

# BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS

## MEETING MINUTES

The Board for Professional Soil Scientists and Wetland Professionals met on October 13, 2004, at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia, with the following members present:

Nancy G. Barker  
W. Lee Daniels  
David L. Davis  
John M. Galbraith  
Carl D. Peacock, Jr. (arrived at 10:08 a.m.)  
Donald Young

Board member Alice Coles was not present at the meeting.

Staff present for all or part of the meeting were:

Sandra Whitley Ryals, Chief Deputy Director  
Karen W. O'Neal, Deputy Director of Licensing and Regulations  
Mark N. Courtney, Executive Director  
Marian H. Brooks, Program Administrator  
Trisha L. Henshaw, Administrative Assistant

Eric Gregory, Assistant Attorney General with the Office of the Attorney General, was present for the meeting.

Finding a quorum of the Board present, Mr. Daniels, Chair, called the meeting to order at 10:07 a.m.

Call to Order

Mr. Young moved to approve the agenda as written. Ms. Barker seconded the motion which was unanimously approved by members: Barker, Daniels, Davis, Galbraith, and Young.

Approval of Agenda

John M. Galbraith was introduced as the newest member of the Board. Mr. Galbraith, a certified professional soil scientist, replaced Mr. William Sledjeski on the Board.

Introduction of New Board Member

Mr. Peacock arrived at 10:08 a.m.

Arrival of Mr. Peacock

Mr. Davis moved to approve the minutes from the July 14, 2004, Board meeting. Ms. Barker seconded the motion which was unanimously approved by members: Barker, Daniels, Davis, Galbraith, Peacock, and

Approval of Minutes

Young.

**Public Comment Period** – No comments were received by the Board.

**Public Comment**

Mr. Courtney provided background information to the Board regarding fast-track regulations. The Board members were provided with draft regulations for certified soil scientists prepared by staff pertaining to some minor changes that have been identified as necessary. The Board members were provided with § 2.2-614.1 of the Code of Virginia regarding fees that may be assessed for checks received from accounts with insufficient funds. Mr. Courtney noted that the fee has increased to \$35 in the Code; however, the bad check fee listed in the Board's regulations is \$25, which means there is a discrepancy between the Code and the regulations. Because the bad check fee is established in Code and not determined by the Board, Mr. Courtney suggested removing the reference to bad check fees from the Board's regulations through the fast-track regulatory review process. Additionally, it was recommended that the renewal and reinstatement deadlines be changed from 180 days to 6 months, and 360 days to one year, respectively. Finally, because the Board now prints wall certificates for its regulants, the regulations need to include the fee for wall certificate replacement. After discussion, Mr. Young moved to initiate the fast-track process in order to make the recommended changes. Mr. Galbraith seconded the motion which was unanimously approved by members: Barker, Daniels, Davis, Galbraith, Peacock, and Young.

**Consider Fast-Track  
Regulations for Soil  
Scientists Regulations**

Mr. Courtney provided background information to the Board regarding fast-track regulations. The Board members were provided with draft regulations for certified wetland delineators prepared by staff pertaining to some minor changes that have been identified as necessary. The Board members were provided with § 2.2-614.1 of the Code of Virginia regarding fees that may be assessed for checks received from accounts with insufficient funds. Mr. Courtney noted that the fee has increased to \$35 in the Code; however, the bad check fee listed in the Board's regulations is \$25, which means there is a discrepancy between the Code and the regulations. Because the bad check fee is established in Code and not determined by the Board, Mr. Courtney suggested removing the reference to bad check fees from the Board's regulations through the fast-track regulatory review process. Additionally, it was recommended that the renewal and reinstatement deadlines be changed for 180 days to 6 months. Finally, because the Board now prints wall certificates for its regulants, the regulations need to include the fee for wall certificate

**Consider Fast-Track  
Regulations for Wetland  
Delineator Regulations**

replacement. After discussion, Mr. Young moved to initiate the fast-track process in order to make the recommended changes. Ms. Barker seconded the motion which was unanimously approved by members: Barker, Daniels, Davis, Galbraith, Peacock, and Young.

Mr. Galbraith moved to adopt the following resolution of service for Mr. Sledjeski:

Adoption of Resolution

**William F. Sledjeski**

WHEREAS, William F. Sledjeski did faithfully and diligently serve as a member of the Board for Professional Soil Scientists and Wetland Professionals from 1996 to 2004;

WHEREAS, William F. Sledjeski did devote generously of his time, talent and leadership to the Board;

WHEREAS, William F. Sledjeski did endeavor at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Board for Professional Soil Scientists and Wetland Professionals wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Board for Professional Soil Scientists and Wetland Professionals this fourteenth day of July 2004, that William F. Sledjeski be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Mr. Peacock seconded the motion which was unanimously approved by members: Barker, Daniels, Davis, Galbraith, Peacock, and Young.

Mr. Peacock moved to adopt the following meeting dates for 2005:

Set 2005 Meeting Dates

February 1, 2005  
April 20, 2005  
July 13, 2005  
October 12, 2005

Mr. Young seconded the motion which was unanimously approved by members: Barker, Daniels, Davis, Galbraith, Peacock, and Young.

The Board members were provided with the Board financial statements for July 2004 for informational purposes.

Review Financial Statements

Mr. Daniels presented Mr. Davis with his wall certificate for his wetland delineator certification. Mr. Davis was the first regulant to be certified as a professional wetland delineator in Virginia.

Other Business

Mr. Courtney provided information regarding the number of applicants who have applied for certification as a professional wetland delineator to date.

Mr. Courtney discussed having former Board members preside over Informal Fact-Finding Conferences in certain instances. Specifically, when there is a licensing or disciplinary matter, staff may, in consultation with the Chair, select a former Board member to preside over the Informal Fact-Finding Conference. Mr. Davis moved to allow former Board members to preside over Informal Fact-Finding Conferences that are held to consider licensing applications and disciplinary matters when deemed by staff to be appropriate, in consultation with the Chair. Mr. Peacock seconded the motion which was unanimously approved by members: Barker, Daniels, Davis, Galbraith, Peacock, and Young.

Mr. Courtney asked the Board members to be cautious and aware of other vehicles in the parking areas provided by the Department.

*The Board members recessed for a break from 10:28 a.m. to 10:35 a.m.*

Break

Mr. Courtney introduced Mr. Gregory as counsel to the Board.

Training on Conflict of Interests Act

Mr. Gregory provided the Board members, the members of the Board for Geology, and various Department staff with training on the Conflict

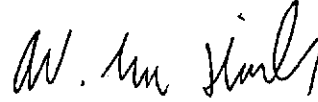
of Interests Act.

Conflict of Interest forms were completed by all members present.

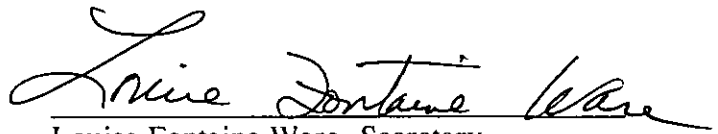
Conflict of Interest

There being no further business, the meeting was adjourned at 11:47  
a.m.

Adjournment



W. Lee Daniels, Chair



Louise Fontaine Ware, Secretary

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: John M. Galbraith
2. Title: Member
3. Agency: Board for Professional Soil Scientists and Wetland Professionals
4. Transaction: Board Meeting on October 13, 2004
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_


6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

  
Signature

  
Date

STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: W. Lee Daniels
2. Title: Member
3. Agency: Board for Professional Soil Scientists and Wetland Professionals
4. Transaction: Board Meeting on October 13, 2004
5. Nature of Personal Interest Affected by Transaction: NONE

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

VAPSS, VAWP

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

W. Lee Daniels  
Signature

10/13/04  
Date

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: David L. Davis
2. Title: Member
3. Agency: Board for Professional Soil Scientists and Wetland Professionals
4. Transaction: Board Meeting on October 13, 2004
5. Nature of Personal Interest Affected by Transaction: NONE
- 

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

VA. ASSOCIATION OF WETLAND PROFESSIONALS

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

10/13/2004

Date



**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Carl D. Peacock, Jr.
2. Title: Member
3. Agency: Board for Professional Soil Scientists and Wetland Professionals
4. Transaction: Board Meeting on October 13, 2004
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Carl D. Peacock, Jr.  
Signature

10/13/04  
Date

STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Donald R. Young
2. Title: Member
3. Agency: Board for Professional Soil Scientists and Wetland Professionals
4. Transaction: Board Meeting on October 13, 2004
5. Nature of Personal Interest Affected by Transaction: None

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

Virginia Commonwealth University

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

DR Young      10/13/04  
Signature      Date

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Nancy G. Barker
2. Title: Member
3. Agency: Board for Professional Soil Scientists and Wetland Professionals
4. Transaction: Board Meeting on October 13, 2004
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_ N/A \_\_\_\_\_

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

NANCY G. BARKER  
Signature

Oct 13, 2004  
Date