

BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS

MEETING MINUTES

The Board for Professional Soil Scientists and Wetland Professionals met on October 12, 2005, at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia, with the following members present:

Robert B. Atkinson
Nancy G. Barker
W. Lee Daniels
David L. Davis
John M. Galbraith
Carl D. Peacock, Jr.

Board Member Alice Coles was not present at the meeting.

Staff present for all or part of the meeting were:

Brian Hannigan, Chief Deputy Director
Karen W. O'Neal, Deputy Director of LRD
Mark N. Courtney, Executive Director
Marian N. Brooks, Program Manager
Michelle Gowen, Administrative Assistant
Kera Woodard, Legal Assistant

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

Finding a quorum of the Board present, Mr. Davis, Chair, called the meeting to order at 10:09 a.m.

Call to Order

Mr. Davis introduced new Board member, Dr. Robert B. Atkinson, and new Chief Deputy Director, Brian Hannigan, and welcomed them on behalf of the Board. Mr. Courtney introduced new legal assistant, Kera Woodard.

**Welcome and
Introduction of New
Board Member and Staff**

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

Approval of Agenda

Ms. Barker moved to approve the minutes from the July 13, 2005, Board meeting. Mr. Daniels seconded the motion which was unanimously approved by members: Atkinson, Barker, Daniels, Davis, Galbraith, and Peacock.

Approval of Minutes

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

Public Comment Period

Robert Dybing, attorney for respondent was present to address the Board and to answer any questions the Board members may have. Mr. Dybing stated to the Board that Mr. Helm would have been present himself; however, he was attending a video conference course in order to comply with the terms of the Consent Order. Mr. Dybing also informed the Board that Mr. Helm has already sat for and passed the soil scientist certification examination.

File Number 2004-04273,
Philip Helm

Regarding **File Number 2004-04273, Philip Helm**, the Board reviewed the Consent Order as seen and agreed to by Mr. Helm and considered the presentation by Mr. Dybing on behalf of Mr. Helm. Mr. Daniels moved to accept the Consent Order which cites the following violations of the Board's 2002 regulations: 18 VAC 145-20-170.A.2 (Count 1); and 18 VAC 145-20-170.A.3 (Count 2). For these violations, the following sanctions have been imposed: \$1,500.00 for the violation contained in Count 1 and \$1,500.00 for the violation contained in Count 2, as well as \$350.00 in Board costs for a total monetary penalty of \$3,350.00.

Mr. Helm also agrees to a suspension of his certification until he provides evidence acceptable to the Board that he has (i) successfully completed the education modules designed by the Department of Health for training individuals seeking the status of AOSE; and (ii) successfully passed the soil scientist certification examination.

Ms. Barker seconded the motion which was approved unanimously by members: Atkinson, Barker, Daniels, Davis, Galbraith, and Peacock.

Mr. Daniels moved to approve the following 2006 meeting dates as amended:

Monday, February 13, 2006
Thursday, April 27, 2006
Monday, July 31, 2006
Wednesday, October 11, 2006

Set 2006 Meeting Dates

Ms. Barker seconded the motion which was unanimously approved by members: Atkinson, Barker, Daniels, Davis, Galbraith, and Peacock.

The Board members were provided with the Board financial statements for August 2005 for informational purposes.

Review Financial
Statements

Mr. Courtney provided the Board members with training specific to the Soil Scientist and Wetland Delineator certification programs.

Board Member Training

Mr. Daniels moved to adopt the following resolution in honor of Donald R. Young's service to the Board: Other Business

Donald R. Young

WHEREAS, Donald R. Young did faithfully and diligently serve as a member of the Board for Professional Soil Scientists and Wetland Professionals from 2002 to 2005;

WHEREAS, Donald R. Young did devote generously of his time, talent and leadership to the Board;

WHEREAS, Donald R. Young 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 twelfth day of October 2005, that Donald R. Young 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.

Mr. Peacock seconded the motion which was unanimously approved by members: Atkinson, Barker, Daniels, Davis, Galbraith, and Peacock.

Mr. Courtney informed the members that their legislative proposal did not go forward this year but will be considered again for 2007.

Conflict of Interest forms were completed by all members present.

Conflict of Interest

There being no further business, the meeting was adjourned at 10:47 a.m.

Adjournment

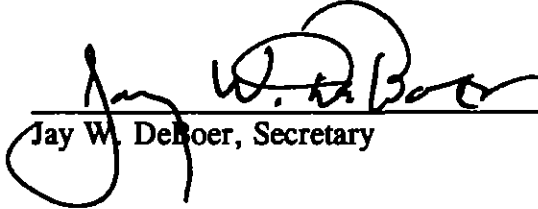
Board for Professional Soil Scientists and Wetland Professionals

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A handwritten signature in black ink, appearing to read "David L. Davis", written over a horizontal line.

David L. Davis, Chair

A handwritten signature in black ink, appearing to read "Jay W. DeBoer", written over a horizontal line.

Jay W. DeBoer, Secretary

**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 October 12, 2005
5. Nature of Personal Interest Affected by Transaction: VAPSS

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

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

Carl D. Peacock, Jr.

Signature

10/12/05

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 October 12, 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.

NANCY G. BARKER
Signature

10/12/05
Date

**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 October 12, 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:

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

John M. Galbraith
Signature

10/12/05
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 October 12, 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:

VAPSS, VAWIP

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

W. Lee Daniels 10/12/05
Signature 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: Member
3. Agency: Board for Professional Soil Scientists and Wetland Professionals
4. Transaction: Board Meeting on October 12, 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:

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



Signature

10/12/05

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 October 12, 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:

VA. ASSOC. of WETLAND PROFESSIONALS

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

David L. Davis
Signature

10/12/05
Date