

BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS

MEETING MINUTES

The Board for Professional Soil Scientists and Wetland Professionals met on October 21, 2008, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Dr. Robert B. Atkinson
Dr. W. Lee Daniels
David Davis
Penelope J. Melino
Angela Whitehead

Board member Nancy Barker was not present at the meeting.

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director
Mark N. Courtney, Deputy Director of Licensing and Regulation
Kathleen R. Nosbisch, Executive Director
Marian N. Brooks, Program Administrator
Michelle Gowen, Administrative Assistant
Krystle Dawn Hoverstock, Administrative Assistant

Finding a quorum of the Board present, Dr. Daniels, Chair, called the meeting to order at 10:21 a.m.

Call to Order

Ms. Angela Whitehead, filling the Soil Mapping and Classification seat of the Board, introduced herself to the Board. New staff members Kathleen R. Nosbisch, Executive Director; and Krystle Dawn Hoverstock, Administrative Assistant, were also introduced to the Board.

Introductions of New Board Members & Staff

Mr. Davis moved to approve the agenda. Dr. Atkinson seconded the motion which was unanimously approved by members: Atkinson, Daniels, Davis, Melino, and Whitehead.

Approval of Agenda

Mr. Davis moved to approve the minutes from the following meeting:

Approval of Minutes

April 17, 2007 Board meeting.

Dr. Atkinson seconded the motion which was unanimously approved by members: Atkinson, Daniels, Davis, Melino, and Whitehead.

Public Comment Period – Chuck Nelson, Virginia Association of Professional Soil Scientists (VAPSS), was present to address the Board regarding HB 1166 and GMP 146. Mr. Nelson stated that only Certified Professional Soil Scientists (CPSS) have the skills to do soil

Public Comment Period

characterization work. Mr. Nelson also recommended that the test for certification as an AOSE should require the soils portion of the CPSS test.

Ryan Reed, President of VAPSS, concurred with Mr. Nelson on all aspects of his comments. Mr. Reed's main concern was for the health, safety, and welfare of the public. He suggested that only having a Soil Scientist do soil characterization work would better protect the health, safety, and welfare of the public.

After discussion, Mr. Davis moved to repeal the existing public participation guidelines and adopt the model public participation guidelines via exempt action. Dr. Atkinson seconded the motion which was unanimously approved by members: Atkinson, Daniels, Davis, Melino, and Whitehead.

Adoption of Model Public Participation Guidelines Via Exempt Action

Mr. Davis moved to adopt the current regulation in Executive Order #36 for both Professional Soil Scientist and Wetland Professionals regulations. Dr. Atkinson seconded the motion which was unanimously approved by members: Atkinson, Daniels, Davis, Melino, and Whitehead.

Periodic Review of Regulations Pursuant to Executive Order #36

Mr. Courtney provided the Board members with background information on HB1166, GMP146, Housing Commission work, and the transfer of the Authorized Onsite Soil Evaluators (AOSEs) regulatory program from the Virginia Department of Health (VDH) to the Department of Professional and Occupational Regulation (DPOR). AOSEs will continue to be required to meet the standards established by VDH once the transfer of the regulatory program has been completed. The Board members discussed the authorities of Professional Engineers (PEs), AOSEs and Certified Professional Soil Scientists (CPSSs), as well as the work of the Housing Commission which resulted in HB1166 and the new exemption to the PE license law which is written in A.11 of § 54.1-402. The Board agreed that the issues come down to "design of systems" versus "soil characterization" (field morphology, soils interpretation, and soils mapping). Virginia Association of Professional Soil Scientists (VAPSS) is not as concerned with the design of the systems which are completed by PEs or AOSEs, as they are concerned with competent and qualified individuals performing the soils characterization work and feel that only CPSSs are qualified to complete this task.

Discussion of Letter from VAPSS

Dr. Daniels nominated Dr. Robert B. Atkinson to be Chair of the Board for the term of July 1, 2008, to June 30, 2009. Mr. Davis seconded the motion which was unanimously approved by members: Atkinson, Daniels, Davis, Melino, and Whitehead.

Election of Officers

Mr. Davis nominated Dr. W. Lee Daniels to be Vice-Chair of the Board for the term of July 1, 2008, to June 30, 2009. Dr. Atkinson seconded the motion which was unanimously approved by members: Atkinson, Daniels,

Davis, Melino, and Whitehead.

Mr. Davis moved to adopt the following meeting dates for 2009:

**Consideration of 2009
Meeting Dates**

- 10:00 a.m., Wednesday, January 28, BR3
- 10:00 a.m., Wednesday, April 22, BR3
- 10:00 a.m., Tuesday, July 14, BR4
- 10:00 a.m., Tuesday, October 20, BR4

Ms. Melino seconded the motion which was unanimously approved by members: Atkinson, Daniels, Davis, Melino, and Whitehead.

The Board members were provided with the Board financial statements from August 2008 for informational purposes.

**Review Financial
Statements**

The Board members agreed by consensus to adopt the follow resolutions for service:

Other Business

RESOLUTION TO

Mark N. Courtney

WHEREAS, **Mark N. Courtney** did faithfully and diligently serve as Executive Director of the Board for Professional Soil Scientists and Wetland Professionals from 2003 to 2008;

WHEREAS, **Mark N. Courtney** did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Mark N. Courtney** 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 21st day of October 2008, that **Mark N. Courtney** 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

John M. Galbraith, Ph.D.

WHEREAS, **John M. Galbraith, Ph.D.**, did faithfully and diligently serve as a Board member of the Board for Professional Soil Scientists and Wetland Professionals from 2004 to 2008;

WHEREAS, **John M. Galbraith, Ph.D.**, did devote generously of his time, talent and leadership to the Board;

WHEREAS, **John M. Galbraith, Ph.D.**, 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 21st day of October 2008, that **John M. Galbraith, Ph.D.**, 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

Carl D. Peacock, Jr.

WHEREAS, **Carl D. Peacock, Jr.**, did faithfully and diligently serve as a Board member of the Board for Professional Soil Scientists and Wetland Professionals from 2000 to 2008;

WHEREAS, **Carl D. Peacock, Jr.**, did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Carl D. Peacock, Jr.**, 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 21st day of October 2008, that **Carl D. Peacock, Jr.**, 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.

Ms. Whitehead volunteered to replace Mr. Peacock in reviewing applications for exam.

The Board members took a break from 11:12 a.m. to 11:26 a.m.

Break

Mr. Courtney provided the Board members with training on the roles and responsibilities of members of the Board.

Board Member Training

Conflict of Interest forms were completed by all members present.

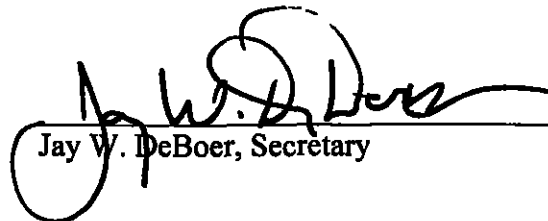
Conflict of Interest Forms

There being no further business, the meeting was adjourned at 11:52 a.m.

Adjournment



Robert Atkinson, Chair



Jay W. DeBoer, Secretary

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

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

1. Name: David L. Davis
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists and Wetland Professionals
4. Meeting/IFF Date: Board Meeting October 21, 2008

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

NONE

Nature of Personal Interest Affected by Transaction:

N/A

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. ASSOC. of WETLAND PROFESSIONALS

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

10/21/2008
Date

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

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

1. Name: Penelope J. Melino
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists and Wetland Professionals
4. Meeting/IFF Date: Board Meeting October 21, 2008

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

N.A.

Nature of Personal Interest Affected by Transaction:

N.A.

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.

Penelope J. Melino
Signature

Oct. 21, 2008
Date

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

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

1. Name: W. Lee Daniels
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists and Wetland Professionals
4. Meeting/IFF Date: Board Meeting October 21, 2008

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:

_____ VAPSS _____

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.

W. Lee Daniels
Signature

10/21/08
Date

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

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

1. Name: Dr. Robert B. Atkinson
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists and Wetland Professionals
4. Meeting/IFF Date: Board Meeting October 21, 2008

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

NA

Nature of Personal Interest Affected by Transaction:

NA


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

21 Oct 2008
Date

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

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

1. Name: Angela C. Whitehead
2. Title: Board Member
3. Agency: Board for Professional Soil Scientists and Wetland Professionals
4. Meeting/IFF Date: Board Meeting October 21, 2008

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

9 Discussion of Letter from VAPSS

Nature of Personal Interest Affected by Transaction:

I am a VAPSS member.

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

Virginia Association of Professional Soil Scientists

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.

Angela C. Whitehead
Signature

10.21.08
Date