

**THE VIRGINIA BOARD FOR
WATERWORKS AND WASTEWATER WORKS OPERATORS AND ONSITE
SEWAGE SYSTEM OPERATORS**

MEETING MINUTES

The Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Operators met on Wednesday, June 25, 2008 at the offices of the Virginia Department of Professional and Occupational Regulation, Perimeter Center, Board Room 3, 2nd Floor, 9960 Mayland Drive, Richmond, Virginia 23233.

The following members of the Board were present:

Harold W. Walker, Chair
Frank L. Davis, Jr. Vice-Chair
John Vanderland
Eileen M. Leininger
Douglas J. Crooks
Marcia J. Degen
J. Wesley Kleene
Ronald R. Thomas
Kornell R. Davis Jr.
E. Brooke Philpy

Charles B. Bott was unable to attend.

The following members of DPOR staff were present during some or all of the meeting:

Jay W. DeBoer, Director
David Dick, Executive Director
Anna Badgley, Administrative Assistant
David Dehetre Office Manager
Justin Garofalo, Board Administrator
Earlyne Perkins, Legal Analyst

Tom Nesbitt of the Office of the Attorney General was present during the meeting.

The following members of the general public were present at this meeting:

Sarah Gurtler, Respondent
Thomas S. Marsh, Respondent
Greg Dickie, Virginia Municipal League
Beth Rosenthal, VML Insurance Programs
Clark Wallcraft, VML Insurance Programs

Chairperson Harold Walker, finding a quorum of the Board present, **Call to Order**
called the meeting to order at 9:00 AM.

Ms. Leininger moved to approve the agenda. Mr. Davis seconded **Adopt Agenda**
the motion which was unanimously approved by the following board
members: Walker, Leininger, Davis, Crooks, Degen, Kleene. Mr.
Thomas, Mr. Davis, Mr. Vanderland and Mr. Philpy were present,
but did not vote since by statute they are ineligible to vote on
matters unrelated to Onsite Sewage System Professionals until July
1, 2009.

Ms Leininger moved that the Board approve the minutes of its **Approval of**
March 5, 2008 Board Meeting minutes as amended, OSSP **Minutes**
Committee Minutes for March 17, 2008, March 21, 2008, April 29,
2008, May 13, 2008, June 10, 2008 and WWHO Regulation
Review Committee Meeting on March 19, 2008 as a block. Mr.
Walker seconded the motion which was unanimously approved by
the following members: Walker, Leininger, Davis, Crooks, Degen
and Kleene. Mr. Thomas, Mr. K. Davis, Mr. Vanderland and Mr.
Philpy were present and unanimously approved the OSSP
Committee Minutes, but did not vote on the WWHO Regulation
Minutes or the March 5, 2008 Minutes since by statute they are
ineligible to vote on matters unrelated to Onsite Sewage System
Professionals until July 1, 2009.

Chairperson Walker opened the floor for public comment. **Public Comment**
Mr. Clark Walker addressed the Board regarding VML Online **Period**
University to supplement CPE requirements.

In the matter of **File Number 2008-03399, Sarah Elizabeth** **File Number**
Gurtler, the Board reviewed the record which consisted of the **2008-03399- Sarah**
application file, transcript and exhibits from the IFF and the **Elizabeth Gurtler**
presiding officer's summary and recommendation. Ms. Gurtler
(Respondent) was present and addressed the Board. Mrs. Leininger
moved that the Board accept the presiding officer's summary that
stated Ms. Gurtler has a degree in Psychology, which is not the
science background required by the Board's regulations. Therefore,
Ms. Gurtler's application was denied. Dr. Degen seconded the
motion which was unanimously approved by the following
members: Walker, Leininger, Davis, Crooks, Degen and Kleene.
Mr. Thomas, Mr. K. Davis, Mr. Vanderland and Mr. Philpy were
present, but did not vote since by statute they are ineligible to vote
on matters unrelated to Onsite Sewage System Professionals until
July 1, 2009.

In the matter of the **File Number 2007-00872, Wendell W.** **File Number**

Daugherty, II, the Board reviewed the record which consisted of the transcript, exhibits from the IFF and the presiding officer's summary and recommendation. Wendell Daugherty (Respondent) was not present. Mr. Crooks moved that the Board accept the presiding officer's summary and approve Mr. Daugherty's application for a license. Ms. Leininger seconded the motion which was unanimously approved by the following members: Walker, Leininger, Davis, Crooks, Degen and Kleene. Mr. Thomas, Mr. K. Davis, Mr. Vanderland and Mr. Philpy were present, but did not vote since by statute they are ineligible to vote on matters unrelated to Onsite Sewage System Professionals until July 1, 2009.

2007-00872
Wendell
Daugherty

In the matter of **File Number 2007-00507, Stuart V. Williams**, the Board reviewed the consent order offered and the report of findings. Stuart V. Williams (Respondent) was not present. Mr. Crooks moved that the Board approve the consent order in which Mr. Williams pays the Board costs of \$150.00 and surrenders his license. Ms. Leininger seconded the motion which was unanimously approved by the following members: Walker, Leininger, Davis, Crooks, Degen and Kleene. Mr. Thomas, Mr. K. Davis, Mr. Vanderland and Mr. Philpy were present, but did not vote since by statute they are ineligible to vote on matters unrelated to Onsite Sewage System Professionals until July 1, 2009.

File Number
2007-00507
Stuart V. Williams

In the matter of **File Number 2006-04782, Robert W. Franz**, the Board reviewed the consent order offered and the report of findings. Robert W. Franz (Respondent) was not present. Mr. Crooks moved that the Board approve the consent order in which Mr. Franz pays Board costs of \$350.00 and agrees to license revocation. Mr. Davis seconded the motion which was unanimously approved by the following members: Walker, Leininger, Davis, Crooks and Degen. Mr. Thomas, Mr. K. Davis, Mr. Vanderland and Mr. Philpy were present, but did not vote since by statute they are ineligible to vote on matters unrelated to Onsite Sewage System Professionals until July 1, 2009. Mr. Kleene, who previously reviewed the case files, recused himself.

File Number
2006-04782
Robert W. Franz

In the matter of **File Number 2006-04783, Steve V. Dawson** the Board reviewed the consent order offered and the report of findings. Steve V. Dawson (Respondent) was not present. Ms. Leininger moved that the Board approve the consent order in which Mr. Dawson pays Board costs of \$350.00 and agrees to license revocation. Dr. Degen seconded the motion which was unanimously approved by the following members: Walker, Leininger, Davis, Crooks and Degen. Mr. Thomas, Mr. K. Davis, Mr. Vanderland

File Number
2006-04783
Steve V. Dawson

and Mr. Philpy were present, but did not vote since by statute they are ineligible to vote on matters unrelated to Onsite Sewage System Professionals until July 1, 2009. Mr. Kleene, who previously reviewed the case files, recused himself.

In the matter of **File Number 2008-02656, Lawrence Augustus Lipscomb, III** the Board reviewed the consent order offered and the report of findings. Lawrence Augustus Lipscomb, III (Respondent) was not present. Mr. Crooks moved that the Board approve the consent order in which Mr. Lipscomb pays \$400.00 for the violation of 18 VAC 160-20-109.4 and \$150.00 in Board costs as well as completing the required CPE's within 6 months of the approval of the consent order. If Mr. Lipscomb completes the CPE's within six months of the approval of the consent order, \$300.00 will be suspended from the \$400 fine for violation of 18 VAC 160-20-109. Ms. Leininger seconded the motion which was unanimously approved by the following members: Kleene, Walker, Leininger, Davis, Crooks and Degen. Mr. Thomas, Mr. K. Davis, Mr. Vanderland and Mr. Philpy were present, but did not vote since by statute they are ineligible to vote on matters unrelated to Onsite Sewage System Professionals until July 1, 2009.

File number
2008-02656
Lawrence
Augustus
Lipscomb, III

In the matter of **File Number 2008-03398, Jason Danny-Joe Russell** the Board reviewed the record which consisted of the application file, transcript and exhibits from the IFF and the presiding officer's summary and recommendation. Jason Danny-Joe Russell (Respondent) was not present. Mr. Kleene moved that the Board adopt the presiding officer's summary as amended in which Mr. Russell's application for a license be approved. Ms. Leininger seconded the motion which was unanimously approved by the following members: Walker, Leininger, Davis, Crooks, Degen and Kleene. Mr. Thomas, Mr. K. Davis, Mr. Vanderland and Mr. Philpy were present, but did not vote since by statute they are ineligible to vote on matters unrelated to Onsite Sewage System Professionals until July 1, 2009.

File Number
2008-03398
Jason Danny-Joe
Russell

Other Business

The Board reviewed the OSSP draft regulations prepared by the Onsite Sewage System Professionals Committee. Dr. Degen moved to adopt the draft regulations as proposed regulation amendments and asked DPOR staff to prepare the amendments for public comment. Mr. Thomas seconded the motion which was unanimously approved by the following members: Walker, Leininger, Davis, Crooks, Thomas, Davis, Vanderland, Philippy, Degen and Kleene.

OSSP Draft
Regulations

The Board reviewed the regulation changes proposed by the

WWWO General
Regulation Review
Proposed

WWWO General Regulation Review Committee. Ms. Leininger moved to adopt the draft regulations as proposed regulation amendments and asked DPOR staff to prepare the amendments for public comment. Mr. Davis seconded the motion which was unanimously approved by the following members: Walker, Leininger, Davis, Crooks, Degen and Kleene. Mr. Thomas, Mr. K. Davis, Mr. Vanderland and Mr. Philpy were present, but did not vote since by statute they are ineligible to vote on matters unrelated to Onsite Sewage System Professionals until July 1, 2009.

Regulations

**Training
Provider/Course
Application
Review Committee**

Mr. Walker appointed the Training Provider and Course Application Review Committee with the following committee members who are also Board members: Vanderland (Chairman), Crooks and Kleene. Two members of the public were also assigned to the committee: Wayne Staples and Mark Anderson.

Future Board Meeting Dates:

**Future Meeting
Date**

September 24, 2008
December 4, 2008
March 4, 2009
June 24, 2009

Board members completed their conflict of interest forms and travel vouchers.

**Conflict of
Interest Forms**

The Board adjourned at 1:50 P.M.

Adjournment

Harold W. Walker, Chairperson

Jay W. DeBoer, Secretary