

**THE VIRGINIA BOARD FOR  
WATERWORKS AND WASTEWATER WORKS OPERATORS**

**MEETING MINUTES**

The Virginia Board for Waterworks and Wastewater Works Operators met on Wednesday, December 8, 2004 at the offices of the Virginia Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia 23230.

The following members of the Board were present:

Dan French, Chairperson  
Steve W. Cawthron, Vice Chairperson  
Dr. Thomas Grizzard (Departed at 1:00 p.m.)  
Gerald W. Peaks, PE  
Eileen Leininger  
Harold W. Walker  
John Vanderland

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

Louise Fontaine Ware, Director  
Sandra Whitley Ryals, Chief Deputy Director  
Karen O'Neal, Deputy Director for RPD  
David Dick, Executive Director  
Earlyne Perkins, Legal Assistant  
Marilyn Mandel, Administrative Assistant

Others who attended the meeting included:

Mark Anderson, Department of Health  
Dennis R. Wanless, D.R. Wanless and Associates

Eric Gregory of the Office of the Attorney General was present.

Chairperson French, finding a quorum of the Board present, called Call to Order the meeting to order at 8:30 AM.

The Board agreed without dissent to approve the agenda as Adopt Agenda prepared by staff.

Ms. Leininger moved that the Board approve the minutes of its Approval of Minutes June 22, 2004 Board meeting, the September 14, 2004 Criminal History Records Check Committee meeting and the IFF minutes of October 21, November 4, November 10 and November 18, 2004.

Mr. Cawthron seconded the motion which was unanimously approved by the following members: French, Walker, Peaks, Cawthron, Grizzard, Vanderland and Leininger.

Chairperson French opened the floor for public comment. No member of the public present expressed a desire to address the Board.

**Public Comment  
Period**

In the matter of **File Number 2005-01158, Christopher R. Lucas**, 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. Christopher R. Lucas (respondent) was not present at the time of the Board's decision. Dr. Grizzard moved that the Board adopt the summary and recommendation and approve the application for the Class IV Wastewater Works examination. Ms. Leininger seconded the motion which was approved by the following members: French, Walker, Peaks, Cawthron, Grizzard, Vanderland and Leininger.

**File Number  
2005-01158**

In the matter of **File Number 2005-01422, Graland H. Gray**, 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. Graland H. Gray (respondent) was not present at the time of the Board's decision. Ms. Leininger moved that the Board adopt the summary and recommendation and approve the application for the Class IV Waterworks Operator examination. Mr. Peaks seconded the motion which was approved by the following members: French, Walker, Peaks, Cawthron, Grizzard, Vanderland and Leininger.

**File Number  
2005-01422**

In the matter of **File Number 2004-01746, Kenneth Robert Hinkley**, the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF and the presiding Board member's summary and recommendation. Kenneth Robert Hinkley (Respondent) was not present at the Board meeting.

**File Number  
2004-01746**

Ms. Leininger moved that the Board adopt the presiding Board member's summary and find Kenneth Robert Hinkley in violation of 18 VAC 160-20-140.2 and 18 VAC 160-20-140.6 of the Board's 2001 regulations. Dr. Grizzard seconded the motion which was approved by the following members: French, Walker, Peaks, Grizzard, Vanderland and Leininger. Mr. Cawthron recused himself and did not participate in any discussion or vote.

Ms. Leininger moved that the Board accept the recommendation of

the presiding Board member to revoke Mr. Hinkley's class III Waterworks Operator License for his violation of 18 VAC 160-20-140.2 and to revoke Mr. Hinkley's class III Waterworks Operator License and to impose a fine of \$1,000 for his violation of 18 VAC 160-20-140.6. Mr. Vanderland seconded the motion which was unanimously approved by the following members: French, Walker, Peaks, Grizzard, Vanderland and Leininger. Mr. Cawthron recused himself and did not participate in any discussion or vote.

In the matter of **File Number 2004-01747, Kenneth Robert Hinkley**, the Board reviewed the record, which consisted of the investigative file, transcript and exhibits from the IFF and the presiding Board member's summary and recommendation. Kenneth Robert Hinkley (Respondent) was not present at the Board meeting.

**File Number**  
**2004-01747**

Ms. Leininger moved that the Board adopt the presiding Board member's summary and find Kenneth Robert Hinkley in violation of 18 VAC 160-290140.2 and 18 VAC 160-20-140.6 of the Board's 2001 regulations. Mr. Peaks seconded the motion which was approved by the following members: French, Walker, Peaks, Grizzard, Vanderland and Leininger. Mr. Cawthron recused himself and did not participate in any discussion or vote.

Ms. Leininger moved that the Board accept the recommendation of the presiding Board member to revoke Mr. Hinkley's class I Wastewater Operator License for his violation of 18 VAC 160-20-140.2 and to revoke Mr. Hinkley's class I Wastewater Operator License and to impose a fine of \$1,000 for his violation of 18 VAC 160-20-140.6. Dr. Grizzard seconded the motion which was unanimously approved by the following members: French, Walker, Peaks, Grizzard, Vanderland and Leininger. Mr. Cawthron recused himself and did not participate in any discussion or vote.

Eric Gregory from the Office of the Attorney General of Virginia provided training on the Conflict of Interest Act (COIA) to all members of the Board.

**Conflict of**  
**Interest Act**  
**Training**

Mark Anderson from the Virginia Department of Health provided the Board with an update on the online pilot exam. Sharon Sweet, Director of DPOR's Office of Education and Examinations, discussed the current contract with ABC and the future timeframe for selection of a provider for online examinations.

**Examination**  
**Issues**

David Dick updated the Board on the status of the proposed non-classified facility experience amendments. The Department of

**Regulatory Issues**

Planning and Budget approval was received on September 23, 2004. Approval from the Secretary of Commerce and Trade had just been received on December 8, 2004 and is now awaiting the Governor's approval.

Report provided by Louise Fontaine Ware stated that she contacted Bob Crouch, Deputy Director for Public Safety. Mr. Crouch stated that George Forsman indicated that he believed it was more up to the facility to check the background of its employees. The Department and the Board possess the necessary statutory authority to begin conducting such checks. Ms. Ware stated that the Department is ready to fingerprint applicants and do background checks on short notice and will begin to do so if further guidance is received from the federal government or the Office of the Secretary of Public Safety indicating that such checks are necessary to protect the public.

**Criminal History  
Records Check**

The Board requested staff to prepare a response for each of the issues raised by the Criminal History Records Check Committee.

Mr. Cawthron moved that the Board adopt the following resolutions:

**Resolutions for  
Former Board  
Members**

**Department of Professional and  
Occupational Regulation**

**Board for Waterworks and  
Wastewater Works Operators**

Resolution To

*Larry G. Lawson*

**WHEREAS**, Larry G. Lawson, has faithfully and diligently served as a member of the Board for Waterworks and Wastewater Works Operators from 1974 until June 30, 2004; and

**WHEREAS**, Larry G. Lawson, has devoted generously of his time, talent and leadership to the Board; and

**WHEREAS**, Larry G. Lawson, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

**WHEREAS**, the Board for Waterworks and Wastewater Works Operators wishes to acknowledge its gratitude and deepest

appreciation 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 Waterworks and Wastewater Works Operators this eighth day of December, 2004 that Larry G. Lawson be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens and the Board for Waterworks and Wastewater Works Operators; 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.

**Department of Professional and  
Occupational Regulation**

**Board for Waterworks and  
Wastewater Works Operators**

Resolution To

*Robert B. Taylor*

**WHEREAS**, Robert B. Taylor, has faithfully and diligently served as a member of the Board for Waterworks and Wastewater Works Operators from April 27, 2000 until September 30, 2003; and

**WHEREAS**, Robert B. Taylor, has devoted generously of his time, talent and leadership to the Board; and

**WHEREAS**, Robert B. Taylor, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

**WHEREAS**, the Board for Waterworks and Wastewater Works Operators wishes to acknowledge its gratitude and deepest appreciation 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 Waterworks and Wastewater Works Operators this eighth day of December, 2004 that Robert B. Taylor be given all honors and respect due him for his outstanding service to the Commonwealth

and its citizens and the Board for Waterworks and Wastewater Works Operators; 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.

**Department of Professional and  
Occupational Regulation**

**Board for Waterworks and  
Wastewater Works Operators**

Resolution To

*Mark A. Haley*

**WHEREAS**, Mark A. Haley, has faithfully and diligently served as a member of the Board for Waterworks and Wastewater Works Operators from January 1, 1996 until July 14, 2004; and

**WHEREAS**, Mark A. Haley, has devoted generously of his time, talent and leadership to the Board; and

**WHEREAS**, Mark A. Haley, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

**WHEREAS**, the Board for Waterworks and Wastewater Works Operators wishes to acknowledge its gratitude and deepest appreciation 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 Waterworks and Wastewater Works Operators this eighth day of December, 2004 that Mark A. Haley be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens and the Board for Waterworks and Wastewater Works Operators; 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.

Mr. Walker seconded the motion which was unanimously approved

by the following members: French, Walker, Peaks, Cawthron, Grizzard, Vanderland and Leininger.

David Dick presented to the Board current information regarding modifications to training course approvals. After board discussion, Mr. Cawthron moved that federal and state agencies are not required to obtain State Council of Higher Education for Virginia (SCHEV) approval to award continuing education units (CEUs) in order to award training credits (TCs) under the exemption provided for in 18 VAC 160-20-160(A). Institutions, schools and universities shall have obtained SCHEV approval to award CEUs before they may award TCs under the exemption. Ms. Leininger seconded the motion which was approved by the following members: French, Walker, Peaks, Cawthron, Grizzard, Vanderland and Leininger.

**Other Business**

The Board agreed, without dissent, that staff would select five percent of the licensed waterworks operators to audit for CPE compliance in the Spring (May-June) 2005. Those selected during the last audit who completed CPE during the current licensing period to meet the CPE requirement for the preceding license period will also be audited for compliance as well. Staff may proceed to audit another five percent in the Fall.

**CPE Audit for  
Waterworks  
Operators**

Karen O'Neal made a presentation regarding the roles and responsibilities of Board members as well as DPOR's Process Improvement Team (PIT) and Compliance and Investigations Division (CID).

**New Board  
Member Training**

The Board confirmed the following meeting dates:

**Set Meeting Dates**

March 9, 2005  
June 22, 2005  
September 14, 2005  
December 7, 2005

Mr. French opened the floor for nominations for Chairperson and Vice Chairperson. Eileen Leininger was nominated as Chairperson and Steve Cawthron for Vice Chairperson. Hearing no further nominations, the nominations were closed. Upon unanimous vote of the Board, Ms. Leininger and Mr. Cawthron were elected Chairperson and Vice Chairperson, respectively.

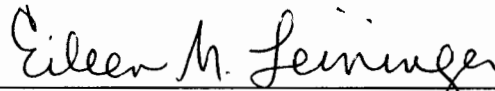
**Election of  
Officers**

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

**Conflict of  
Interest Forms**

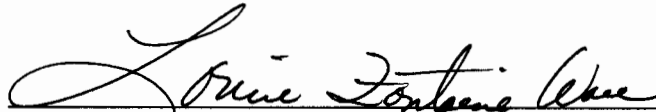
The Board adjourned at 1:35 PM.

**Adjournment**



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Eileen Leininger, Chairperson



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Louise Fontaine Ware, Secretary

COPY TESTE:

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Custodian of the Records



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

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

1. Name: Dan E. French
2. Title: Board Member - Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
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: \_\_\_\_\_

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

Dated: 12/8/04

Signature: 

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

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

1. Name: Steve W. Cawthron
2. Title: Board Member - Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: NONE
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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: Water + Wastewater Works

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

Dated: 12/8/04

Signature: SW Caw

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

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

1. Name: Dr. Thomas J. Grizzard, Jr.
2. Title: Board Member - Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: NONE
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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: N/A

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

Dated: 12.08.04

Signature: 

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

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

- 1. Name: Gerald W. Peaks, PE
- 2. Title: Board Member - Waterworks and Wastewater Works Operators
- 3. Agency: Department of Professional and Occupational Regulation
- 4. Transaction: Board Meeting
- 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: None

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

Dated: 12-8-09

Signature: Gerald W. Peaks

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

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

- 1. Name: Eileen Leininger
- 2. Title: Board Member - Waterworks and Wastewater Works Operators
- 3. Agency: Department of Professional and Occupational Regulation
- 4. Transaction: Board Meeting
- 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: water industry

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

Dated: 12/8/04

Signature: 

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

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

1. Name: Harold W. Walker
2. Title: Board Member - Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
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.

Dated:

12/18/04

Signature:

Harold W. Walker

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

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

- 1. Name: John W. Vanderland
- 2. Title: Board Member - Waterworks and Wastewater Works Operators
- 3. Agency: Department of Professional and Occupational Regulation
- 4. Transaction: Board Meeting
- 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.

Dated:

Signature:

12/8/04  
