matter arises an answer is available to stop the process, tie the process up in technicalities and keeps it moving and allows the board to conduct its work for the public. She feels the rules are very flexible and does not think it will affect the board's handling of routine cases.

A discussion regarding the rules of procedures ensued.

Lunch

The Board recessed for lunch at 1:00 p.m.

Regular Session

Chairman Handley called the meeting back to order at 2:15 p.m.

Mr. Handley stated he received a letter from Mr. Randy Bryant, Assistant Deputy Director, suggesting the board issue a news release to The State newspaper. Mr. Stewart moved the board defer issuing the news release until the next meeting. Mr. Gantt seconded the motion, which carried unanimously. A copy of the news release is to be mailed to each of the board members.

Action Items

Old Business

Application for Registration Approval

Robert Langdon Keels

Mr. Handley stated Mr. Keels' application had been brought before the board at the April 18, 2000 meeting. He noted that Mr. Keels had an arrest record and the board directed staff to request Mr. Keels to appear at today's meeting to explain the arrest record. He further

stated he had received a phone call from Mr. Keels who indicated he would not be able to attend today's meeting. He stated Mr. Keels asked if there was a way the matter could be handled without him appearing before the board. He suggested Mr. Keels write a letter and submit it to staff.

Ms. Pyatt stated Mr. Keels had been issued a license in error. Staff notified Mr. Keels of the error. She went on to say Mr. Keels was notified in May of the status of his license and requested him to appear at today's meeting.

Following some discussion, Dr. Nelson moved the board waive the requirement that he appear before the board for a personal hearing. Mr. Gantt stated he would like to see Mr. Keels submit an appropriate application to have on file. Mr. Stewart seconded the motion. Following some discussion regarding Mr. Keels' application, Dr. Nelson amended the motion to say that the board will approve Mr. Keels' application if it has been properly amended to show his criminal record.

New Business

Applications for Registration Approval

Jonathon Whitfield Calore

Benjamin Itly Cromer

Joe Franklin Edmonds, III

Chase Hamilton Folk

James Ronald Holt, Jr.

Kevin R. Johnstone

Deidra E. King

Richard Leland Morrison

Marshall Odell Steele

Curtis Mark Swanson

Kip Walker Terry

Mr. Stewart moved the board accept the eleven applicants for registration approval. The motion was seconded by Dr. Nelson and unanimously passed.

Applications for Reciprocal Registration

Celesta Eva Burns

John Philip Cooley

Michael Joseph Perry

Mr. Stewart moved the board accept the three applicants for reciprocal registration. Dr. Nelson seconded the motion, which carried unanimously.

Jeffrey Lewis Lane

Ms. Pyatt stated when Mr. Lane submitted his initial application in April 2000 he was licensed in North Carolina. However, he had purposely not renewed his registration in that state since he was applying in South Carolina. She went on to say Mr. Lane is requesting the board consider his application at the time it was submitted instead of the present time since he is not currently registered and in good standing in North Carolina.

Mr. Lane briefed the board regarding his application.

Mr. Boozer moved the board approve Mr. Lane's application for registration and waive the good standing due to the explanation given. Mr. Stewart seconded the motion, which carried

Applications for Reinstatement

Mark A. Rehme

Dr. Nelson moved the board approve Mr. Rehme's reinstatement. The motion was seconded by Mr. Stewart and carried unanimously.

Request from Jay Bryant for approval of six years' work experience
(4 year degree in Business Administration)

Ms. Pyatt stated Mr. Bryant is requesting approval for registration based on six years of work experience. She noted he has a bachelor's degree in Business Administration.

Mr. Bryant gave a brief background of his work experience.

Following a discussion, Dr. Nelson moved the board deny Mr. Bryant's application based on the fact he does not qualify as a forester and because he does not have the necessary experience to qualify him to take the exam. Mr. Gantt seconded the motion. Following a brief discussion regarding the exam, the motion carried unanimously.

Discussion Items

Administrative procedures Review

(Case dismissal procedures)

Ms. Dantzler discussed the case dismissal procedures with the board. The following steps are included in this procedure:

Complaint(s) received by staff or by the board and logged in.

The investigative section reviews the complaint for validity.

An investigation is conducted and a summary is written regarding the matter.

A professional in the foresters' industry may advise the board regarding the complaint.

However, Ms. Dantzler advised the board not to use a board member as the consulting professional. She recommended that the board name, a former board member or a professional in the industry to act in the advisory capacity. This professional will review the complaint with a staff attorney and will make a recommendation to the board. There are three recommendations, which may be made.

dismiss the complaint;

try the case;

offer a consent order.

During the open session of the board meeting, the board determines the next step to take. The licensee and complainant are notified, in writing, if complaint is dismissed or will be brought before the board for a hearing.

If the complaint is recommended for a hearing, a hearing notice is mailed to the licensee. Should the licensee contact staff regarding a possible settlement the attorney may prepare an order indicating voluntary surrender of license or other settlement. The order must include wording indicating it is not an agreement until the board has accepted it.

Ms. Dantzler stated there are three ways to obtain the facts in a complaint case:

Full board hearing - the board cannot discuss the facts prior to the hearing.

Receipt of a consent order - the licensee is admitting to the facts.

The board issues an order with Findings of Fact and sanctions.

Ms. Dantzler stated the licensee has thirty days to appeal the board's decision.

Ms. Dantzler asked the board to name a subcommittee to begin the process of writing procedures for the Board of Foresters. Following a brief discussion, Mr. Handley stated he would not name a subcommittee at this time. He indicated he would like to table a decision in adopting a policy regarding this matter to the next meeting.

Dr. Nelson asked Ms. Dantzler for a copy of the procedures. Ms. Dantzler replied that the document she had been reading from was for another board. The board stated that copy of that document would be fine.

Chairman's Remarks (continued)

Mr. Handley asked Ms. Pyatt when the last exam was given. Ms. Pyatt stated the last exam was given June 5. He noted that ten individuals took the exam – five individuals passed and five individuals failed. Mr. Handley asked Ms. Pyatt if she is using a randomly selected exam or if she is using two or three exams she is repeating. Ms. Pyatt stated staff is currently using two or three exams; however, she is attempting to obtain another exam. The next exam will be given in September.

Mr. Handley asked Ms. Pyatt how many escrow account audits have been completed. Ms. Pyatt stated she did not know that escrow audits were to be completed.

Mr. Handley stated it has been awhile since the last newsletter. He asked that the board members submit articles for the newsletter by the next meeting. Ms. Pyatt asked Mr. Handley if he has a target date for the newsletter to be distributed.

Mr. Stewart stated section 48-27-270 in the proposed bill discusses maintenance of escrow accounts. He indicated the section says nothing about being audited and asked if it is a board policy to audit the escrow accounts.

Public Comments

There were no public comments made during this meeting.

Executive Session

Mr. Gantt moved the board enter executive session to discuss disciplinary matters. The motion was seconded by Dr. Nelson and passed unanimously.

Regular Session

When the board returned to regular session, Mr. Handley noted for the record that no votes were taken while the board was in executive session.

Mr. Stewart moved that the board approve the list of cases recommended for investigation as presented. Dr. Nelson seconded the motion, which carried unanimously.

Mr. Stewart requested clarification/advise on the following: He stated he is also a licensed real estate appraiser and a member of the American Society of Farm Managers and Rural Appraisers. He further stated several of his colleagues are not registered foresters, however, they conduct rural appraisals from time to time and add timber values to their reports. He asked if adding the timber value to an appraisal report constitutes a violation if the appraisers are not registered foresters. Ms. Dantzler replied "probably not". She stated the reason would be that there are certain things that an individual can do under two separate licensing boards. She noted that the appraisal should be all right if the appraisal is within the scope of what the individuals are licensed to do as appraisers. She added that if the appraisal is not within the scope then both boards should review it to see if it falls within the scope of the practice.

Mr. Hayes stated that a problem could arise if the appraiser is appraising the timber as real estate. He noted that only a forester could appraise timber for its value since it can be severed from the land.

Adjournment

There being no further business, Mr. Stewart moved the meeting be adjourned. Dr. Nelson seconded the motion, which carried unanimously.

The July 25, 2000 meeting of the S. C. Board of Registration of Foresters adjourned at 4:00 p.m.

The next meeting of the S. C. Board of Registration of Foresters is scheduled for October 24, 2000.