

**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 June 21, 2011, 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.  
D. Perry Greene  
Dr. Wesley Kleene  
Kristen Lentz  
E. Brooke Philpy  
Gary Schafran  
John Vanderland  
Harold W. Walker

Board member Ronald Thomas was 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  
Carol Mitchell, Director, Alternative Dispute Resolution

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

Mr. Philpy, finding a quorum of the Board present, called the meeting to order at 9:05 a.m.

**Call to Order**

Mr. K. Davis moved to approve the agenda as amended. Mr. Walker seconded the motion which was unanimously approved by members: F. Davis, K. Davis, Greene, Kleene, Lentz, Philpy, Schafran, Vanderland and Walker.

**Approval of  
Agenda**

Mr. F. Davis moved to approve the minutes as amended for the following meetings:

**Approval of  
Minutes**

- Board Meeting Minutes – April 12, 2011;
- Informal Fact-Finding Conference – April 26, 2011;
- Informal Fact-Finding Conference – May 3, 2011; and
- Informal Fact-Finding Conference – May 10, 2011.

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

There were no comments made to the Board.

Mr. Dick informed the Board that Michele Atkinson, Board Administrator, would be directing the board meeting, providing practical experience for her position. Mr. Dick also informed the Board that Michelle Gowen, Administrative Assistant had moved for another job opportunity and introduced Amy Goobic, Administrative Assistant of the APELSCIDLA Board, as she will be assisting the board in the absence of Ms. Gowen.

In the matter of **File Number 2011-04046, Daniel Fulcher**, 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. Daniel Fulcher was present and addressed the Board. Mr. F. Davis moved to accept the recommendation of the Presiding Officer and approve Mr. Fulcher's Class 4 Waterworks Operator license application. Mr. Vanderland seconded the motion which was approved by members: F. Davis, K. Davis, Greene, Kleene, Lentz, Philpy, Schafran, Vanderland and Walker.

In the matter of **File Number 2011-04048, Mark Henning**, 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. Mark Henning was present and addressed the Board. Mr. K. Davis moved to accept the recommendation of the Presiding Officer and approve Mr. Henning's Class 4 Wastewater Works Operator license application. Dr. Kleene seconded the motion which was approved by members: F. Davis, K. Davis, Greene, Kleene, Lentz, Philpy, Schafran, Vanderland and Walker.

In the matter of **File Number 2011-04142, Dedric Jackson**, 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. Dedric Jackson was present and addressed the Board. Mr. Walker moved to accept the recommendation of the Presiding Officer and approve Mr. Jackson's Class 4 Wastewater Works Operator license application. Mr. F. Davis seconded the motion which was approved by members: F. Davis, K. Davis,

**Public Comment  
Period**

**File Number 2011-  
04046, Daniel  
Fulcher**

**File Number 2011-  
04048, Mark  
Henning**

**File Number 2011-  
04142, Dedric  
Jackson**

Greene, Kleene, Lentz, Philpy, Schafran, Vanderland and Walker.

In the matter of **File Number 2011-04143, Brandon Jenkins**, 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. Brandon Jenkins was present and addressed the Board. Mr. Vanderland moved to accept the recommendation of the Presiding Officer and approve Mr. Jenkins' Interim Alternative Onsite Sewage System Operator license application. Mr. Walker seconded the motion which was approved by members: F. Davis, K. Davis, Greene, Kleene, Lentz, Philpy, Schafran, Vanderland and Walker.

**File Number 2011-04143, Brandon Jenkins**

Mr. K. Davis recused himself from the meeting.

**Recusal of Board Member**

Regarding **File Number 2011-02039, William C. Dickey**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the presiding board member's recommendation. Mr. Dickey was not present. Mr. Greene moved to accept the Summary of the Informal Fact-Finding Conference as to the facts, which cites the following violation of the Board's regulations: 18VAC160-20-140.3 (Count 1). Mr. Walker seconded the motion which was unanimously approved by members: F. Davis, Greene, Kleene, Lentz, Philpy, Schafran, Vanderland and Walker.

**File Number 2011-02039, William C. Dickey**

After Ms. Perkins indicated that there have been no prior disciplinary actions against Mr. Dickey, Mr. Walker moved to accept the Summary of the Informal Fact-Finding Conference as to the sanctions and impose the following: \$1,000.00 monetary penalty and revocation of license for the violation contained in Count 1. Mr. F. Davis seconded the motion which was unanimously approved by members: F. Davis, Greene, Kleene, Lentz, Philpy, Schafran, Vanderland and Walker. Mr. K. Davis was not present for the discussion or vote.

In the matter of **File Number 2011-03949, Michael A. Cook**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Cook. Mr. Cook was not present. Mr. Walker moved to accept the Consent Order citing the following violations of the Board's regulations: 18 VAC 160-20-140.2 (Count 1) and 18 VAC 160-20-140.6 (Count 2). For these violations Mr. Jones agreed to the following penalties: there were no monetary penalties for the violations contained in Count 1 or Count 2; \$150.00 in Board costs

**File Number 2011-03949, Michael Cook**

for a total monetary penalty of \$150.00. In addition, for the violation of Count 1, Mr. Cook agrees to probation of his license for a period of three (3) years from the effective date of this Order or until Mr. Cook submits an application for permanent licensure, whichever occurs first. During this probation period, Mr. Cook agrees:

- (1) To comply with the rules and regulations of the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals; and
- (2) Not to be convicted in any state or city of any felony, misdemeanor, or federal, state or local ordinance.

If Mr. Cook violates any terms of this probation, his license shall be automatically revoked. Mr. Vanderland seconded the motion which was approved by members: F. Davis, Greene, Kleene, Lentz, Philpy, Schafran, Vanderland and Walker. Mr. K. Davis was not present for the discussion or vote.

Mr. K. Davis returned to the meeting.

**Return of Board Member**

Carol Mitchell, Director, Alternative Dispute Resolution (ADR), provided the Board with a presentation on the Compliance and Investigations Division's procedures.

**Compliance & Investigations Division Presentation**

Mr. Dick informed the Board members that the CPE audits will be postponed until the board licensing system has changed to the new EAGLES licensing system. There was no action necessary from the board.

**Update on CPE Audit**

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

**Update on Pending Regulatory Activity**

Ms. Atkinson informed the Board of a request for interpretation from VDH and a regulant, regarding onsite soil evaluator duties performed by unlicensed individuals. Pursuant to the Board's regulation 18VAC160-20-74, no individual shall act as a conventional onsite soil evaluator or alternative onsite soil evaluator without possessing a valid license issued by the Board. The Board agreed, without dissent, that a licensed conventional or alternative onsite soil evaluator, as appropriate, shall be present and shall provide direct supervision to unlicensed individuals engaged in activities requiring an evaluator license.

**Board Interpretation Requests**

Ms. Atkinson reported that the Guidance Document is a compilation of motions that have been approved by the board and will be posted on the Town Hall website in accordance with the Administrative Process Act and on the Board's webpage. Mr. K. Davis moved to accept the guidance document. Mr. Vanderland seconded the motion which was approved by members: F. Davis, K. Davis, Greene, Kleene, Lentz, Philpy, Schafran, Vanderland and Walker.

**Adoption of  
Guidance  
Document**

Discussion was held on possible procedural changes to the approval process of training course provider applications. Mr. Dick recommended that rather than having the Education Committee review and then send applications to the full board for approval, enable the Committee to make the final determination. Mr. Dick further explained that if an applicant wanted to appeal a decision, the full board would have reviewed the application and would thus be tainted. If the Committee makes the determination, then only the two board members of the Committee would have to be recused from an appeal process. Additionally, if the course does not meet the board's requirements, then the Committee may delegate the responsibility to staff to advise the applicant of the course deficiencies. Dr. Kleene moved to approve Mr. Dick's recommendation. Mr. Walker seconded the motion which was approved by members: F. Davis, K. Davis, Greene, Kleene, Lentz, Philpy, Schafran, Vanderland and Walker.

**WWWOSSP  
Education  
Committee**

Mr. K. Davis and Mr. F. Davis agreed to serve on the Education Committee.

Ms. Atkinson advised the Board that there were two pending applications for Onsite Sewage System Operator courses; however, both applications were incomplete at present.

**Research – Onsite  
Sewage System  
Operator Courses**

Ms. Atkinson also provided information on courses currently offered through Southside Virginia Community College (SVCC) and the Virginia Tech Short School. National Environmental Services Center – West Virginia University no longer offers training. Attempts to speak with Dr. Hoover of the North Carolina Onsite Wastewater Training Center – North Carolina State University have been unsuccessful. Ms. Atkinson will continue to contact Dr. Hoover. The SVCC course is a potential applicant for an approved course. Mr. K. Davis was recused during the discussion as he is an instructor for SVCC.

The following resolutions were presented to the Board:

**Resolutions for  
Former Board  
Members Charles  
B. Bott, Douglas J.  
Crooks and Eileen  
M. Leininger**

**RESOLUTION TO  
CHARLES BOTT**

WHEREAS, **Charles Bott** did faithfully and diligently serve as a member of the Virginia Board for Waterworks & Wastewater Work Operators & Onsite Sewage System Professionals from 2007 to 2010;

WHEREAS, **Charles Bott** did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Charles Bott** 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 & Wastewater Work Operators & 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 & Wastewater Work Operators & Onsite Sewage System Professionals this twenty-first day of June 2011, that **Charles Bott** 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.

**RESOLUTION TO  
DOUGLAS CROOKS**

WHEREAS, **Douglas Crooks** did faithfully and diligently serve as a member of the Virginia Board for Waterworks & Wastewater Work Operators & Onsite Sewage System Professionals from 2007 to 2010;

WHEREAS, **Douglas Crooks** did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Douglas Crooks** 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 & Wastewater Work

Operators & 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 & Wastewater Work Operators & Onsite Sewage System Professionals this twenty-first day of June 2011, that **Douglas Crooks** 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.

RESOLUTION TO  
EILEEN LEININGER

WHEREAS, **Eileen Leininger** did faithfully and diligently serve as a member of the Virginia Board for Waterworks & Wastewater Work Operators & Onsite Sewage System Professionals from 2003 to 2010;

WHEREAS, **Eileen Leininger** did devote generously of her time, talent and leadership to the Board;

WHEREAS, **Eileen Leininger** 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 & Wastewater Work Operators & 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 & Wastewater Work Operators & Onsite Sewage System Professionals this twenty-first day of June 2011, that **Eileen Leininger** be given all honors and respect due her for outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held by this Board.

Mr. Vanderland moved to adopt the resolutions as presented. Ms. Lentz seconded the motion which was approved by members:

F. Davis, K. Davis, Greene, Kleene, Lentz, Philpy, Schafran,  
Vanderland and Walker.

Future Board Meeting Dates:

- September 27, 2011
- December 13, 2011

**Future Meeting  
Dates**


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

**Conflict of  
Interest Forms**

The Board adjourned at 10:24 p.m.

**Adjournment**

  
\_\_\_\_\_  
E. Brooke Philpy, Chair

  
\_\_\_\_\_  
Gordon Dixon, Secretary



**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: WWWOOSSP Board  
4. Meeting/IFF Date: Board Meeting June 21, 2011

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

NONE

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

Kristen Lentz

Date

6/21/11

**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 June 21, 2011

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

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Nature of Personal Interest Affected by Transaction:

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

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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

6/21/11  
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 June 21, 2011

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

6-21-11  
\_\_\_\_\_  
Date

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

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

1. Name: John Vanderland  
2. Title: Board Member  
3. Agency: WWWOOSSP Board  
4. Meeting/IFF Date: Board Meeting June 21, 2011

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:

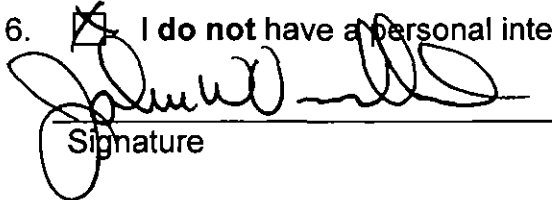
\_\_\_\_\_

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

6/21/2011  
Date

**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
3. Agency: WWWOOSSP Board
4. Meeting/IFF Date: Board Meeting June 21, 2011
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:

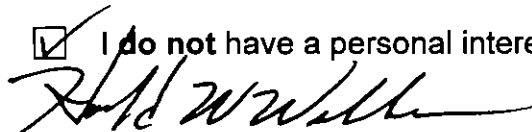
\_\_\_\_\_

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

6/21/2011  
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 June 21, 2011

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:

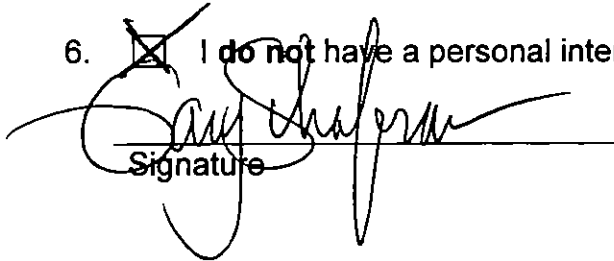
\_\_\_\_\_

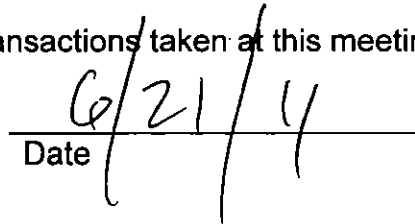
I am able to participate in this transaction fairly, objectively, and in the public interest.

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: Emmett Brooke Philpy
2. Title: Board Member
3. Agency: WWWOOSSP Board
4. Meeting/IFF Date: Board Meeting June 21, 2011
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:

*VA Association of Professional Soil Scientists (VAPSS); VA Onsite Wastewater Recycling Assoc. (VOWRA)*

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.

*Emmett Brooke Philpy*  
\_\_\_\_\_  
Signature

*6/21/11*  
\_\_\_\_\_  
Date

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

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

1. Name: Douglas Greene
2. Title: Board Member
3. Agency: WWWOOSSP Board
4. Meeting/IFF Date: Board Meeting June 21, 2011

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

6-21-11  
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: WWWOOSSP Board  
4. Meeting/IFF Date: Board Meeting June 21, 2011

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.

Frank L. Davis, Jr.  
Signature

6-21-2011  
Date