

**BOARD FOR PROFESSIONAL SOIL SCIENTISTS, WETLAND PROFESSIONALS
and GEOLOGISTS
MEETING MINUTES**

The Board for Professional Soil Scientists, Wetland Professionals and Geologists met on July 2, 2013, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

J. Meade R. Anderson
Robert B. Atkinson
Nancy Barker
Douglas S. Davis
J. James Liu
Robin E. Reed
Harry T. (Tom) Saxton
David Spears
Katherine S. White
Angela Whitehead

Board members Warren (Ted) Dean, Angie Hall and Charles E. Nelson were not present at the meeting.

Board staff present for all or part of the meeting were:

Kathleen (Kate) R. Nosbisch, Executive Director
Joseph (Joe) Shaver, Board Administrator
Amy Goobic, Administrative Assistant

Agency staff present for all or part of the meeting were:

Mark N. Courtney, Director
Kristin M. Clay, Legal Analyst

Josh Lief, Senior Assistant Attorney General, was present for the meeting.

Ms. Whitehead, Chair, called the meeting to order at 10:11 a.m.

Call to Order

Ms. Nosbisch advised the Board of the emergency evacuation procedures.

**Emergency Evacuation
Procedures**

Public Comment Period – Lauren Schmitt, lobbyist for the Virginia Association of Professional Soil Scientists (VAPSS), was present to address the Board. Ms. Schmitt stated that the association and members were excited about the transition from certification to licensure for the soil scientists, and that she was available to provide any additional information if needed.

Public Comment Period

Ryan Reed, President, VAPSS, was also present to address the Board. Mr. Reed stated that he supported the transition from certification to

licensure and looked forward to helping in any way.

Dr. Atkinson moved to approve the agenda. Ms. Barker seconded the motion which was unanimously approved by members: Anderson, Atkinson, Barker, Davis, Liu, Reed, Saxton, Spears, White & Whitehead.

Approval of Agenda

Mr. Saxton moved to approve the minutes from the following meetings:

Approval of Minutes

- December 5, 2012, Board for Professional Soil Scientists and Wetland Professionals meeting
- April 23, 2013, Informal Fact-Finding Conference

Ms. Reed seconded the motion which was unanimously approved by members: Anderson, Atkinson, Barker, Davis, Liu, Reed, Saxton, Spears, White & Whitehead.

Discussion was held on whether Mr. Neely's degree met the requirements contained in the regulations. Mr. Courtney noted that the presiding Board member's recommendation states that the combination of Mr. Neely's BS and MS degrees was deemed equivalent to the required undergraduate degree. Mr. Lief commented that the statute does appear to give the Board discretion, that the Board may look at circumstances on a case-by-case basis.

File Number 2013-02166,
Matthew A. Neely

Regarding **File Number 2013-02166**, Matthew A. Neely, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the presiding Board member's recommendation. Mr. Saxton moved to accept the recommendation of the presiding Board member and approve Mr. Neely's application to sit for the Wetland Delineator examination. Ms. Reed seconded the motion. Ms. Barker requested additional time to review delineations as part of the recommendation for approval.

The Board recessed from 10:40 am until 10:55 am, to review and reconsider the delineations submitted by Mr. Neely.

Recess

Following the recess, Ms. Barker and Dr. Atkinson both stated that the delineations were acceptable. The motion and second to accept the recommendation of the presiding Board member was approved by members: Anderson, Atkinson, Barker, Liu, Reed, Saxton, Spears & White. Ms. Whitehead was opposed. As the presiding Board member, Mr. Davis, was not present during the discussion or vote.

File Number 2013-02166,
Matthew A. Neely

Board members reviewed financial statements for informational purposes.

Review of Financial
Statements

Ms. Nosbisch reported that Mr. Dean attended the ASBOG Spring

National Association of

meeting in April. Mr. Spears reported that he, along with Mr. Anderson and representatives from DMME and Luck Stone, led a field trip for the ASBOG meeting attendees. The group toured the Midlothian Mines Park, Moorefield Mine and Luck Stone quarry.

State Boards of Geology Update

Ms. Nobsch informed the Board that two regulatory packages have been submitted for publication in the Register. There will be a public hearing regarding the Geology fee increase and the Soil Scientist transition from certification to licensure, August 7, to receive public comment. The Soil Scientist hearing will be at 10:00 am, and the Geology hearing will be at 11:00 am. Ms. Nobsch also stated the public comment period on the Town Hall website will be open July 1 through August 30.

Regulatory Update

Discussion was held on the geologist-in-training (GIT) designation, which became effective January 1, 2013. Ms. Nobsch asked the geologist members of the Board if they would like to continue to review the GIT applications, or if they prefer staff review if complete. Mr. Anderson stated that he would prefer the Board members continue to review the GIT applications. The Board agreed by consensus.

Discussion of GIT Application Approval by Board Staff

Ms. Nobsch reported that the geology applications are being sent electronically to board members for review, in lieu of waiting for the board meeting. She stated that sending applications electronically for review, hastens the application process.

Ms. Nobsch informed the Board that in the formerly agreed upon officer rotation, a geologist would be elected Chair and a Wetland Professional Vice-Chair. Mr. Spears nominated Mr. Dean to serve as Chair. Ms. Reed seconded the motion which was unanimously approved by members: Anderson, Atkinson, Barker, Davis, Liu, Nelson, Reed, Saxton, Spears, White & Whitehead. Dr. Atkinson nominated Mr. Davis to serve as Vice-Chair. Ms. Barker seconded the motion which was unanimously approved by members: Anderson, Atkinson, Barker, Davis, Liu, Reed, Saxton, Spears, White & Whitehead.

Election of Chair and Vice-Chair

Discussion was held on changing the start time of the meeting. The Board agreed by consensus to have the start time remain 10:00 am.

Consideration of 2014 Meeting Dates

Ms. Reed moved to approve the following 2014 meeting dates:

- March 5
- June 3
- September 9
- December 2

Dr. Atkinson seconded the motion which was unanimously approved by members: Anderson, Atkinson, Barker, Davis, Liu, Reed, Saxton, Spears,

White & Whitehead.

Ms. Nosbisch introduced Joe Shaver, new Board Administrator.

Other Business

Board members reviewed information from ASBOG regarding how other states handle examination waiver as requested at the December 5, 2012 Board meeting. Discussion was held on the process of waiving the exam and certifying geologists based on experience. Mr. Anderson does not agree with the waiver process. Mr. Spears stated that it would require a change of the Code of Virginia, as the exam waiver is in statute. Mr. Spears inquired as to whether the agency may request legislative change. Mr. Courtney informed the Board that the agency reviews requests from the Boards, reviews the Governor's priorities, and assembles a legislative package. Generally the proposed legislation contains items that affect the entire agency. Ms. Nosbisch commented that Board members may wish to contact their local representatives as an individual, not as a board member, with suggested changes to the statutes.

There being no further business, the meeting was adjourned at 11:50 p.m.

Adjournment

Angela C. Whitehead, Chair

Gordon N. Dixon, Secretary