

**THE VIRGINIA BOARD FOR  
WATERWORKS AND WASTEWATER WORKS OPERATORS**

**MEETING MINUTES**

The Virginia Board for Waterworks and Wastewater Works Operators met on Wednesday, March 9, 2005 at the offices of the Virginia Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia 23230.

The following members of the Board were present:

Eileen M. Leininger, P.E., Chairperson  
Steve W. Cawthron, Vice Chairperson  
Dr. Thomas Grizzard  
Gerald W. Peaks, PE  
Harold W. Walker (arrived at 8:45 a.m.)  
John W. Vanderland  
Frank L. Davis, Jr.

The following members of DPOR staff were present during some or all of the meeting:

Louise Fontaine Ware, Director  
Sandra Whitley Ryals, Chief Deputy Director  
Karen O'Neal, Deputy Director for RPD  
David Dick, Executive Director  
Sharon Sweet, Education & Exam Administrator  
Marilyn Mandel, Administrative Assistant

Others who attended the meeting included:

Mark Anderson, Department of Health  
Stephen W. Ballou, Executive Director, Association of  
Boards of Certification

Chairperson Leininger, finding a quorum of the Board present, Call to Order called the meeting to order at 8:35 AM. Ms. Leininger introduced Frank Davis and welcomed him as the newest member of the Board.

The Board agreed without dissent to approve the agenda as Adopt Agenda prepared by staff.

Mr. Peaks moved that the Board approve the minutes of its Approval of Minutes December 8, 2004 Board meeting, the February 8, 2005 Criminal History Records Check Committee meeting and the February 8,

2005 Examination Review Committee meeting. Mr. Vanderland seconded the motion which was unanimously approved by the following members: Leininger, Peaks, Cawthron, Grizzard, Davis and Vanderland.

Chairperson Leininger opened the floor for public comment. No member of the public present expressed a desire to address the Board.

**Public Comment  
Period**

In the matter of **File Number 2005-00130, Robert J. Toney**, the Board reviewed the record, which consisted of the application file, transcript and exhibits from the IFF, and the presiding officer's summary, conclusion and recommendation as amended by the Board. Robert J. Toney (Respondent) was not present at the Board meeting. Mr. Peaks moved that the Board adopt the summary and recommendation and approve Mr. Toney's application to sit for the for the Class IV Wastewater Works Operator examination. Mr. Grizzard seconded the motion which was approved by the following members: Leininger, Walker, Peaks, Grizzard, Davis and Vanderland. Mr. Cawthron recused himself and did not participate in any discussion or vote.

**File Number  
2005-00130**

Mr. Stephen Ballou, Executive Director for the Association of Boards of Certification (ABC) discussed new initiatives that ABC plans to undertake over the next several years. Several of the topics Mr. Ballou discussed with the Board were multiple entry testing, online testing and ABC's online certification database.

**Presentation by  
ABC Executive  
Director**

Eileen Leininger, Chairperson of the Criminal History Records Check Committee presented the report of the committee along with its recommendations. Dr. Grizzard moved that the Board accept the Committee's recommendations that the Board hold in abeyance checking applicants for criminal history records, noting that if future events should make criminal history record checks necessary or appropriate, the required authority and capability exists to implement such checks in a relative limited time period. Mr. Walker seconded the motion which was unanimously approved by the following members: Leininger, Walker, Peaks, Cawthron, Grizzard, Vanderland and Davis.

**Criminal History  
Records Check**

Sharon Sweet, DPOR's Education & Exam Administrator, explained the circumstances surrounding a recent incident relating to questions on the waterworks examination which may have been illegally copied and distributed. Ms. Sweet indicated there will be increased monitoring and other procedures to reduce or eliminate any possible violations and that she will report back to the board at

**Examination  
Issues**

its next meeting.

Steve Cawthron, Chairperson of the Examinations Review Committee presented the report of the committee along with options for the Board's consideration. Ms. Sweet reviewed the details of each of the options as well as the criteria for renewal of the current ABC contract. Mr. Cawthron moved that the Board authorize staff to publish a Request for Proposal (RFP) for examination services administering an electronic examination based on the Virginia item bank. Further, that a committee to be appointed by the Chairperson to assist Ms. Sweet in drafting the RFP and in evaluating the proposals received in response to the RFP for the purpose of awarding a contract. Mr. Peaks seconded the motion which was unanimously approved by the following members: Leininger, Walker, Peaks, Cawthron, Grizzard, Vanderland and Davis.

**Examinations  
Review Committee**

The Board agreed without dissent that the Examination RFP Committee come back to the Board before making any change to the open book nature of the examination.

Ms. Leininger appointed Mr. Vanderland and Mr. Walker to serve on the Examination RFP Committee along with Mr. Dick and Ms. Sweet.

The Board asked Mr. Dick to prepare an appropriate communication to the regulated community publicizing the RFP to obtain a computer administered examination.

Mr. Cawthron moved that the Board adopt the following resolution:

**Resolution for  
Former Board  
Member**

**Department of Professional and  
Occupational Regulation**

**Board for Waterworks and  
Wastewater Works Operators**

Resolution To

*Dan E. French*

**WHEREAS**, Dan E. French, has faithfully and diligently served as a member of the Board for Waterworks and Wastewater Works Operators from 1997 until December 31, 2004; and

**WHEREAS**, Dan E. French, has devoted generously of his time, talent and leadership to the Board; and

**WHEREAS**, Dan E. French, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

**WHEREAS**, the Board for Waterworks and Wastewater Works Operators wishes to acknowledge its gratitude and deepest appreciation 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 Waterworks and Wastewater Works Operators this ninth day of March, 2005, that Dan E. French be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens and the Board for Waterworks and Wastewater Works Operators; 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.

Dr. Grizzard seconded the motion which was unanimously approved by the following members: Leininger, Walker, Peaks, Cawthron, Grizzard, Vanderland and Davis.

David Dick updated the Board on the status of the proposed non-classified facility experience amendments. The Department of Planning and Budget approval was received on September 23, 2004. Approval from the Secretary of Commerce and Trade had been received on December 8, 2004. He is now awaiting the Governor's approval before publishing the proposed amendments for public comment.

#### Other Business

Steve Cawthron, the Board's representative at the ABC Annual Conference, provided the Board with an overview of the January 2005 Conference held in New Orleans.

Karen O'Neal made a presentation regarding the roles and responsibilities of Board members. The presentation regarding regulator review will be presented at the next Board meeting.

#### New Board Member Training

The Board confirmed the following meeting dates:

#### Set Meeting Dates


June 22, 2005  
September 14, 2005  
December 7, 2005

Board members completed their conflict of interest forms and Conflict of Interest Forms travel vouchers.

The Board adjourned at 12:35 PM.

Adjournment

  
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Eileen Leininger, Chairperson

  
\_\_\_\_\_  
Louise Fontaine Ware, Secretary

COPY TESTE:

\_\_\_\_\_  
Custodian of the Records

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

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

1. Name: Eileen Leininger
2. Title: Board Member - Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
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: water industry

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

Dated: 3/9/05

Signature: 

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

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

- 1. Name: Steve W. Cawthron
- 2. Title: Board Member - Waterworks and Wastewater Works Operators
- 3. Agency: Department of Professional and Occupational Regulation
- 4. Transaction: Board Meeting
- 5. Nature of Personal Interest Affected by Transaction: Water + Wastewater  
(Revised myself from IFF having reviewed it prior to sending to IFF) 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: Water + Wastewater

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

Dated: 3/9/05

Signature: [Signature]

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

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

- 1. Name: Dr. Thomas J. Grizzard, Jr.
- 2. Title: Board Member – Waterworks and Wastewater Works Operators
- 3. Agency: Department of Professional and Occupational Regulation
- 4. Transaction: Board Meeting
- 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.

Dated: 03.09.05

Signature: 



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

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

1. Name: Gerald W. Peaks  
2. Title: Board Member - Waterworks and Wastewater Works Operators  
3. Agency: Department of Professional and Occupational Regulation  
4. Transaction: Board Meeting  
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.

Dated: 3/9/05

Signature: Gerald W. Peaks

**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 - Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
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: NONE

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

Dated:

3/9/05

Signature:

Harold W. Walker

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

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

1. Name: John W. Vanderland
2. Title: Board Member - Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
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: N/A

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

Dated:

3/9/2005

Signature:

John W. Vanderland

**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 - Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
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.

Dated: 3-9-05

Signature: 