

**BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS  
MEETING MINUTES**

The Board for Professional Soil Scientists and Wetland Professionals met on July 29, 2009, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Robert B. Atkinson  
Nancy Barker  
David Davis  
Penelope Melino (arrived at 10:00)  
Charles Nelson  
Tom Saxton  
Angela Whitehead

Staff present for all or part of the meeting were:

Mark N. Courtney, Deputy Director of Licensing and Regulation  
Kathleen R. Nosbisch, Executive Director  
Marian H. Brooks, Program Administrator  
Earlyne Perkins, Legal Analyst  
Amy Goobic, Administrative Assistant

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

Finding a quorum of the Board present, Dr. Atkinson, Chair, called the meeting to order at 9:05 a.m.

**Call to Order**

Dr. Atkinson welcomed Dr. Daniels and his wife , then read the following resolution:

**Presentation of  
Resolution to Lee Daniels**

WHEREAS, **W. Lee Daniels**, did faithfully and diligently serve as a Board member of the Board for Professional Soil Scientists and Wetland Professionals from 2001 to 2009;

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

WHEREAS, **W. Lee Daniels**, 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 29<sup>th</sup> day of July 2009, that **W. Lee Daniels**, 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.

The resolution will be signed by Dr. Atkinson, Chair and Mr. Jay DeBoer, Director and delivered to Dr. Daniels.

Ms. Nosbisch introduced new Board members: Charles E. Nelson will be filling the seat vacated by Dr. Daniels and Tom Saxton, who will be filling the unexpired term of John Galbraith.

**Welcome and Introduction of New Board Members**

Ms. Barker moved to approve the agenda. Ms. Whitehead seconded the motion which was unanimously approved by members: Atkinson, Barker, Davis, Nelson, Saxton and Whitehead.

**Approval of Agenda**

Ms. Whitehead moved to approve the minutes from the following meetings:

**Approval of Minutes**

- April 22, 2009, Board meeting.
- May 26, 2009, Informal Fact-Finding Conference
- July 14, 2009, Board Meeting

Mr. Davis seconded the motion which was unanimously approved by members: Atkinson, Barker, Davis, Nelson, Saxton and Whitehead.

**Public Comment Period** – There were no comments made to the Board.

**Public Comment Period**

Mr. DeGraff was present to address the Board. He thanked the Board for their consideration of his application.

**File Number 2009-03788, Zachary DeGraff**

Regarding **File Number 2009-03788, Zachary DeGraff**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits and the summary and recommendation of the presiding Board member. Mr. Saxton moved to accept the recommendation of the presiding Board member and approve Mr. DeGraff to sit for the wetland delineator's examination in August. Mr. Nelson seconded the motion which unanimously approved by members: Atkinson, Barker, Nelson, Saxton and Whitehead.

As the presiding Board member, Mr. Davis was not present for the discussion or vote.

Ms. Whitehead moved to adopt the following meeting dates for 2010:

**Consideration of 2010 Meeting Dates**

- 10:00 a.m., Wednesday, January 27, BR4
- 10:00 a.m., Wednesday, April 21, BR3
- 10:00 a.m., Monday, July 12, BR3

10:00 a.m., Tuesday, October 19, BR4

Mr. Davis seconded the motion which was unanimously approved by members: Atkinson, Barker, Davis, Nelson, Saxton and Whitehead.

Ms. Whitehead moved to nominate herself as Chair. Mr. Nelson seconded the nomination. Mr. Davis moved to close the nomination; Mr. Saxton seconded the motion, which was unanimously approved by members: Atkinson, Barker, Davis, Nelson, Saxton and Whitehead. **Election of Officers**

Dr. Atkinson moved to nominate Ms. Barker as Vice-Chair. Mr. Davis seconded the nomination. Mr. Davis moved to close the nomination; Mr. Saxton seconded the motion, which was unanimously approved by members: Atkinson, Barker, Davis, Nelson, Saxton and Whitehead.

Ms. Nosbisch informed the Board that portions of statute 54.1-2206 of the Code of Virginia had been changed by the General Assembly in 2003 and the change had not been incorporated into the Soil Scientists and Wetland Professionals regulations. Ms. Nosbisch explained that the office of the Attorney General confirmed that the regulations could be changed without going through the entire regulatory review process, as it was a statute change. Ms. Barker moved to accept the changes. Mr. Davis seconded the motion, which was unanimously approved by members: Atkinson, Barker, Davis, Nelson, Saxton and Whitehead. **Exempt Regulatory Action**

Ms. Nosbisch informed the Board that due to revisions of the Appropriations Act effective July 1, 2009, board member per diem may be eliminated. The agency is waiting on interpretation of the revised language in the Appropriations Act, the board members will be notified as soon as the Board is informed of the decision. **Other Business**

Mr. Davis inquired as to the number of exam candidates. Ms. Nosbisch explained that the information is not yet available and that the numbers will be given at the next Board meeting.

Mr. Nelson inquired about the increase in dues. Mr. Courtney explained that the Board is self sufficient and that the Finance Department makes increases and decreases as deemed necessary in accordance with the budget.

Conflict of Interest forms were completed by all members present. **Conflict of Interest Forms**

Board members that previously completed the COIA training were excused from the meeting. The remaining board members participated in the Conflict of Interests Act training, as it is required of all board members. Board members signed certificates verifying that they had **COIA Training**

completed the training course.

There being no further business, the meeting was adjourned at 10:30 a.m. **Adjournment**

---

Robert Atkinson, Chair

---

Jay W. DeBoer, Secretary

DRAFT