

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

The Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals met on April 4, 2012, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Frank L. Davis, Jr.
Kornell Davis, Jr.
Barry T. Dunkley (arrived at 9:37 a.m.)
D. Perry Greene
Dr. Wesley Kleene
Kristen Lentz
Michelle Ann Magrino
Gary Schafran
D. Wayne Staples

Board members E. Brooke Philpy and Ronald Thomas were not present for the meeting.

Staff present for all or part of the meeting:

Gordon Dixon, Director
Mark N. Courtney, Deputy Director of Licensing and Regulation
David Dick, Executive Director
Jill Hrynciw, Board Administrator
Michele Atkinson, Board Administrator
Earlyne Perkins, Legal Analyst
Amy Goobic, Administrative Assistant

Elizabeth Peay was present from the Office of the Attorney General.

In the absence of Mr. Philpy, Chair, Acting Chair, Mr. F. Davis, called the meeting to order at 9:00 a.m.

Call to Order

Mr. K. Davis moved to approve the agenda. Mr. Staples seconded the motion, which was unanimously approved by members: F. Davis, K. Davis, Greene, Kleene, Lentz, Magrino, Schafran and Staples.

**Approval of
Agenda**

Mr. Staples moved to approve the minutes for the following meetings:

**Approval of
Minutes**

- Board Meeting Minutes – January 11, 2012;
- Informal Fact-Finding Conference – February 8, 2012;
- Informal Fact-Finding Conference – February 15, 2012;
- Informal Fact-Finding Conference – February 21, 2012;

and

- Informal Fact-Finding Conference - February 23, 2012.

Ms. Lentz seconded the motion which was unanimously approved by members: F. Davis, K. Davis, Greene, Kleene, Lentz, Magrino, Schafran and Staples.

There were no comments made to the Board.

Mr. K. Davis recused himself from the meeting.

In the matter of **File Number 2012-00414, Ardonis Gary Barnes**, the Board members reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Barnes was present and addressed the Board. Dr. Kleene moved to accept the recommendation of the Presiding Officer closing Count 1 of the file, finding no violation of Board Regulation 18 VAC 160-20-140.1. Mr. Greene seconded the motion, which was unanimously approved by members: F. Davis, Greene, Kleene, Lentz, Magrino, Schafran and Staples.

As a Board representative in this case, Mr. K. Davis was not present, did not participate in the discussion, and did not vote on this matter.

Mr. K. Davis returned to the meeting.

In the matter of **File Number 2012-02080, James V. Parisi**, the Board members reviewed the record, which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Parisi was present and addressed the Board. Ms. Lentz moved to reject the recommendation of the Presiding Officer and approve Mr. Parisi's Onsite Sewage System Operator examination application and, after passing the examination, licensure as an alternative onsite sewage system operator subject to the terms of an Agreement for Licensure wherein Mr. Parisi agrees to comply with all applicable laws and regulations and, after passing the examination and becoming licensed, to be placed on probation for two years. If, after two years, Mr. Parisi has had no violations of the Board's regulations, the probationary period will end. Dr. Kleene seconded the motion, which was unanimously approved by members: F. Davis, K. Davis, Greene, Kleene, Lentz,

**Public Comment
Period**

**Recusal of Board
Member**

**File Number 2012-
00414, Ardonis
Gary Barnes**

**Return of Board
Member**

**File Number 2012-
02080, James V.
Parisi**

Magrino, Schafran and Staples.

In the matter of **File Number 2012-01564, Ronald L. Hairston**, the Board members reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Hairston and his witness, Mr. Clarke Wallcraft, were present and addressed the Board. Mr. Staples moved to accept the recommendation of the Presiding Officer and approve Mr. Hairston's Class 3 Wastewater Works Operator license application. Mr. Greene seconded the motion, which was unanimously approved by members: F. Davis, K. Davis, Greene, Kleene, Lentz, Magrino, Schafran and Staples.

File Number 2012-01564, Ronald L. Hairston

In the matter of **File Number 2012-01841, Nathan Lee Harbin**, the Board members reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Harbin was present and addressed the Board. Mr. K. Davis moved to accept the recommendation of the Presiding Officer and approve Mr. Hairston's Class 1 Wastewater Works Operator license application. Mr. Staples seconded the motion, which was unanimously approved by members: F. Davis, K. Davis, Greene, Kleene, Lentz, Magrino, Schafran and Staples.

File Number 2012-01841, Nathan Lee Harbin

Mr. Dixon, Director, Department of Professional and Occupational Regulation, was present and stated that he had nothing to report regarding the WWOSSP Board.

Director's Report

Mr. Dick provided background information on the need for an exempt action regarding SB 662 and HB 1262. Mr. Dick informed the members that board staff recommends that contingent upon HB 1262 and SB 662 being signed by the Governor and going into effect on July 1, 2012, that the Board pass a motion to authorize staff to file an exempt action on July 1, 2012, to amend the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals regulation to remove the examination requirement for applicants seeking initial licensure as a conventional onsite sewage system installer provided that the applicant satisfactorily demonstrates that he has been actively engaged in performing the duties of a conventional onsite sewage system installer, as defined in the regulation, for at least eight years within the 12-year period immediately preceding the date of application. The provision will apply to applications received prior to July 1, 2016.

Exempt Action – SB 662 and HB 1262

Discussion was held on the term "actively engaged." Ms. Peay

stated that it is a board interpretation and suggested the board provide a guidance document for clarification. Board staff will provide clarifying language at the next board meeting July 10, 2012.

Mr. Staples moved to authorize staff to file an exempt action on July 1, 2012, as stated. Dr. Kleene seconded the motion which was unanimously approved by members: F. Davis, K. Davis, Dunkley, Greene, Kleene, Lentz, Magrino, Schafran and Staples.

Mr. Dick updated the Board on pending regulatory activity for the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals.

**Update on Pending
Regulatory Activity**

Ms. Atkinson provided statistics from the Waterworks Operators 2011 CPE audit. 95% of the 110 regulants selected have responded. 97 passed; 3 failed (regulants voluntarily surrendered their licenses); 2 provided incomplete documentation; 2 requested and received extensions; 2 letters were returned due to bad addresses; and 4 did not respond. A "90-day overdue" letter will be mailed to regulants who have failed to comply. The letter will give regulants 30 days from the date of the letter to submit proof of compliance and will advise that failure to provide proof will result in a referral to the Department's Compliance and Investigation Division.

**Update on
Waterworks
Operators 2011
CPE Audit**

Mr. F. Davis read the following resolution from the WWWOSSP Board to former board member Harold W. Walker, for his service as a board member.

**Resolution for
Harold W. Walker**

**RESOLUTION TO
Harold W. Walker**

WHEREAS, **Harold W. Walker** did faithfully and diligently serve as a member of the Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals from 2004 to 2011;

WHEREAS, **Harold W. Walker** did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Harold W. Walker** 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 Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System 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 Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals this fourth day of April 2012, that **Harold W. Walker** 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.

Dr. Kleene moved to adopt the resolution. Mr. Staples seconded the motion which was unanimously approved by members: F. Davis, K. Davis, Dunkley, Greene, Kleene, Lentz, Magrino, Schafran and Staples.

The Board will meet on:

Future Board Meeting Dates

Tuesday, July 10, 2012
Wednesday, October 3, 2012
Thursday, January 10, 2013
Thursday, April 4, 2013
Tuesday, July 9, 2013
Thursday, October 10, 2013

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


Conflict of Interest Forms

The Board adjourned at 10:10 a.m.

Adjournment



Frank L. Davis, Jr., Acting Chair



Gordon Dixon, Secretary

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

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

1. Name: Douglas Perry Greene
2. Title: Board Member
3. Agency: WWWOOSSP Board
4. Meeting/IFF Date: Board Meeting April 4, 2012
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

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

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Douglas P. Greene
Signature

4/4/12
Date

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

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

1. Name: J. Wesley Kleene
2. Title: Board Member
3. Agency: WWWOOSSP Board
4. Meeting/IFF Date: Board Meeting April 4, 2012

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

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

VIRGINIA DEPT. OF HEALTH

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

J Wesley Kleene
Signature

4/3/12
Date

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

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

1. Name: Donald Wayne Staples
2. Title: Board Member
3. Agency: WWWOOSSP Board
4. Meeting/IFF Date: Board Meeting April 4, 2012

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

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

Licensed wastewater operator (Class I)

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Donald Wayne Staples
Signature

4/4/12
Date

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

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

1. Name: Kornell R. Davis, Jr.
2. Title: Board Member
3. Agency: WWWOOSSP Board
4. Meeting/IFF Date: Board Meeting April 4, 2012

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

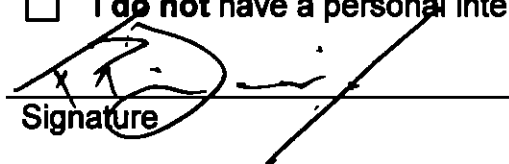
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

4-4-2012
Date

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

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

1. Name: Barry T. Dunkley
2. Title: Board Member
3. Agency: WWWOOSSP Board
4. Meeting/IFF Date: Board Meeting April 4, 2012

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

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

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Signature



Date

4-4-12

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

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

1. Name: Kristen Lentz
2. Title: Board Member
3. Agency: WWWOOSP Board
4. Meeting/IFF Date: Board Meeting April 4, 2012

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

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

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Kristen Lentz
Signature

4/4/12
Date

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

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

1. Name: Michelle Ann Magrino
2. Title: Board Member
3. Agency: WWWOOSSP Board
4. Meeting/IFF Date: Board Meeting April 4, 2012

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

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

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Michelle Magrino
Signature

4.4.12
Date

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

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

1. Name: Gary Schafran
2. Title: Board Member
3. Agency: WWWOOSSP Board
4. Meeting/IFF Date: Board Meeting April 4, 2012

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

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

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

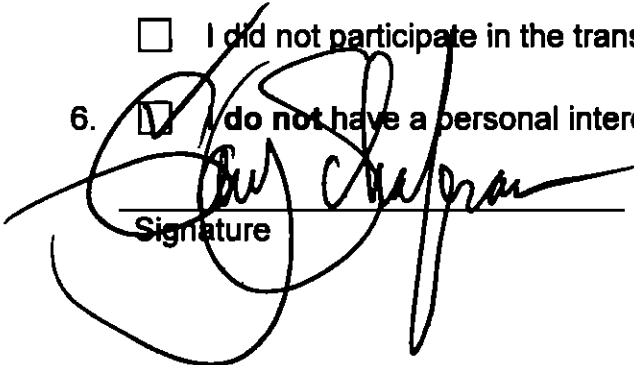
or

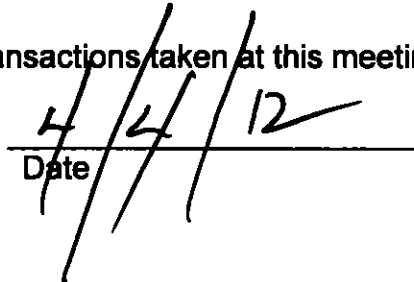
I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Signature

Date





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

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

1. Name: Frank L. Davis, Jr.
2. Title: Board Member
3. Agency: WWWOOSP Board
4. Meeting/IFF Date: Board Meeting April 4, 2012

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

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

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Signature



Date

4-4-2012.