

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

**MEETING MINUTES**

The Virginia Board for Waterworks and Wastewater Works Operators met on Wednesday, December 7, 2005 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:

Eileen M. Leininger, Chair  
Steve W. Cawthron, Vice Chair  
Harold W. Walker  
John W. Vanderland  
Frank L. Davis, Jr.  
Dr. Thomas J. Grizzard, Jr.  
Dr. J. Wesley Kleene

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

Brian Hannigan, Chief Deputy Director  
Karen O'Neal, Deputy Director for RPD  
Nick Christner, Deputy Director for CID  
David Dick, Executive Director  
Earlyne Perkins, Legal Assistant  
Marilyn Cohn, Administrative Assistant  
Bonnie Rhea Adams, Director - CAR  
Douglas Schroder, Director - Adjudication

Others who attended the meeting included:

Mark Anderson, Department of Health  
Eric Tollerson, Respondent  
Keith Robertson, Respondent  
Alexander Dillard, Attorney for Respondent

Chairperson Leininger, finding a quorum of the Board present, Call to Order called the meeting to order at 8:40 AM.

Steve Cawthron moved to approve the revised agenda to include Adopt Agenda minutes of the June 6 examination Services Evaluation Panel and presentation from Mark Anderson of VDH. Mr. Vanderland seconded the motion which was unanimously approved by the following members: Leininger, Cawthron, Walker, Kleene, Grizzard, Davis and Vanderland.

Mr. Cawthron moved that the Board approve the minutes of its September 14, 2005 Board meeting, the IFF minutes of September 15, 2005, October 18, 2005, October 20, 2005 and the minutes of the June 6, 2005 Examination Services Evaluation Panel. Mr. Davis seconded the motion which was unanimously approved by the following members: Leininger, Cawthron, Walker, Kleene, Grizzard, Davis and Vanderland.

**Approval of  
Minutes**

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

**Public Comment  
Period**

Mr. Cawthron recused himself and did not participate in the discussion or vote.

**File Number  
2006-00510**

In the matter of **File Number 2006-00510, Carl A. Pope**, the Board reviewed the Consent Order which was offered to the Respondent, Carl A. Pope. Mr. Pope was not present at the Board meeting. Dr. Grizzard moved that the Board accept the Consent Order for Count 1 that Mr. Pope was in violation of 18 VAC 160-20-140.2 and that no monetary penalty is imposed, but requires \$150 payment for Board costs. The respondent further agrees to surrender his Class III Wastewater Works Operator license. Mr. Walker seconded the motion which was approved by the following members: Leininger, Walker, Kleene, Grizzard, Davis and Vanderland. Mr. Cawthron recused himself and did not participate in any discussion or vote.

Mr. Cawthron recused himself and did not participate in the discussion or vote.

**File Number  
2006-00264**

In the matter of **File Number 2006-00264, Barry Robertson**, the Board reviewed the Consent Order offered to and signed by Barry Robertson (Respondent). The respondent's attorney Alexander Dillard was present and both Mr. Robertson and Mr. Dillard addressed the Board.

Dr. Grizzard moved that the Board accept the Consent Order that Mr. Robertson was in violation of 18 VAC 160-20-140.4 and which imposes a monetary penalty of \$2,500 for Count 1 plus \$500 in Board costs. Mr. Vanderland seconded the motion which was approved by the following members: Leininger, Walker, Kleene, Grizzard, Davis and Vanderland. Mr. Cawthron recused himself and did not participate in any discussion or vote.

Ms. Leininger recused herself and did not participate in the discussion or vote.

**File Number**  
**2006-00387**

In the matter of **File Number 2006-00387, Eric Allen Tollerson**, the Board reviewed the record, which consisted of the application file, transcript and exhibits from the IFF, and the presiding officer's summary, conclusion and recommendation. Mr. Tollerson, Respondent, was present and addressed the Board. Dr. Grizzard moved that the Board adopt the summary and recommendation and approve Mr. Tollerson's application to sit for the Class IV Wastewater Works Operator examination. Mr. Davis seconded the motion which was approved by the following members: Cawthron, Walker, Kleene, Grizzard, Davis and Vanderland. Ms. Leininger recused herself and did not participate in any discussion or vote.

In the matter of **File Number 2006-01197, David Kenneth Elswick**, the Board reviewed the record, which consisted of the application file, transcript and exhibits from the IFF, and the presiding officer's summary, conclusion and recommendation. David Kenneth Elswick (Respondent) was not present at the Board meeting. Mr. Cawthron moved that the Board accept the summary and reject the recommendation and deny Mr. Elswick's application to sit for the Class IV Wastewater Works Operator examination based upon the nature and the number of convictions and the seriousness of the convictions. Dr. Grizzard seconded the motion which was approved by the following members: Leininger, Cawthron, Walker, Kleene, Grizzard, Davis and Vanderland.

**File Number**  
**2006-01197**

Mr. Dick gave the board an update on the progress staff has made in implementing the new examination contract which takes effect on January 1, 2006.

**Examination**  
**Update**

The Board reviewed the proposed fast-track regulation amendment drafted by staff for the Board's action. Dr. Grizzard moved that the Board approve the regulation amended as follows.

**Fast-Track**  
**Regulation**  
**Approval**

On Page 13 of 13, insert after the first sentence: "Individuals approved to sit for the examination shall be provided with written instructions for examination registration."

On Page 13 of 13, strike item 3 and insert the following:

3. Upon submission of an application for reexamination and payment of the fee established in 18 VAC 160-20-102, an applicant who is unsuccessful in passing the examination shall

be allowed to retake the examination an unlimited number of times within one year after the date the application to sit for the examination was approved. If the one-year period elapses, then the applicant shall submit a new application to sit for the examination establishing that he meets the then-current requirements of this chapter and the fee established in 18 VAC 160-20-102.

On page 13 of 13, strike item 4 and re-number item 5.

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

David Dick reviewed the results of staff's continuing professional audit (CPE) compliance audits. The Board took no action.

**CPE Audit**

Mr. Dick advised the Board that he had received a Letter of Assurance from the Office of the Attorney General on December 9, 2005 concerning the final regulations adopted at the last meeting. Staff is preparing documents to file on Town Hall.

**Final Regulations Update**

Mark Anderson from the Virginia Department of Health, Office of Drinking Water, presented the Board with information regarding the learning management system he is working on to document compliance with EPA requirements for operator training. No action was taken by the Board.

**Other Business**

Registration materials from the Association of Boards of Certification (ABC) annual conference was reviewed by the Board members. Several expressed interest in attending, subject to their availability, the conference in Las Vegas January 24-27, 2006.

David Dick requested the board to consider permitting the Department to use former WWW Board members as presiding officers for IFFs. Mr. Cawthron moved that the agency may use former board members as necessary for IFFs. Dr. Kleene seconded the motion which was unanimously approved by the following members: Leininger, Cawthron, Walker, Kleene, Grizzard, Davis and Vanderland.

The Chairperson opened the floor for nominations for Chairperson and Vice Chairperson. Eileen Leininger was nominated as Chairperson and Harold Walker for Vice Chairperson. Hearing no further nominations, the nominations were closed. Upon unanimous vote of the Board, Ms. Leininger and Mr. Walker were

**Election of Officers**

elected Chairperson and Vice Chairperson, respectively.

Nick Christner, Deputy Director of Compliance and Investigation along with Bonnie Rhea Adams, Director of CAR and Douglas Schroder, Director of Adjudication, provided an overview of the procedures and requirements of the Compliance and Investigation Division.

**Board Member Training**

The Board confirmed the following meeting dates:

**Set Meeting Dates**

March 8, 2006  
June 21, 2006  
September 13, 2006  
December 6, 2006

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

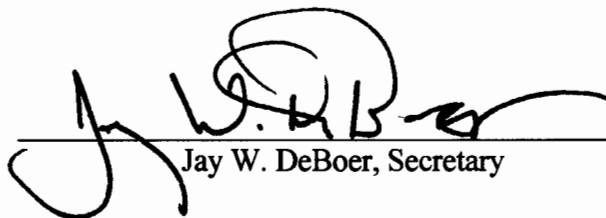
**Conflict of Interest Forms**

The Board adjourned at 11:35 AM.

**Adjournment**



\_\_\_\_\_  
Eileen Leininger, Chairperson



\_\_\_\_\_  
Jay W. DeBoer, Secretary

COPY TESTE:

\_\_\_\_\_  
Custodian of the Records

**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:

12/7/05

Signature:

Eileen M. Leininger

**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

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 and Wastewater

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

Dated: 12/7/05

Signature: SWC

**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: 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: 12/7/05

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: \_\_\_\_\_

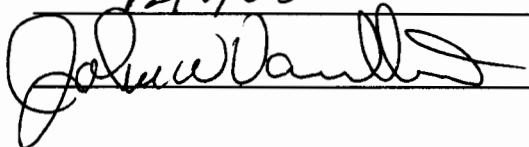
6. I declare that:

(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:

12/7/05  


**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 - 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:

12-7-05

Signature:

Frank L. Davis Jr.

**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

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: 12.07.05

Signature: 

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

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

1. Name: Dr. J. Wesley. Kleene
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: DIRECTOR (ACTING),

OFFICE OF DRINKING WATER

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

Dated: 7 DECEMBER 2005

Signature: Wesley Kleene