

## Minutes of Meeting

### BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS INFORMAL FACT-FINDING CONFERENCES AUGUST 15, 2003 (11:00 a.m.)

The Board for Waste Management Facility Operators convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Carol Mitchell, a designee of the board, presided. No Board members were present

Douglas W. Schroder appeared for the Department of Professional and Occupational Regulation.

The conference was recorded by Inge Snead & Associates, LTD. and the Summary of the Informal Fact-Finding Conference is attached.

Disc=Disciplinary Case  
Lic=Licensing Application

C=Complainant/Claimant  
A=Applicant  
R=Respondent/Regulant  
PB=Principal Broker  
SA=Sales Agent  
Invest=Investigator  
W=Witness  
Atty = Attorney

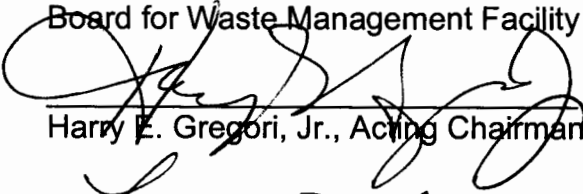
#### PARTICIPANTS

Leonard Elwood Crutchfield, Jr.  
File Number 2004-00507 (Lic)

Leonard Crutchfield – A

The meeting adjourned at 11:35 a.m.

Board for Waste Management Facility Operators

  
Harry E. Gregori, Jr., Acting Chairman

  
Louise Fontaine Ware, Secretary

COPY TESTE:

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Custodian of Records

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION  
BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS**

**IN RE: LEONARD ELWOOD CRUTCHFIELD  
APPLICATION**

**FILE NUMBER: 2004-00507**

**Summary of the Informal Fact-Finding Conference**

An Informal Fact-Finding Conference (IFF) was convened on August 12, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Leonard Elwood Crutchfield on July 29, 2003. The following individuals participated at the conference: Leonard Elwood Crutchfield, Applicant; Douglas W. Schroder, Staff Member; and Carol Mitchell, Board Designee.

**Summation of Facts**

1. Leonard Elwood Crutchfield (Crutchfield) applied for a Class I Waste Management Facility Operators License on or about February 14, 2003, and disclosed a criminal conviction.
2. On or about July 23, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.
3. During the IFF, Crutchfield provided two letters of reference from Waterway Marine Terminal. One from Gene Hand, Terminal Manger, and a second letter signed by W. Preston Fussell, owner of Waterway Marine, James L. Sisson, III, Vice President in charge of operations, and Robert R. Kinser. In addition, during the IFF he testified he is no longer using drugs or involved with the people associated with criminal activity.

Due to a motorcycle accident in 1996, Crutchfield was left permanently disabled and has undergone 29 surgeries.

### **Prior Criminal Convictions**

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

On or about March 29, 2000, Crutchfield was convicted of conspiracy to possess with the Intent to distribute a controlled substance, and distributing a controlled substance, methamphetamine, a felony. He received 18 months of incarceration for this conviction.

As part of the judgment, the United States District Court recommended to the Bureau of Prisons, that Crutchfield be incarcerated at a facility where he would receive medical care and treatment, and recommended that while incarcerated, Crutchfield participate in a substance abuse program.

Crutchfield was given supervised release from prison on or about June 16, 2000, for a term of 3 years, which expired on June 15, 2003.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public.

Based upon Crutchfield's testimony and credibility at the hearing, it does not appear that Crutchfield is a danger to the public. He provided testimony that he has been free from the use of drugs since January, 1999. Crutchfield has undergone drug tests 12 to 15 times since 1999, due to requirements of his supervised release, commercial driver's license and company policy. All test results have been negative.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

It does not appear that granting Crutchfield a license will encourage him to engage in any further criminal activity.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

I do not see any significant relationship of the crime to Crutchfield's fitness to engage in the license activity.

5. The extent and nature of the person's past criminal activity;

Crutchfield was convicted of a Felony (conspiracy to possess with the intent to distribute a controlled substance and distribute a controlled substance - methamphetamine) on or about March 29, 2000.

6. The age of the person at the time of the commission of the crime;

Crutchfield was approximately 37 years of age at the time of the crime.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

It has been approximately 4 years since the criminal activity concluded.

8. The conduct and work activity of the person prior to and following the criminal activity; and

Based on the record and/or during the IFF, Crutchfield stated he was a Certified Automotive Master Technician and worked as a mechanic for Exxon, Shell and also self employed. In 1993, he owned two limousines, and had his own auto repair business. Although having been found to be permanently disabled, upon his release in 1996, he began work in the construction business as a crusher operator. In November of 2000, he became a Certified Weigh Master through the Department of Agriculture and Consumer Services. He is now in a growing company preparing to go into the recycling business, where he will be in charge of production, if granted this license.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

Crutchfield was in outpatient group therapy for 18 weeks as a part of his supervised release. He has been drug free since January, 1999.

Crutchfield has continued to work even though he was declared disabled. He is married with 4 children, who are honor students. His son is an honor student at Norfolk Academy.

### **Conclusion and Recommendation**

Based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, I recommend Crutchfield's application be approved.

By: \_\_\_\_\_

Carol Mitchell  
Designee of the Board  
Board for Waste Management

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

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

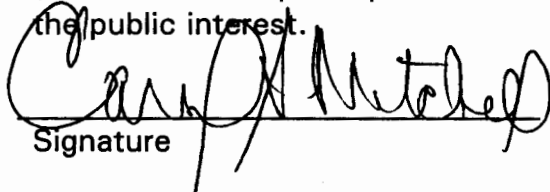
1. Name: Carol Mitchell
2. Title: Designee of the Board for Waste Management Facility Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Informal Fact-Finding Conference on August 15, 2003
5. Nature of Personal Interest Affected by Transaction: None
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6. 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:

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

  
Signature

8/15/03  
Date