

1 **ALABAMA ONSITE WASTEWATER BOARD**

2 MINUTES OF MEETING

3 October 24, 2017

4 The ninety-ninth quarterly meeting of the ALABAMA ONSITE WASTEWATER
5 BOARD (hereinafter referred to as “the Board”) was called to order at 9:07 a.m., October
6 24, 2017, at the Board’s administrative offices located at 60 Commerce Street, 6th floor
7 conference room, by Randall Anderson, Chairman. A quorum was established and the
8 meeting was established

9
10 **PRESENT**

11 Michelle Stephens, Dr. Kevin White, Leigh Willis, David Vogelgesang, and David
12 Mastin. Randall Anderson-Chair, was the only officer present. Other guests: Melissa
13 Hines (Executive Director) Jeffrey Long (Attorney for AOWB), Tracy Welch (AOWB),
14 Dave Roll, Executive Director (AOWA), Allen Tartt, Director (AOWATC), Robert
15 Joiner (AOWB), Jerry Todd (AOWB), Mary-Ann Owens (AOWB), and Eric Phillips
16 (prospective licensee), Absent were Derrick Hutchins, Vice-Chair and Michael Dansby,
17 Treasurer.

18
19 **NEW BOARD MEMBER**

20 Melissa Hines, Executive Director, wanted to acknowledge that she received an
21 appointment yesterday at 4:30 p.m., for the replacement of the board seat vacated by
22 Alton Williams. We welcome David Mastin as our new Board member.

23

24 **SPECIAL GUEST**

25 Eric Phillips. Melissa Hines, Executive Director, presented the facts that brought Mr.
26 Phillips to the Board meeting this date. Mr. Phillips wanted to address the Board. He
27 took the test to get his license on September 16, 2016. His father is Jerry Phillips. Time
28 slipped away from him and he was just passed the one year deadline and he just wants to
29 address the Board to ask if he could go ahead and get his license now. He has paid his
30 monies and all his paperwork is here. Mr. Phillips was then told he could address the
31 Board. Mr. Phillips explained that he has been working with his Father, Jerry Phillips,
32 under his Father's license, and was reminded that he did not have his license when he
33 was trying to take classes. He does have a Georgia license. He took the test at UWA on
34 September 16, 2016 and passed. His paperwork and monies have been received by
35 AOWB, it was just passed the one year deadline. Chairman Anderson asked if there were
36 any other questions for Mr. Phillips, there were none and he then asked if there was a
37 motion. Michelle Stephens made the motion that the Board go ahead and allow Mr.
38 Phillips to get his 2017 license. Leigh Willis seconded the motion. Chairman Anderson
39 called for a show of hands for all in favor and for all opposed; the motion carries by
40 unanimous vote.

41

42 **TREASURERS REPORT**

43 In the absence of Michael Dansby-Treasurer, Melissa Hines, Executive Director
44 presented the Treasurers Report. The Budget for Fiscal Year 2018 is \$485,000. Attached
45 were the Operation Plan, Income/Expense Worksheet for October (month to date) and

Anticipated Revenue Worksheet for 2018. Dr. Kevin White asked if there was also an Anticipate Expense Worksheet for 2018. Executive Director, Melissa Hines, apologized that there was not one prepared for this meeting. However, she also advised that one could be put together. Chairman Anderson advised that it would be a good idea to see projected expenditures for the year at the next meeting. Chairman Anderson then asked if there was a motion to approve the Treasurers Report as presented by Executive Director, Melissa Hines. Dr. Kevin White made the motion to approve and David Vogelgesang seconded the motion. By a show of hands for all in favor and for all opposed; the report is accepted by unanimous vote.

MINUTES

Chairman Anderson advised the next agenda items were the minutes of July 25, 2017 and September 26, 2017. Dr. Kevin White moved to accept the minutes of July 25, 2017 with amendment as well as the September 26, 2017 minutes. Leigh Willis seconded the motion. By a show of hands for all in favor and for all opposed; the minutes are accepted by unanimous vote.

EXECUTIVE DIRECTORS REPORT

*Melissa Hines, Executive Director, asked the Board to allow hours via a TRAC Program to count as the following years continuing education - - provided they have their hours for the current year. David Vogelgesang made the motion to allow rollover of the max hours for one year with TRAC as defined by AOWA documentation. The motion was

68 seconded by David Mastin. By a show of hands for all in favor and for all opposed; the
69 motion is approved by unanimous vote.

70 *Randall Blake Hamner – wanted the Executive Director to ask the Board to waive his
71 late fees for 2017. He states that he registered for CE through Allen Tartt with
72 AOWATC in December of 2016. He completed the training in April of 2017. He states
73 that he was told if he registered for training by the end of 2016, he would not have to pay
74 the late fees. Allen Tartt was asked by the Executive Director if his office advised Mr.
75 Hamner regarding not having to pay late fees; Mr. Tartt stated that Mr. Hamner was not
76 advised that information. After a brief discussion, the Board decided that Mr. Hamner
77 would have to pay his late fees.

78 *Restroom Trailers – email from Ms. Ronda McMichael of Wise Environmental
79 Solutions emailed the AOWA, which emailed AOWB. Discussing a request to set up
80 guidelines to have them certified and trained supporting our laws and association.
81 Chairman Randall Anderson requested that this discussion be tabled so the Board could
82 define what a portable restroom is and there could be a review for rules of portable
83 restrooms. This will be added to the Rules Meeting that immediately follows today's
84 Quarterly Board Meeting.

85 *Raising fees – Director Hines asked for Board input on raising the inactive fee from \$50
86 to \$100 and the application fee for a new license from \$25 to \$50. This will also be
87 tabled until the Rules Meeting this afternoon.

88 *Engineer seat open on the Board – Greg Ryland who held the engineers seat has
89 resigned as he accepted a position with a firm in Mississippi. Executive Director Hines

has been in contact with Rick Huett of the Engineer and Land Surveyors Board. His Board will meet on November 14, 2017 to select a list of three candidates to submit. *Discussion of Consent Agreements – a question was posed to Executive Director Hines regarding an individual entering into a consent agreement more than one time. Current procedure is that on the first offense, an individual can enter into a consent agreement, after that each offense must have a hearing. Following a brief discussion, it was understood that the procedure would stand.

*Congratulations to the Honorable Michelle Stephens for being reappointed to the Alabama Onsite Wastewater Board for 4 more years.

***ENFORCEMENT REPORT**

Compliance Visits - 72; Manufacturing Plant Visits - 3; Complaints pending Probable Cause - 11; Cases for the quarter (hearings) - 10; Consent Agreements for the quarter - 6; Trainings attended by Director - 7.

HEARING OFFICER RECOMMENDATIONS

At 9:43 a.m. Leigh Willis moved to go into executive session to discuss the good name and character of Chad Youngren, Ron Robertson, Dana Folsom, Jason Huddleston and George Baldwin for approximately 30 minutes. Dr. Kevin White seconded the motion. Roll Call Vote: Michelle Stephens - Yes, Dr. Kevin White - Yes, Leigh Willis - Yes, David Vogelgesang - Yes, David Mastin - Yes, Derrick Hutchins - Absent, Michael

112 Dansby – Absent. All approved motion carries. At 10:06 a.m. Leigh Willis made a
113 motion to go back into regular session; Dr. Kevin White seconded the motion.

114 **CHAD YOUNGREN** – Michelle Stephens made the motion to accept the
115 recommendation to dismiss. David Vogelgesang seconded the motion. Roll Call Vote:
116 Michelle Stephens - Yes, Dr. Kevin White - Yes, Leigh Willis - Abstain, David
117 Vogelgesang -Yes, David Mastin - Abstain, Derrick Hutchins - Absent, Michael Dansby
118 – Absent. Motion passes unanimously.

119 **RON ROBERTSON** – David Vogelgesang made the motion to accept the
120 recommendation finding Mr. Robertson guilty of both counts at a fine of \$1,000 for each
121 count, total fine \$2,000. This fine is to be paid by December 31st, 2017. Mr. Robertson
122 is also to cease and desist all future wastewater activity. Michelle Stephens seconded the
123 motion. Roll Call Vote: Michelle Stephens - Yes, Dr. Kevin White - Yes, Leigh Willis -
124 Abstain, David Vogelgesang -Yes, David Mastin - Abstain, Derrick Hutchins - Absent,
125 Michael Dansby – Absent. Motion passes unanimously.

126 **DANA FOLSOM** – case was dismissed without prejudice.

127 **JASON HUDDLESTON** – Dr. Kevin White made the motion that to accept the
128 recommendation of the Hearing Officer and find Mr. Huddleston guilty on all 3 counts at
129 a fine of \$1,000 for each count, total fine is \$3,000. He is ordered to cease and desist all
130 septic repair and wastewater activity. Mr. Huddleston should have until December 31,
131 2017 to pay his fine or we will pursue criminal charges. David Vogelgesang seconded
132 the motion. Roll Call Vote: Michelle Stephens - Yes, Dr. Kevin White - Yes, Leigh
133 Willis - Abstain, David Vogelgesang -Yes, David Mastin - Abstain, Derrick Hutchins -
134 Absent, Michael Dansby – Absent. Motion passes unanimously.

GEORGE BALDWIN – David Vogelgesang made the motion to accept the recommendation of the Hearing Officer to find him guilty on the one count. This is his second offense. He is to be fined \$1,000 and have his license suspended for 30 days. Dr. Kevin White seconded the motion. Roll Call Vote: Michelle Stephens - Yes, Dr. Kevin White - Yes, Leigh Willis - Abstain, David Vogelgesang -Yes, David Mastin - Abstain, Derrick Hutchins - Absent, Michael Dansby – Absent. Motion passes unanimously.

Administrative Hearing Updates from July 25, 2017

Clarence Crook – He is appealing his case, but the time allowed may have expired.

Richard Williams – Paid fine and has obtained his license.

Josh Pesnell – He is appealing.

Timothy Britt – Has not followed through with coming to AOWB office to pay fine and speak with Executive Director. His license is still suspended (Jeffrey Long recommended that a letter is sent to Mr. Britt advising him that he has until December 31, 2017 to pay his fine or the Board will consider further actions.)

James Love – Paid fine.

Jeffrey Long, AOWB Attorney, explained how the appeal process works. When the ruling of a case is issued, the subject has 10 days to file appeal with this agency. (The 10 days are defined by when the green postal card attached to AOWB's mailed letter is signed.) They then have 30 days to file with the Montgomery County Circuit Court for notice of appeal and file a bond with us. This time can be extended by the Circuit Court Judge.

158 **CONSENT AGREEMENTS**

159 **Donny Adams, Case #2017-26. Installed without a permit. Paid \$500.00 fine.**

160 Jeffrey Long, AOWB Attorney, reviewed the case and asked for someone to move to
161 accept the consent agreement. Michelle Stephens made the motion to accept the consent
162 agreement, Dr. Kevin White seconded the motion. Roll Call Vote: Michelle Stephens -
163 Yes, Dr. Kevin White - Yes, Leigh Willis - Abstain, David Vogelgesang -Yes, David
164 Mastin - Abstain, Derrick Hutchins - Absent, Michael Dansby – Absent. Motion passes
165 unanimously.

166 **Richard Williams, Case #2017-54. Installed a septic system without an Advanced**
167 **Level I license. Paid \$500.**

168 Jeffrey Long, reviewed the case and asked for someone to move to accept the consent
169 agreement. Dr. Kevin White made the motion to accept the consent agreement, Michelle
170 Stephens seconded the motion. Roll Call Vote: Michelle Stephens - Yes, Dr. Kevin
171 White - Yes, Leigh Willis - Abstain, David Vogelgesang -Yes, David Mastin - Abstain,
172 Derrick Hutchins - Absent, Michael Dansby – Absent. Motion passes unanimously.

173 **Rob Graham, Case #2017-55. Placed portable restrooms without a license. Paid**
174 **\$1000.** Jeffrey Long reviewed the case and asked for someone to move to accept the
175 consent agreement. Michelle Stephens made the motion to accept the consent agreement,
176 Dr. Kevin White seconded the motion. Roll Call Vote: Michelle Stephens - Yes, Dr.
177 Kevin White - Yes, Leigh Willis - Abstain, David Vogelgesang -Yes, David Mastin -
178 Abstain, Derrick Hutchins - Absent, Michael Dansby – Absent. Motion passes
179 unanimously.

180 **John Porter, Case #2017-32. Installed and repaired without license or permit. He**
181 **has paid \$350 and balance of \$1050 is due by December 31, 2017 deadline.** Jeffrey
182 Long reviewed the case and asked for someone to move to accept the consent agreement.
183 David Vogelgesang made the motion to accept the consent agreement, Dr. Kevin White
184 seconded the motion. Roll Call Vote: Michelle Stephens - Yes, Dr. Kevin White - Yes,
185 Leigh Willis - Abstain, David Vogelgesang -Yes, David Mastin - Abstain, Derrick
186 Hutchins - Absent, Michael Dansby – Absent. Motion passes unanimously.

187 **George Baldwin, Case #2017-03. Installed and repaired without permit. Paid \$250.**
188 Jeffrey Long reviewed the case and asked for someone to move to accept the consent
189 agreement. Dr. Kevin White made the motion to accept the consent agreement, Michelle
190 Stephens seconded the motion. Roll Call Vote: Michelle Stephens - Yes, Dr. Kevin
191 White - Yes, Leigh Willis - Abstain, David Vogelgesang -Yes, David Mastin - Abstain,
192 Derrick Hutchins - Absent, Michael Dansby – Absent. Motion passes unanimously.

193 **Tyler Parker, Case #2017-13. Installed, but did not allow the Health Department to**
194 **inspect before completion. Paid \$1000.**
195 Jeffrey Long reviewed the case and asked for someone to move to accept the consent
196 agreement. David Vogelgesang made the motion to accept the consent agreement,
197 Michelle White seconded the motion. Roll Call Vote: Michelle Stephens - Yes, Dr.
198 Kevin White - Yes, Leigh Willis - Abstain, David Vogelgesang -Yes, David Mastin -
199 Abstain, Derrick Hutchins - Absent, Michael Dansby – Absent. Motion passes
200 unanimously.
201

202 At 10:32 a.m. Jeffrey Long requested that someone move that the Board go into
203 Executive Session. Leigh Willis made the motion and David Vogelgesang seconded the
204 motion. At 10:40 a.m. Chairman Randall Anderson called for the regular session
205 business to continue.

206

207 **NEW BUSINESS** - none.

208

209 **UNFINISHED BUSINESS** - none.

210

211 **BOARD MEMBER REPORTS**

212 **Dr. Kevin White** reported on the 2018 Continuing Education Program with 29 courses
213 proposed by Allen Tartt, AOWA Training Center Director. The course descriptions and
214 hours were included in the Board Member packets. Dr. White made the motion that these
215 29 courses be approved. Michelle Stephens seconded the motion. Chairman Anderson
216 called for a show of hands for all in favor and for all opposed; the motion carries by
217 unanimous vote. Dr. White recommended and made the motion that attendance of the
218 WWETT Show be accepted as credit for continuing education (hour for hour). David
219 Vogelgesang seconded the motion. Chairman Anderson called for a show of hands for
220 all in favor and for all opposed; the motion carries by unanimous vote. Dr. White also
221 recommended and made the motion that installers participating in the Helping Hands
222 project, 5 cites in Dekalb and Jackson counties, be given credit for continuing education.
223 David Vogelgesang seconded the motion. Chairman Anderson called for a show of
224 hands for all in favor and for all opposed; the motion carries by unanimous vote.

225 **Leigh Willis** shared information on the new map for Health Department districts, they
226 went from 9 Public Health areas to 6 districts. Mrs. Willis also advised the Board that the
227 new State Health Officer, Dr. Harris, gave permission to inspect small flow systems
228 beginning in the Spring of 2018. There will be a training class on how to inspect these
229 systems. She also had a request that AOWA send their magazine to each Health
230 Department. Mrs. Willis confirmed to the Board that the Health Department now refers
231 citizens to go to AOWB website to find licensed individuals in a certain county. Leigh
232 Willis also advised the Board that there is an updated Repair Policy being drafted. The
233 intent is to make a statewide uniform policy for all installers. This policy will be sent to
234 AOWA and AOWB for comment and review before it is finalized.

235

236 *** AOWB Rules Committee will meet following today's Board Meeting.

237


238 **ADJOURNMENT**

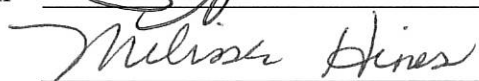
239 Meeting was adjourned at 12:51 p.m. by Chairman Randall Anderson. The next quarterly
240 meeting will be held on January 23, 2018.

241 Minutes submitted by: Tracy Welch

242

243 Approved by: Randall Anderson





244 Recording Secretary