

BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS

MEETING MINUTES

The Board for Professional Soil Scientists and Wetland Professionals met on February 1, 2005, at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia, with the following members present:

Nancy G. Barker
Alice Coles (arrived at 10:15 a.m.)
W. Lee Daniels
David L. Davis
John M. Galbraith
Carl D. Peacock, Jr.
Donald Young (arrived at 11:08 a.m.)

Staff present for all or part of the meeting were:

Louise Fontaine Ware, Director
Karen W. O'Neal, Deputy Director
Mark N. Courtney, Executive Director
Marian H. Brooks, Program Administrator
Sharon Sweet, Director of Education and Examinations
Trisha L. Henshaw, Administrative Assistant

No representative from the Office of the Attorney General was present for the meeting.

Finding a quorum of the Board present, Mr. Daniels, Chair, called the meeting to order at 10:05 a.m.

Call to Order

Mr. Peacock moved to approve the agenda as written. Mr. Davis seconded the motion which was unanimously approved by members: Barker, Daniels, Davis, Galbraith, and Peacock.

Approval of Agenda

Mr. Davis moved to approve the minutes from the October 13, 2004, Board meeting and the December 1, 2004, Informal Fact-Finding Conference. Mr. Galbraith seconded the motion which was unanimously approved by members: Barker, Daniels, Davis, Galbraith, and Peacock.

Approval of Minutes

Public Comment Period – No comments were made to the Board members.

Public Comment

Ms. Coles arrived at the meeting at 10:15 a.m.

Arrival of Ms. Coles

Regarding **File Number 2005-01661, Bryan Fisher Johnson**, the Board members considered the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding officer, as well as a supplemental experience form that was provided by Mr. Johnson subsequent to the Informal Fact-Finding Conference. In addition, Mr. Johnson was present to answer any questions. After discussion, Mr. Davis moved to accept the Amended Summary of the Informal Fact-Finding Conference, as well as the additional experience provided by Mr. Johnson, and approve Mr. Johnson's application for certification as a professional soil scientist by examination. Mr. Galbraith seconded the motion which was unanimously approved by members: Barker, Coles, Daniels, Davis, Galbraith, and Peacock.

File Number 2005-01661,
Bryan Fisher Johnson

The Board members discussed a question that had arisen regarding 18 VAC 145-30-60.B of the regulations for certification of professional wetland delineators. Specifically, there was a question regarding whether the required 32-hour course of instruction in state and federal wetland delineation methods must be one 32-hour course, or if multiple courses of lesser hours, which total 32 hours, would be acceptable. After discussion, Ms. Barker moved that 18 VAC 145-30-60.B requires one course of at least 32 hours that complies with the Board's regulations (see § 54.1-2206.2 of the Code of Virginia). Mr. Galbraith seconded the motion which was unanimously approved by members: Barker, Coles, Daniels, Davis, Galbraith, and Peacock.

Discussion of 18 VAC
145-30-60.B

The Board members reviewed correspondence provided by the Virginia Association of Wetland Professionals (VAWP) regarding concerns they have with language contained in the statute and regulations. Robin Bedenbaugh, representative of VAWP, was present to discuss VAWP's concerns. The Board members agreed by consensus to direct staff to draft a response to VAWP to address their concerns. As to problems with the statute, the Board indicated that attempts have been made by the Board to have this matter addressed in the legislature; however, this item was not selected to go into the administration's legislative package.

Review Correspondence
from VAWP

The Board members were provided with the Board financial statements for November 2004 for informational purposes. Mr. Courtney provided information regarding the number of recent examination candidates for

Review Financial
Statements

certification as professional wetland delineators.

Mr. Young arrived at the meeting at 11:08 a.m.

Mr. Young's Arrival

Mr. Daniels discussed some issues relating to the language contained in the regulations for the entry requirements for certification as a professional soil scientist. Specifically, the Board members discussed concerns with regulation 18 VAC 145-20-91 of the professional soil scientists regulations. After discussion, Mr. Courtney indicated that these issues would be added to the list of regulatory review ideas for consideration and further discussion when the Board begins the regulatory review process.

Other Business

Mr. Peacock discussed a change that will be effective December 31, 2005, in the Department of Health's Authorized Onsite Soil Evaluator (AOSE) program that would require certification as an AOSE in order to submit work for permit to the Department of Health. The Board asked Mr. Courtney to obtain clarification from the Department of Health regarding this matter.

Mr. Daniels expressed concerns regarding the examination for certification as a professional soil scientist. Ms. Sweet then discussed various options available to the Board members that would allow them to revise and update the examination. After discussion, the Board agreed by consensus to have the professional soil scientist members review the examination item bank.

Mr. Courtney provided the Board members with the 2002-2004 DPOR Biennial Report.

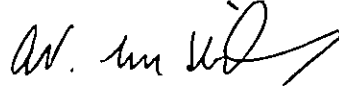
Mr. Courtney provided information to the Board members regarding a link on the Department's website to legislative bills that the Department is tracking.

Mr. Courtney stated that there have been staff changes within the Board office. Ms. Henshaw has accepted the position of Office Manager in the Board office, which means there is currently a vacancy in the Administrative Assistant position.

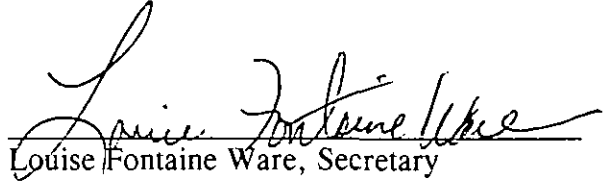
Conflict of Interest forms were completed by all members present.

Conflict of Interest

There being no further business, the meeting was adjourned at 12:00 Adjournment
p.m.



W. Lee Daniels, Chair



Louise Fontaine Ware, Secretary

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

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

1. Name: Alice Coles
2. Title: Member
3. Agency: Board for Professional Soil Scientists and Wetland Professionals
4. Transaction: Board Meeting on February 1, 2005
5. Nature of Personal Interest Affected by Transaction: n/a

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:

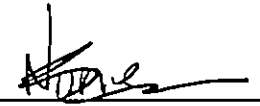
(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Alice S. Coles
Signature

02/01/2005
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Nancy G. Barker
2. Title: Member
3. Agency: Board for Professional Soil Scientists and Wetland Professionals
4. Transaction: Board Meeting on February 1, 2005
5. Nature of Personal Interest Affected by Transaction: 
I am a member of VAWP

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.


Signature

2/1/05
Date

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

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

- 1. Name: Donald R. Young
- 2. Title: Member
- 3. Agency: Board for Professional Soil Scientists and Wetland Professionals
- 4. Transaction: Board Meeting on February 1, 2005
- 5. Nature of Personal Interest Affected by Transaction: none

6. I declare that:

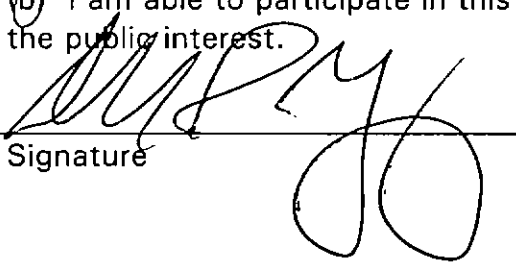
(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

none

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

Signature

Date

 2/1/05

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

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

1. Name: John M. Galbraith
2. Title: Member
3. Agency: Board for Professional Soil Scientists and Wetland Professionals
4. Transaction: Board Meeting on February 1, 2005
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:

VAWP, VAPSS

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

John M. Galbraith
Signature

2/1/05
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: Member
3. Agency: Board for Professional Soil Scientists and Wetland Professionals
4. Transaction: Board Meeting on February 1, 2005
5. Nature of Personal Interest Affected by Transaction: NONE
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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:

VAPSS, VAWP

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

W. Lee Daniels

Signature

2/1/05

Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

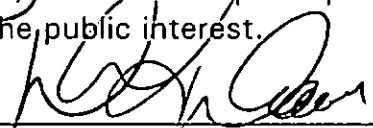
- 1. Name: David L. Davis
- 2. Title: Member
- 3. Agency: Board for Professional Soil Scientists and Wetland Professionals
- 4. Transaction: Board Meeting on February 1, 2005
- 5. Nature of Personal Interest Affected by Transaction: ~~MEMBER,~~
~~VA. Assoc. of Wetland Professionals~~ (NONE)

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:

MEMBER, VA. Assoc. of Wetland Professionals

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


Signature

02/01/2005
Date

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

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

1. Name: Carl D. Peacock, Jr.
2. Title: Member
3. Agency: Board for Professional Soil Scientists and Wetland Professionals
4. Transaction: Board Meeting on February 1, 2005
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:

Bd. for Professional Soil Scientists & Wetland Professionals, VAPSS

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

Carl D Peacock

Signature

2/1/05

Date