

1973 WL 27592 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 6, 1973

***1 RE: Certification of Percolation Test Technicians**

Mr. Thomas P. Anderson, P.E.
Secretary-Treasurer
Board of Certification of Environmental Systems Operators
415 J. Marion Sims Building
2600 Bull Street
Columbia, South Carolina 29201

Dear Mr. Anderson:

I am in receipt of your letter of June 1, 1973, requesting an interpretation of Article VII, Section 2, Paragraph 3(a)(2), of the Board's Rules and Regulations, which paragraph deals with the certification of percolation test technicians. In construing such a regulation, one should simply give the language an interpretation based on the clear and plain meaning of the language used. There are no legal terms of art used. Accordingly, I offer the following guidance.

At the Board's next meeting have the members clarify their intent as to the application of this regulation. If the Board cares to explain the regulation by explicitly defining such terms as 'one year's acceptable experience', 'Soil Scientist' or any other term to assist clarity, it has clear authority to do so and to include such definitions in their regulations. If the Board's wishes do not comport with a reasonable interpretation of the regulation, based on the clear, plain meaning of the words now used, then the regulation should be rewritten. At a minimum, the Board's intent should be recorded in the minutes of the meeting and and filed for future reference. The important concern is simply that the Board does establish reasonable and definite policies as to how this regulation is to be implemented, and then does ensure that these policies are uniformly and fairly applied. I will be pleased to assist the board in drafting any instructions or changes which the members wish incorporated into their regulations. However, I believe that first it must be determined from the Board just what is intended. In short, any Board regulation ought to mean what the Board wants it to mean, no more, and no less.

With best wishes, I am

Sincerely,

John B. Grimball
Assistant Attorney General

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