

**BOARD FOR PROFESSIONAL SOIL SCIENTISTS, WETLAND PROFESSIONALS
and GEOLOGISTS
MEETING MINUTES**

The Board for Professional Soil Scientists, Wetland Professionals and Geologists met on December 5, 2012, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

J. Meade R. Anderson
Nancy Barker
Douglas S. Davis (arrived 10:15am)
Warren (Ted) Dean
J. James Liu
Charles E. Nelson
Harry T. (Tom) Saxton
David Spears
Angela Whitehead

Board members Robert B. Atkinson, Angie Hall, Katherine White and Robin Reed were not present at the meeting.

Board staff present for all or part of the meeting were:

Kathleen (Kate) R. Nosbisch, Executive Director
Justin Garofalo, Board Administrator
Amy Goobic, Administrative Assistant

Agency staff present for all or part of the meeting were:

Gordon N. Dixon, Director

Josh Lief, Senior Assistant Attorney General, was present for the meeting.

Ms. Whitehead, Chair, called the meeting to order at 10:01 a.m.

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

Public Comment Period – There were no public comments.

Ms. Nosbisch informed the Board that they did not yet have a quorum as Mr. Davis was arriving late, and could not vote on any agenda item. Therefore, discussion would move on to agenda items that did not require board action.

Board members were provided board financial statements for informational purposes.

Call to Order

**Emergency Evacuation
Procedures**

Public Comment Period

**Review of Financial
Statements**

Ms. Nosbisch reported that the National Association of State Boards of Geology (ASBOG) held its annual meeting October 30-November 3; however, the Board did not receive approval from the Secretary's office to send a representative. Ms. Nosbisch informed the Board that proposed changes to the charter and bylaws were scheduled to be discussed at the meeting.

National Association of State Boards of Geology Update

Ms. Nosbisch informed the Board that the geology regulations containing the GIT designation would be effective January 1, 2013. She also reported that the proposed regulations changing soil scientist certification to licensure were at the Governor's office for approval and that the proposed geology regulations with a fee increase were at the Secretary's office for review.

Regulatory Update

Ms. Nosbisch provided details on the Governor's Regulatory Reform Initiative, explaining that the public comment period was an opportunity for feedback on any regulations that are thought unnecessary or burdensome. Board members reviewed public comment received regarding the soil scientist, wetland and geology regulations. Board staff will draft a response to each of the comments.

Mr. Davis arrived at 10:13 a.m.

Arrival of Mr. Davis

Ms. Barker moved to approve the agenda. Mr. Nelson seconded the motion which was unanimously approved by members: Anderson, Barker, Davis, Dean, Liu, Nelson, Saxton, Spears & Whitehead.

Approval of Agenda

Mr. Dean moved to approve the minutes from the following meeting:

Approval of Minutes

- September 12, 2012, Board for Professional Soil Scientists and Wetland Professionals meeting

Dr. Liu seconded the motion which was unanimously approved by members: Anderson, Barker, Davis, Dean, Liu, Nelson, Saxton, Spears & Whitehead.

Ms. Barker moved to approve the minutes from the following meeting:

- October 16, 2012, Informal Fact-Finding Conference

Mr. Anderson seconded the motion which was unanimously approved by members: Anderson, Barker, Davis, Dean, Liu, Nelson, Saxton, Spears & Whitehead.

Regarding **File Number 2012-03287**, Gordon Lee Mallonee, Jr., the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the

File Number 2012-03287, Gordon Lee Mallonee, Jr.

presiding Board member's recommendation. Mr. Dean moved to accept the recommendation of the presiding Board member and approve Mr. Mallonee's application for reinstatement of his certification as a Professional Wetland Delineator. Mr. Nelson seconded the motion which was unanimously approved by members: Anderson, Davis, Dean, Liu, Nelson, Saxton, Spears & Whitehead. As the presiding Board member, Ms. Barker, was not present during the discussion or vote.

Ms. Nosbisch informed the Board that due to the possibility of changes to the regulations resulting from public comment received, any NOIRA's or fast-track reg actions must be filed with the Registrar's Office by March 1, 2013. Ms. Nosbisch asked Board members to consider changing the March 6, 2013, meeting date to February, 14, 2013 in preparation for finalizing the necessary steps for the Governor's Regulatory Reform Initiative. Given that today is the last of the public comment period for the regulatory reform initiative, it is possible that comments could still be received before midnight which would require the Board to meet to hold discussion and take any necessary regulatory action. The Board agreed by consensus.

Other Business

Board members reviewed a report from the Joint Task Force on Areas of Practice from the American Society of Civil Engineers, the American Institute of Professional Geologists and the Association of Engineering and Environmental Geologists. Ms. Nosbisch informed the Board that the APELSCIDLA Board discussed the document at their September 25, 2012, section meeting. The APELSCIDLA Board discussed the practice of engineering and geology practice guidelines, the Board agreed by consensus that a geologist may collect data and perform analysis, however a professional engineer would determine the equation side of the information, or what is done with the data. Ms. Nosbisch stated that she would share the information at the next Board for Professional Soil Scientists, Wetland Professionals and Geologists meeting.

Ms. Nosbisch provided licensing and exam statistics for informational purposes. The September exam stats were as follows: one soil scientist exam passed for 100% pass rate; three out of three wetland delineator exams passed for 100% pass rate; six out of 12 fundamentals of geology exams passed for a 50% pass rate; and four out of six professional geologist exams passed for a 75% pass rate.

The Board reviewed the public comments received with regards to the Professional Soil Scientist, Wetland Professional and Geologist regulations. The Board agreed by consensus with comments prepared by staff for review and consideration. One comment received referred to Professional Engineers practicing soil evaluations. The Board agreed by consensus to forward the public comment to the APELSCIDLA Board.

Mr. Anderson requested staff obtain information on how other ASBOG states handle exam waivers for geologist certifications, for the purpose of determining how Virginia may want to process applications for exam waivers. Mr. Anderson suggested that ASBOG may have information regarding this on its website which could be helpful.

There being no further business, the meeting was adjourned at 11:00 p.m. **Adjournment**

Angela C. Whitehead, Chair

Gordon N. Dixon, Secretary

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