

**BOARD FOR  
WATERWORKS AND WASTEWATER WORKS OPERATORS AND ONSITE SEWAGE**

**SYSTEM PROFESSIONALS**

**MINUTES OF MEETING**

The Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals met on October 19, 2023, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia 23233.

The following members of the Board were present:

James N. Brockwell  
Erica Duncan, Vice-Chair  
W. Jordan Evans  
John Ewing  
Thomas Wayne Fore  
Joshua Kirtley  
Pamela M. Pruett, Chair  
Don Riggleman  
Dwayne Roadcap  
D. Wayne Staples  
Caleb Taylor

DPOR staff present for all or part of the meeting included:

Kishore Thota, Director  
Stephen Kirschner, Licensing and Regulatory Programs Division Deputy Director  
Tanya M. Pettus, Board Administrator  
Lee D. Bryant, Regulatory Operations Administrator  
Rachel Harris, Administrative Coordinator  
Ecila Williams, Administrative Coordinator  
Joshua Laws, Assistant Attorney General with the Office of the Attorney General, was present.

Ms. Pruett, Chair, finding a quorum of the Board present, called the meeting to order at 9:36 a.m.

**Call to Order**

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

**Emergency  
Evacuation  
Procedures**

Mr. Fore moved to approve the agenda as presented. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Kirtley, Pruett, Riggleman, Roadcap, Staples, and Taylor.

**Approval of  
Agenda**

Ms. Pettus introduced to the Board newly-appointed Board member Joshua Kirtley, who will serve as the Local/Regional VDH Representative.

**Introduction of  
New Board  
Member**

Ms. Pettus introduced new Board staff members Rachel Harris, Administrative Coordinator, and Lee Bryant, Regulatory Operations Administrator.

**DPOR Staff  
Updates**

Ms. Pettus also advised that Kishore Thota, the agency's former Chief Deputy Director, has been appointed agency Director.

Ms. Duncan moved to approve the minutes of the July 27, 2023, Education and Training Committee, and the July 27, 2023, Board meeting. Mr. Staples seconded the motion which was approved by: Brockwell, Duncan, Evans, Kirtley, Pruett, Riggleman, Roadcap, Staples, and Taylor. Mr. Ewing and Mr. Fore abstained.

**Approval of  
Minutes**

There were no members of the public present to address the Board on matters other than case files to be presented.

**Public Comment  
Period**

Mr. Brockwell, Ms. Pruett recused themselves from the meeting for discussion and deliberation of File Number 2020-02742.

**Recusal of Board  
Members**

Ms. Duncan recused herself from the meeting for discussion and deliberation of File Numbers 2020-02742, 2023-02746, and 2023-03052.

Mr. Evans assumed Chair of the Board.

In the matter of **File Number 2020-02742, Raymond Kent Kendall**, the Board members reviewed the record which consisted of transcripts and exhibits from the Informal Fact Finding Conference (IFF), and the Presiding Officer's Summary and Recommendation.

**File Number 2020-02742, Raymond Kent Kendall**

Mr. Kirschner advised the Board of a scrivener's error within the Presiding Officer's Summary and corrected the error for the record.

Mr. Kendall was present to address the Board and expressed his concerns that there were errors in the Presiding Officer's written Summary, and requested that the Board not consider the present file and grant him a new IFF.

After discussion Mr. Staples moved to remand the file for a new IFF. Mr. Fore seconded the motion. After further discussion, the Board voted via roll-call. Evans, Ewing, Fore, Kirtley, Riggleman, Roadcap, Staples, and Taylor voted in opposition of the motion. The motion did not pass by unanimous opposition.

After review, Mr. Fore moved to accept to the recommendation of the Presiding Officer and find Mr. Kendall in violation of the following Board regulations: 18 VAC 160-40-460.A.3 as outlined in Count 1, 18 VAC 160-40-460.B as outlined in Count 2, and 18 VAC 160-40-470.8 as outlined in Count 3. Mr. Riggleman seconded the motion and was unanimously approved by: Evans, Ewing, Fore, Kirtley, Riggleman, Roadcap, Staples, and Taylor.

Mr. Roadcap then moved to accept the Presiding Officer's recommended sanctions as follows: for violation as outlined in Count 1, revocation of Mr. Kendall's onsite soil evaluator license, for violation as outlined in Count 2, imposition of a \$700.00 monetary penalty, and for violation as outlined in Count 3, imposition of an \$800.00 monetary penalty. Mr. Fore seconded the motion and was unanimously approved by: Evans, Ewing, Fore, Kirtley, Riggleman, Roadcap, Staples, and Taylor.

Ms. Pruett and Mr. Brockwell returned to the meeting. Ms. Pruett resumed as Chair of the Board.

**Return of Board Members**

Mr. Fore recused himself from the meeting for discussion and deliberation of File Number 2023-02746 and 2023-03052.

**Recusal of Board Member**

In the matter of **File Number 2023-02476, Colette Althea Battle** the Board members reviewed the Consent Order. Collette Althea Battle admits to a violation of 18 VAC 160-40-490.B, and consents to the imposition of Board costs of \$150.00. In addition, Ms. Battle agrees to complete eight hours of Board-approved continuing professional education (CPE), of which four hours must pertain to the laws and regulations governing the practice of onsite sewage system installation, and provide proof of successful completion within 30 days of the effective date of the Order.

**File Number 2023-02476, Colette Althea Battle**

Mr. Riggleman moved to accept the terms of the Consent Order as written. Ms. Staples seconded the motion which was unanimously approved by: Brockwell, Evans, Ewing, Kirtley, Pruett, Riggleman, Roadcap, Staples, and Taylor.

In the matter of **File Number 2023-03052, Scott Bryan Smedley**, 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.

**File Number 2023-03052, Scott Bryan Smedley**

Mr. Evans moved to accept the recommendation of the Presiding Officer and waive the examination requirement, and approve Mr. Smedley's application for a Class 1 Wastewater Works Operator license. Mr. Riggleman seconded the motion which was unanimously approved by: Brockwell, Evans, Ewing, Kirtley, Pruett, Riggleman, Roadcap, Staples, and Taylor.

Ms. Duncan and Mr. Fore returned to the meeting.

**Return of Board Members**

In the matter of **File Number 2024-00176, Artie Winn Seamster**, 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.

**File Number 2024-00176, Artie Winn Seamster**

Mr. Seamster was present to address the Board and thanked the Board for their time and consideration.

Brian Weltch was also present to address the Board and spoke to Mr. Seamster's work ethic and knowledge of his industry.

Mr. Fore moved to accept the recommendation of the Presiding Officer and approve Mr. Seamster's application for a Class 5 Waterworks Operator license. Mr. Brockwell seconded the motion which was unanimously approved by: Brockwell,

Duncan, Evans, Ewing, Fore, Kirtley, Pruett, Rigglesman, Roadcap, Staples, and Taylor.

In the matter of **File Number 2023-02941, Alan Gilmer Trimble**, 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.

**File Number 2023-02941, Alan Gilmer Trimble**

Mr. Trimble was present to address the Board. Mr. Trimble stated he has worked to make up for his previous mistakes made in his youth, and that he is looking forward to being licensed in order to provide for his family.

Mr. Fore moved to accept the recommendation of the Presiding Officer and approve Mr. Trimble's application for a Class 4 Waterworks Operator license. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Kirtley, Pruett, Rigglesman, Roadcap, Staples and Taylor.

In the matter of **File Number 2023-02942, Rafael Alex Osmon**, 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.

**File Number 2023-02942, Rafael Alex Osmon**

Mr. Fore moved to accept the recommendation of the Presiding Officer and approve Mr. Osmon's application for a Class 4 Wastewater Works Operator license contingent upon completion of the Department of Corrections (DOC) Apprenticeship Program, meeting all entry requirements contained in the Board's regulations, and passing the applicable examination. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Kirtley, Pruett, Rigglesman, Roadcap, Staples, and Taylor.

Mr. Bryant provided an update on the Board's regulatory actions.

**Regulatory Action Update**

The Notice of Intended Regulatory Action (NOIRA) for the general review of the Waterworks and Wastewater Works Operators Licensing Regulations was published in the Virginia Register on September 11, 2023. A public comment period was held from September 1, 2023, to October 11, 2023. No public comments were received. The regulatory review committee is scheduled to meet on November 9, 2023.

Amendments to the Onsite Sewage System Professionals Licensing Regulations are currently in the proposed stage as the Board reviewed and adopted the proposed amendments at its April 20<sup>th</sup>, 2023, Board meeting. Filing of the draft proposed amendments is in process.

2021 fee adjustments for Waterworks and Wastewater Works Operators Licensing Regulations and Onsite Sewage System Professionals Licensing Regulations are currently in the proposed stage as the Board reviewed and adopted the proposed amendments at the April 21, 2022, Board meeting. The proposed amendments were submitted for Executive Branch review on July 28, 2022.

Mr. Bryant advised the Board that there were no public comments received during the public comment period of the periodic review of the Board's Public Participation Guidelines and Waterworks and Wastewater Works Operators Licensing Regulations.

**Periodic Review of Board Regulations**

Mr. Bryant asked the Board to consider whether the regulations should be amended, repealed, or retained as is, and because all Board regulations are currently undergoing general review, recommended that the regulations be retained as is for the purpose of the periodic review. Mr. Fore moved to retain the current Board regulations as is. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Kirtley, Pruett, Riggleman, Roadcap, Staples, and Taylor.

Mr. Kirschner advised the Board that while the Administrative Process Act (APA) allows an applicant to request a Board review of their application in the event the applicant does not meet all entry requirements, the Board does not have currently have the authority to waive its regulations. Mr. Kirschner advised that there is currently no regulatory or statutory provision giving the Board authority to waive

**Discussion of Waivers of Entry Requirements**

entry requirements that are not expressly stated in the regulations, and that regulatory amendments would be required if the Board so chooses to have such authority.

Ms. Pettus provided the Board with waterworks and wastewater works examination statistics from January 2, 2017, through October 6, 2023, and July 27, 2023, through October 6, 2023, as well as onsite examination statistics from January 1, 2023, to September 30, 2023, for informational purposes.

**Examination  
Updates**

The Board also reviewed statistics for waterworks and wastewater works examinations administered VA Tech's Short School held in August 2023. Discussion was held on the take-aways from the pilot program, wherein the WPI exam was offered on-site immediately following each Short School program for the first time.

Ms. Pettus provided the Board with the most recent financial statements for informational purposes.

**Board Financial  
Statements**

Ms. Pettus provided an update of recent and upcoming outreach opportunities.

**Update on  
Outreach**

Ms. Duncan advised the Board of a program that would potentially offer grant funds to provide for training opportunities.

**Opportunities**

Ms. Pettus opened the floor for annual nominations for Board Chair. Ms. Duncan moved to nominate Ms. Pruett as Board Chair. Mr. Ewing seconded the motion. Ms. Pruett accepted the nomination. Mr. Fore moved to close the nominations for Chair of the Board. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Kirtley, Pruett, Riggleman, Roadcap, Staples, and Taylor. By acclamation, Ms. Pruett was named Chair of the Board

**Election of  
Officers**

Ms. Pruett opened the floor for annual nominations for Board Vice-Chair. Mr. Fore moved to nominate Ms. Duncan as Board Vice-Chair. Mr. Staples seconded the motion. Ms. Duncan accepted the nomination. Mr. Fore moved to close the nominations for Chair of the Board. Mr. Staples seconded the motion which was unanimously approved by: Brockwell, Duncan, Evans, Ewing, Fore, Kirtley, Pruett, Riggleman, Roadcap, Staples, and Taylor. By acclamation, Ms. Duncan was named Vice-Chair of the Board

Discussion was held on the potential for professional soil scientists to perform the work of onsite soil evaluators by exemption as requested by professional soil

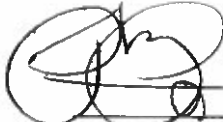
**Other Business**

scientists. The exemption cannot be granted via Board regulations, and would require legislative action.

Ms. Pruett reminded the Board that the next scheduled meeting date is January 25, 2024. **Future Meeting Dates**

Ms. Pruett reminded the Board members to complete and return their conflict-of-interest forms and travel vouchers. **Complete Conflict of Interest Forms and Travel Vouchers**

There being no further business, the meeting was adjourned at 11:16 a.m. **Adjourn**

  
\_\_\_\_\_  
Pamela M. Pruett, Chair  
\_\_\_\_\_  
Kishore Thota, Secretary








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

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

1. Name Josh Kirtley  
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for WWWOSSP  
(Name of Board)
4. Meeting/IFF Date: 10/19/2023
5. Do you have a personal interest in the following transaction?  
 No; I **do not** have a personal interest in any transactions taken at this meeting.  
 Yes - If yes, please answer the following questions.
- A. \_\_\_\_\_  
(Agenda Item)
- B. Nature of Personal Interest Affected by Transaction:
- C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:  
\_\_\_\_\_
- D.  I am able to participate in this transaction fairly, objectively, and in the public interest.      or  
 I did not participate in the transaction.

6. Signature of Board Member:

  
Signature

10/19/23  
Date

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

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

1. Name Pamela M. Pruett  
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for WWWOSSP  
(Name of Board)
4. Meeting/IFF Date: 10/19/2023

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A. Raymond Kent Kendall disciplinary case  
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

R. Kent Kendall

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

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

I did not participate in the transaction.

6. Signature of Board Member:

  
Signature

10/16/23  
Date

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

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

1. Name Don Riggleman  
(Name of Board Member)

2. Title: Board Member

3. Agency: DPOR/Board for WWWOSSP  
(Name of Board)

4. Meeting/IFF Date: 10/19/2023

5. Do you have a personal interest in the following transaction?  
 No; I **do not** have a personal interest in any transactions taken at this meeting.  
 Yes - If yes, please answer the following questions.

A. \_\_\_\_\_  
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

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

D.  I am able to participate in this transaction fairly, objectively, and in the public interest.      or  
 I did not participate in the transaction.

6. Signature of Board Member:  
      10/19/2023  
Signature      Date

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

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

1. Name D. Wayne Staples  
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for WWOOSSP  
(Name of Board)
4. Meeting/IFF Date: 10/19/2023

5. Do you have a personal interest in the following transaction?

- No; I **do not** have a personal interest in any transactions taken at this meeting.
- Yes - If yes, please answer the following questions.

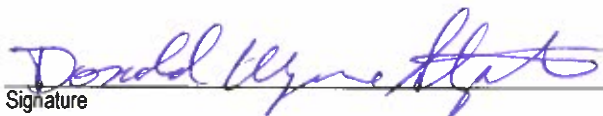
A. \_\_\_\_\_  
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

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

- D.  I am able to participate in this transaction fairly, objectively, and in the public interest.      or
- I did not participate in the transaction.

6. Signature of Board Member:

  
Signature

10/19/23  
Date

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

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

1. Name Erica Duncan  
(Name of Board Member)

2. Title: Board Member

3. Agency: DPOR/Board for WWOOSSP  
(Name of Board)

4. Meeting/IFF Date: 10/19/2023

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A. \_\_\_\_\_  
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

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

D.  I am able to participate in this transaction fairly, objectively, and in the public interest. or  
 I did not participate in the transaction.

6. Signature of Board Member:

Erica M Duncan  
Signature

10/19/2023  
Date

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

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

1. Name W. Jordan Evans  
(Name of Board Member)

2. Title: Board Member

3. Agency: DPOR/Board for WWWOSSP  
(Name of Board)

4. Meeting/IFF Date: 10/19/2023

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A. \_\_\_\_\_  
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

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

\_\_\_\_\_

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

I did not participate in the transaction.

6. Signature of Board Member:

W. Jordan Evans  
Signature

10/19/23  
Date



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

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

1. Name Thomas Wayne Fore  
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for WWOSSP  
(Name of Board)
4. Meeting/IFF Date: 10/19/2023

5. Do you have a personal interest in the following transaction?

- No; I **do not** have a personal interest in any transactions taken at this meeting.
- Yes - If yes, please answer the following questions.


A. \_\_\_\_\_  
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

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

- D.  I am able to participate in this transaction fairly, objectively, and in the public interest. or
- I did not participate in the transaction. **CASE 2023-02476**  
**2023-03052**

6. Signature of Board Member:

  
Signature

10-19-2023  
Date

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

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

1. Name John Ewing  
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for WWWOSSP  
(Name of Board)
4. Meeting/IFF Date: 10/19/2023

5. Do you have a personal interest in the following transaction?  
 No; I **do not** have a personal interest in any transactions taken at this meeting.  
 Yes - If yes, please answer the following questions.

- A. \_\_\_\_\_  
(Agenda Item)
- B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:  
Old Dominion Assite, Inc., VAWRA

- D.  I am able to participate in this transaction fairly, objectively, and in the public interest.      or  
 I did not participate in the transaction.

6. Signature of Board Member:  
      10/19/23  
Signature      Date

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

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

1. Name Caleb Taylor  
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for WWWOSSP  
(Name of Board)
4. Meeting/IFF Date: 10/19/2023

5. Do you have a personal interest in the following transaction?
- No; I **do not** have a personal interest in any transactions taken at this meeting.
- Yes - If yes, please answer the following questions.

A. \_\_\_\_\_  
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

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

\_\_\_\_\_

- D.  I am able to participate in this transaction fairly, objectively, and in the public interest.      or
- I did not participate in the transaction.

6. Signature of Board Member:

Caleb Taylor  
Signature

10/19/2023  
Date

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

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

1. Name Dwayne Roadcap  
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Board for WWWOSSP  
(Name of Board)
4. Meeting/IFF Date: 10/19/2023

5. Do you have a personal interest in the following transaction?

- No; I **do not** have a personal interest in any transactions taken at this meeting.  
 Yes - If yes, please answer the following questions.

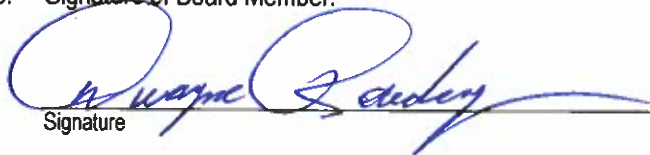
A. \_\_\_\_\_  
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

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

- D.  I am able to participate in this transaction fairly, objectively, and in the public interest.      or  
 I did not participate in the transaction.

6. Signature of Board Member:

  
Signature

10/19/23  
Date

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

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

1. Name James N. Brockwell  
(Name of Board Member)

2. Title: Board Member

3. Agency: DPOR/Board for WWWOSSP  
(Name of Board)

4. Meeting/IFF Date: 10/19/2023

5. Do you have a personal interest in the following transaction?

- No; I **do not** have a personal interest in any transactions taken at this meeting.
- Yes - If yes, please answer the following questions.

A. \_\_\_\_\_  
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

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

- D.  I am able to participate in this transaction fairly, objectively, and in the public interest.      or
- I did not participate in the transaction.

6. Signature of Board Member:

  
Signature

10-19-23  
Date