

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

MEETING MINUTES

The Board for Professional Soil Scientists met on October 10, 2003 at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia, with the following members present:

W. Lee Daniels
David L. Davis
Ann F. Jennings
Carl D. Peacock, Jr.
William F. Sledjeski
Donald R. Young

Board member Alice Coles was not present at the meeting.

Staff present for all or part of the meeting were:

Sandra Whitley Ryals, Chief Deputy Director
Karen W. O'Neal, Deputy Director of Regulatory Programs
Mark N. Courtney, Executive Director
Marian H. Brooks, Program Administrator
Sharon Sweet, Director, Office of Education and Examination
Trisha L. Henshaw, Administrative Staff Assistant

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

Finding a quorum of the Board present, Mr. Sledjeski, Chair, called the meeting to order at 10:04 a.m. Call to Order

Mr. Davis moved to approve the agenda as written. Ms. Jennings seconded the motion which was unanimously approved by members: Daniels, Davis, Jennings, Peacock, Sledjeski, and Young. Approval of Agenda

Mr. Daniels moved to approve the minutes from the July 16, 2003, Board meeting as written. Mr. Davis seconded the motion which was unanimously approved by members: Daniels, Davis, Jennings, Peacock, Sledjeski, and Young. Approval of Minutes

Mr. Sledjeski gave the following rules for the public hearing: Public Hearing

"This is a public hearing held at the Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia.

This hearing is being held pursuant to § 2.2-4007 of the Administrative Process Act of the Code of Virginia for the purpose of receiving public comment on the Board's proposed regulations governing certified professional wetland delineators published in the Virginia Register on Monday, August 25, 2003.

"The list of interested parties and organizations which were notified of this process and invited to comment is available upon written request.

"The staff of the Department of Professional and Occupational Regulation will prepare a report of all public comment received which will be presented to the Board for consideration of any revisions to the proposed regulations.

"Please allow me to introduce the members of the Board for Professional Soil Scientists at this time, they are Ann Jennings, Carl Peacock, Alice Coles is absent, David Davis, Lee Daniels, and Donald Young.

"Now I would like to present the rules for this public hearing -

"Comments will be received from any member of the public and initial comments will be limited to a maximum of 5 minutes depending on the number of individuals who wish to speak. If you have not signed up to speak and you wish to give testimony today, please sign your name on the sign up sheet at this time.

"Board members may ask speakers questions or to clarify statements. However, this is not the proper forum for questions to the Board. If you have a question for the Board, please forward them in writing, to the Board.

"Any speaker, who wishes to provide a written statement in addition to his oral testimony, or in lieu of oral testimony, may do so until Friday, October 24, 2003."

Patrick O'Hare, Esquire, spoke to the Board as a representative for Michael S. Rolband, P.E., P.W.S., President of Wetland Studies and Solutions, Inc. Mr. O'Hare stated that there were to changes that should be made to the proposed regulations governing Certified Wetland Delineators. The first change is to bring the regulations into compliance with the *Code of Virginia*, and the other suggestion would be to revisit the experience requirements.

Robin Bedenbaugh, representative of the Virginia Association of Wetland Professionals, spoke to the Board regarding concerns he has with the language of the statutes relating to the wetland delineator certification program as well as the cost to the regulants of the program.

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

Public Comment

Ms. Sweet provided the Board members with an update on the examination for the wetland delineator certification program. Ms. Sweet indicated that the procurement process for obtaining a vendor to administer the examination had been completed. The Department is in the process of awarding the contract to Professional Credential Services, Inc., to handle development of the examination.

Update on Status of Wetland Delineator Examination

Mr. Courtney provided the Board members with an update on the status of the proposed certified wetland delineator regulations. Mr. Courtney stated that the public comment period would continue through October 24, 2003. In order to meet the regulatory deadlines, the Board would need to have a meeting in November to review the draft final regulations and consider adoption of the final regulations. At this meeting, the Board would also be presented with a summary of the public comment received along with a draft response for their consideration.

Update on Status of Proposed Certified Wetland Delineator Regulations

Mr. Courtney indicated that due to time constraints required by the regulatory review process, a Board meeting would need to be held in November for the purpose of considering adoption of the final certified wetland delineator regulations. After discussion, the Board members agreed by consensus to schedule the Board meeting for November 21, 2003.

Establish November Board Meeting Date

Mr. Courtney provided the Board members with a report on wall certificates. Mr. Courtney indicated that after researching the costs associated with printing and distributing wall certificates for the Board's regulants, wall certificates were printed and mailed to all currently certified professional soil scientists, and the Department's licensing program has been amended to print a wall certificate for all new certificates that are issued. Mr. Courtney also provided the Board members with a sample of what the mailed wall certificates looked like, as well as what the soil scientist and wetland professional wall certificates will look like once the Board's name change takes effect.

Report on Wall Certificates

The Board members were provided with revisions to the proposed Public Participation Guidelines (PPGs). After discussion, Ms. Jennings moved to adopt the proposed Public Participation Guidelines as amended and authorize staff to file the PPGs as necessary. Further, Ms. Jennings moved to authorize staff to make minor changes as needed with the concurrence of the Chair. Mr. Peacock seconded the motion which was unanimously approved by members: Daniels, Davis, Jennings, Peacock, Sledjeski, and Young.

**Adoption of Proposed
Public Participation
Guidelines**

Ms. O'Neal proposed a new procedure for processing licensing applications for the Board. Ms. O'Neal discussed the possibility of using a staff member as the presiding officer for Informal Fact-Finding Conferences, specifically application files, that do not require professional expertise. This would speed up the process, as well as prevent a Board member from recusing himself from a vote due to his participation in the Informal Fact-Finding Conference. After discussion, Ms. Jennings moved to allow staff members to preside over Informal Fact-Finding Conferences for application files and disciplinary files that do not involve professional expertise issues. Mr. Peacock seconded the motion which was unanimously approved by members: Daniels, Davis, Jennings, Peacock, Sledjeski, and Young. Mr. Courtney stated that if there was any doubt as to whether staff could preside, he would contact the Chair.

Election of Officers

Mr. Daniels moved to adopt the following Board meeting dates for 2004:

Set 2004 Meeting Dates

Wednesday, January 14, 2004
Wednesday, April 14, 2004
Wednesday, July 14, 2004
Thursday, October 14, 2004

Ms. Jennings seconded the motion which was unanimously approved by members: Daniels, Davis, Jennings, Peacock, Sledjeski, and Young.

The Board members were provided with the Board's financial statements for August 2003 for informational purposes.

Other Business

Mr. Courtney informed the Board members that although he indicated at the last meeting that future agenda materials would be provided in an electronic format on the Board's secure webpage, a paper copy of the

materials were mailed due to various complications associated with the recent hurricane, as well as the relatively small amount of materials in the agenda package. Mr. Courtney stated that the agenda materials should be in electronic format for the upcoming meeting.

The Board members were provided with an enrollment form to allow travel reimbursements to be directly deposited into the Board member's bank account. Mr. Courtney explained that the Department is greatly encouraging participation in this program as direct deposit is less expensive than issuing a check, and the recipient receives their reimbursement much faster through direct deposit. The Board members stated that they would return the completed enrollment form to Mr. Courtney as soon as possible.

Mr. Sledjeski requested that the Board staff check for completeness of the applications before sending them to the Board members for review. Additionally, Mr. Sledjeski suggested the Board staff encourage applicants to review the instructions to ensure that the appropriate documentation is submitted with their applications.

After being asked for clarification regarding the focus of the November 21 Board meeting, Mr. Courtney stated that the primary purpose of the meeting will be to consider adoption of the final certified wetland delineator regulations; however if additional Board business arises, it will be presented at the Board meeting as well.

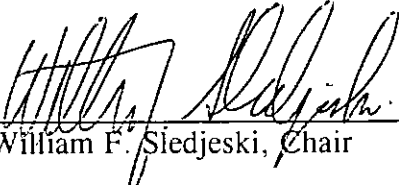
The Board members discussed the problems with the wording of parts of the statutes for the certified wetland professional program. Mr. Courtney indicated that the statutes take precedence over the regulations, and any change to the statute would have to be made legislatively.

Conflict of Interest forms were completed by all members present.

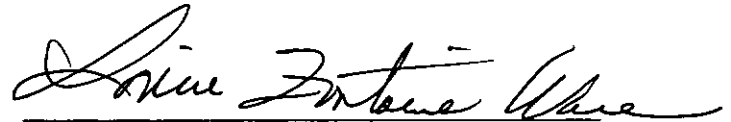
Conflict of Interest

There being no further business, the meeting was adjourned at 11:02 a.m.

Adjournment



William F. Sledjeski, Chair


Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records