

Minutes
Louisiana Committee of Certification
Special Hearing for John Jeffrey Pruett and Marios Papadopoulos
December 1, 2011
Department of Health and Hospitals
Bienville Building Room # 173
628 North 4th Street
Baton Rouge, Louisiana

Hearing for John Jeffrey Pruett was called to order at 10:05 am.

ROLL CALL:

A. Determination of Quorum.

Committee Members in attendance:

Craig Gautreaux (Chairman), David Wittner (Vice-Chairman), Grant Magnon, Tom Owens, Dirk Barrios, Mayor Glenn Brasseaux, Jake Causey (Secretary and Ex-officio DHH).

Dennis McGehee joined the meeting after it was called to order.

Committee Members Absent:

Bryan Kauffer

A quorum was achieved.

Recognition of Visitors and Others:

DHH-OPH staff in attendance was Dinah Millet and David McCay.

Visitors: Jim Rountree, Attorney for John Jeffrey Pruett
 Mike Risinger
 Brandy Pruett
 Mike Daniels, LDEQ

B. Announcements: Chairman introduced the visitors.

Chairman offered to go into Executive Session to discuss Mr. Pruett's case, but Mr. Rountree informed the Committee that his client, Mr. John Jeffrey Pruett preferred to have the hearing held in open session. DHH attorney, David McCay advised the Committee to continue in open session as requested. The Chairman announced that at the request of the respondent the hearing would continue in open session.

The Chairman, Craig Gautreaux announced that this meeting was a special meeting to discuss certification revocation by the Louisiana Committee of Certification, to hear testimony by the operators involved and provide a recommendation to the State Health Officer, Dr. Jimmy Guidry. This Committee is chaired by Craig Gautreaux. The Committee issued notices by certified letters to the individuals in question and the Committee accepts as evidence the following documents in regards to Mr. Pruett:

1. Notice of November 10, 2011 notifying Mr. Pruett of the Committee of Certification's intent to hold this hearing and the conviction notice attached.
2. The September 21, 2011 response by Mr. Rountree, Mr. Pruett's attorney, explaining Mr. Pruett's situation and opposing any disciplinary action.
3. A print-out of the operator certification database screen showing the current status of the continuing education hours for Mr. Pruett's certification renewal.

Mr. Gautreaux stated that the Committee will hear testimony from DHH staff then hear the testimony of the people that wish to speak on Mr. Pruett's behalf. After the presentations are made the Committee may ask questions and the Committee will accept any other documents that either side wish to submit.

Dinah Millet, Operator Certification Program Administrator, addressed the Committee. She presented copies of the same documents entered as evidence by the Committee Chairman. Ms. Millet explained that the print-out of the operator certification database screen shows what certifications Mr. Pruett holds, when they were issued and the number of continuing education hours that Mr. Pruett attended in the 2010-2011 cycle. Ms. Millet explained to the Committee that DHH got involved with the Pruett case when a Sanitarian from Region 8 was questioned by someone in his community about convicted felons holding water or wastewater certification. The Sanitarian contacted the operator certification office. The question was then forwarded to David McCay and then brought to the Committee of Certification for consideration. At the November meeting, the Committee reviewed the data available and determined a hearing was warranted.

Mr. Rountree, attorney for Mr. Pruett, stated that Mr. Pruett objects to the revocation of his certificates. Mr. Pruett does not have the continuing education credits for this year and does not intend to renew his certificates at the end of this year when they expire. Mr. Pruett feels that the revocation of his certificates is an unwarranted act given the nature of the legal standards that are involved in the revocation procedure. Mr. Rountree called Mike Risinger to testify on behalf of Mr. Pruett.

Mike Risinger was sworn in by David McCay, attorney for DHH. Mr. Risinger stated his full name as Michael Dixon Risinger of Spirit, Louisiana. He is a graduate in mechanical engineering from Lamar University in Beaumont and worked for Jeff Pruett at LWCC since July 2005. Mr. Rountree inquired about Mr. Risinger's experience prior to working with LWCC. Mr. Risinger stated that he worked with Dupont in Orange, Texas completing a small craft apprenticeship program certified in five skills, then graduated from Lamar University and began working at Continental Forest in Hodge, LA in the engineering department and then promoted to Director of Maintenance where he was

responsible for the water treatment and waste treatment facilities. Then he worked for Georgia Pacific in Crossett as a maintenance engineer for nine years then went to Eldorado Chemical in the same capacity and worked as a consultant in mechanical maintenance training for years all over the south.

Mr. Rountree asked Mr. Risinger to describe the conditions of the facilities when he went to work with Mr. Pruett's company. Mr. Risinger replied that for the first six months he only worked on one project. After January 2006, he started going to the different facilities. He described the facilities as "atrocious" with places completely grown up with trees so that you could not pass. To get into the facility you had to go through the marsh or take a dozer and drag in equipment. The buildings were leaning over and pumps hanging on chains with structures rotted down. Mr. Risinger stated that at that point they started cleaning up and restoring. First, they got the facilities in reliable operations. Second, they determined what to do to get in compliance. Third, was getting them into compliance. This work was spread out over a period of time because they could not do everyone of them at one time, but they worked on all of them at the same time to get them operational to benefit the customers, both water and sewer.

Mr. Rountree presented a booklet to Mr. Risinger and the Chairman of the Committee. Mr. Rountree described the booklet as having a list of complaints and responses with before and after pictures. Mr. Rountree asked Mr. Risinger to describe what was in the book. Mr. Risinger stated that the booklet contained a list of violations, the responses to the violations and before and after pictures. Mr. Risinger continued by stating that the pictures showed how overgrown the facility was and how difficult it was to get into the facility at first. He stated that they spent about two weeks trying to get into the facility before they built a road. He described what was in other pictures taken after work had been completed and improvements were made. He also pointed out to the Committee that the amount of money spent on the improvements at each facility was also in the booklet. Mr. Rountree asked Mr. Risinger to confirm that the information in the booklet accurately represented the complaints that were made, the responses to those complaints, and generally the pictures are from before and after. Mr. Risinger confirmed that booklet did include the information mentioned by Mr. Rountree.

Mr. Rountree asked Mr. Risinger why the upgrades to the facilities were necessary. Mr. Risinger replied that the facilities were in deplorable condition and had to be made operational to provide water for the customers and for the treatment of the sewer water. He continued to say that someone else did not demand it, the facilities demanded it. Mr. Rountree asked if they had consulted with engineers. Mr. Risinger replied yes, special engineers put the specs together. Mr. Rountree presented some engineering plans and asked Mr. Risinger to confirm that they were the engineering plans to which he had referred. Mr. Risinger confirmed they were. Mr. Rountree asked if the work on the facilities was an ongoing process. Mr. Risinger replied yes.

Mr. Rountree asked Mr. Risinger if Jeff Pruett was in jail. Mr. Risinger replied that as far as he knew he was in jail. Mr. Rountree asked Mr. Risinger if he maintained close communications with Mr. Pruett. Mr. Risinger replied yes. Mr. Rountree asked if the

office has daily communications with Mr. Pruett. Mr. Risinger replied yes, the office does. Mr. Rountree asked Mr. Risinger if he was aware that the criminal charges filed against Mr. Pruett is how Mr. Pruett got in jail. Mr. Risinger replied yes. Mr. Rountree asked for what period of time in which those violations occurred. Mr. Risinger stated 2005. Mr. Rountree replied that the documentation said they were in 2007 and 2008. Mr. Rountree asked if that was while they were undertaking the improvements. Mr. Risinger replied yes. Mr. Rountree asked if Mr. Risinger was aware of some difficulties that occurred while making repairs and improvements and operating at the same time that could account for a discharge. Mr. Risinger replied yes. Mr. Rountree asked if any of the charges related to the water, or was it all sewer. Mr. Risinger replied that was correct. Mr. Rountree stated that most of the convictions related to record keeping, and then asked if Mr. Risinger knew where the records were. Mr. Risinger stated he knew where they were, but did not know why they were not turned in. Mr. Rountree asked if they had been subpoenaed in a civil suit in Baton Rouge. Mr. Risinger said yes. Mr. Rountree asked if the records were available to the State in Baton Rouge if they had asked to look at them. Mr. Risinger replied yes. Mr. Rountree asked how these 28 facilities were doing now in terms of compliance with permits and regulations. Mr. Risinger replied that many of the systems are up and down when it comes to meeting and staying in compliance, but mainly they are in compliance. Mr. Rountree stated that there was testimony in this case that local compliance now exceeded EPA's expectation. Mr. Risinger confirmed that was correct.

Mr. Rountree asked if the Committee had questions for Mr. Risinger. Grant Magnon asked Mr. Risinger how long these systems had been under contract with Mr. Pruett's company prior to 2006. Mr. Risinger replied that the systems were purchased in 2005. Mr. Rountree injected that 2005 was when Mr. Risinger went to work with the company but the systems were purchased earlier than that but the company was waiting for loans to do the improvements. Mr. Risinger stated that after they were purchased, Mr. Pruett had to make assessments of what had to be done and submit it for the loan and he began working for the company when the loan was approved.

Jake Causey asked if the violations, improvements, corrections and convictions thus far mentioned were just for wastewater systems or did they include water systems. Mr. Rountree replied no, just wastewater and no water. Jake asked Mr. Risinger if there was an Administrative Order from EPA on the water systems owned by Mr. Pruett. Mr. Risinger replied yes. Craig Gautreaux asked if there was a consent decree. Mr. Risinger replied no. Jake Causey asked if the violations were corrected and the order complied with. Mr. Risinger replied yes, but not every correction has been made. Everything on the initial order was complete and the response sent in to the State then it was revised and sent back to Jeff.

Craig Gautreaux asked Mr. Rountree if Mr. Pruett's conviction was because he failed to turn in Discharge Monitoring Reports. Mr. Rountree replied that he turned in all the reports. Most of the convictions and felonies were record keeping things and the records were in an office in Baton Rouge because they had been subpoenaed in the environmental action by the Louisiana Environmental Action Group. The records were available and

that is what the law requires. The effluent violation, count 13, was done without any scientific evidence, using a brown stick test. Count 14 is failure to provide proper operations and maintenance but records show that over \$1,000,000 was spent on the system where count 14 occurred. A huge effort and amount of money was spent to bring these systems up to proper standards. Mr. Rountree continued to say that Jeff put a monumental effort toward taking care of the systems and that it is travesty that Jeff Pruett was convicted.

Jake Causey asked how many complaints about pressure losses or low pressure has the company received over the years on the water systems. Mr. Risinger replied that he could not tell him how many, but there were some. Jake asked how many boil advisories have issued. Mr. Risinger replied that he could not tell him how many because he didn't have the numbers with him. Jake asked how many boil orders were issued by the State as a result of LWCC not issuing a boil advisory because of a low water pressure occurrence. Mr. Rountree objected to the question before Mr. Risinger answered based on Jake's question assumed facts that Mr. Risinger had not testified to. David McCay injected that that the Notice of Hearing addressed the convictions therefore the hearing should not be about anything dealing with the water systems. Jake said the question was asked because Mr. Risinger was testifying to the operation of systems. Mr. Risinger replied that there were boil orders issued but he did not know how many.

Craig Gautreaux asked Mr. Risinger how many Administrative Orders were issued against the systems and if there was one for each of the subdivisions. Mr. Risinger said one that covered all systems. Mr. Gautreaux asked if the compliance schedule had been submitted as required by the Administrative Order. Mr. Risinger replied yes. Mr. Gautreaux asked if the company failed to comply with the compliance schedule. Mr. Risinger replied that all items were done as the company had said it would be done in the schedule. If there were things that could not be done that was communicated back and an extension was requested.

Grant Magnon asked if the systems had communicated with DEQ/EPA that they were under construction and notified them of possible violations during the construction period. Mr. Rountree replied that Mr. Pruett was not a man of compromise.

Tom Owens stated that all these questions are about why the charges were brought against Mr. Pruett. A lot of them extend from the operations of the water systems. Mr. Owens said there were several things done without permits. Mr. Rountree asked if Mr. Owens was referring to a storage tank. Mr. Owens confirmed that he was referring to a storage tank that was placed into service without a permit. Mr. Rountree asked Mr. Risinger to comment. Mr. Risinger said that a railcar was placed in service as a storage tank. Before the job was done, he was told that the permit had been issued. After everything had been installed and they were ready to connect he was told that the permit had been withdrawn. Jake Causey asked if the tank was ever used. Mr. Risinger replied no.

David McCay stated that he was withdrawing his earlier comments about Jake Causey's cross examining questions pertaining to water systems being inappropriate at this hearing. Since Mr. Risinger was testifying about the operations of the systems owned and operated by Jeff Pruett's company, Mr. Causey's questions pertaining to the operations of the water systems were proper. Mr. Rountree had no objections.

Mr. Rountree released Mr. Risinger and called Ms. Brandy Pruett. Brandy Pruett stated her name for the record and stated that she was Jeff Pruett's daughter-in-law. Mr. Rountree asked Ms. Pruett how long she had worked with Jeff Pruett's company. Ms. Pruett replied 9 years. Mr. Rountree asked what position she held. She replied, Office Manager. Mr. Rountree asked if she had prepared the documents that Mr. Risinger referred to in his testimony. Ms. Pruett replied yes. Mr. Rountree asked Ms. Pruett if she had prepared documents that addressed each charge against Jeff Pruett. She replied yes. Mr. Rountree then submitted documents to the Committee. Mr. Rountree asked Ms. Pruett if she was familiar with the information that Mr. Risinger talked about. She replied yes. Mr. Rountree asked if she found anything Mr. Risinger said incorrect. She replied no. Mr. Rountree asked Ms. Pruett to confirm that the documents that he submitted into evidence included the charges against Jeff Pruett, the responses to the charges in the criminal allegations and the list of expenditures on the systems. She replied yes. Mr. Rountree asked her the amount of expenditures listed on # 13 Love Estate permit and effluent violation. Ms. Pruett replied 1.5 million. Mr. Rountree asked Ms. Pruett the amount of expenditures listed for # 14 Pine Bayou permit and effluent violation. She replied \$39,000. Mr. Rountree asked Ms. Pruett if all of those improvements and corrections were ongoing before these violations were charged. She replied yes. Mr. Rountree asked Ms. Pruett if she was still in contact with Jeff Pruett. She replied yes, everyday, at least once a day, sometimes 2 or 3 times a day. Mr. Rountree asked if Jeff Pruett was still actively involved in advising the operations. Ms. Pruett replied, very. Mr. Rountree asked if Jeff Pruett wrote out responses to recent violations that she typed and submitted to DHH. Ms. Pruett replied yes. Mr. Rountree asked if the Committee if they had questions for Ms. Pruett.

Craig Gautreaux asked Ms. Pruett if she was responsible for issuing and typing Discharge Monitoring Reports for all of these facilities. She replied yes. Mr. Gautreaux asked if they were all done. Ms. Pruett replied yes. Mr. Gautreaux asked if the DMRs had been done, why Jeff Pruett was in front of the Committee. Ms. Pruett replied that the records were in Baton Rouge. They were there the entire time. Craig Gautreaux asked where the copies were. Ms. Pruett replied the records were impounded, they were in Baton Rouge. The originals were at DEQ and the copies were in a file in an office in Baton Rouge. Craig asked if DEQ had the original DMRs for all of the facilities. Ms. Pruett replied yes. Craig Gautreaux said he didn't understand. Ms. Pruett replied that they exceeded the limits but they had the DMRs. The DMR was in exceedence. Jake stated that the documents submitted stated there were no monitoring results. Mr. Rountree stated that the charges for no monitoring results all relate to the records in an office in Baton Rouge that were obtained for the civil case. Mr. Rountree asked Ms. Pruett if there were copies at her office. She replied no, the copies were at the office in Baton Rouge and the originals were sent to DEQ. Mr. Rountree asked if she had retained a

copy at the West Monroe office. Ms. Pruett replied no. Mr. Rountree stated that the law does not say they have to have a copy, it says the record has to be available. He also said it might be an inconvenience to go down to Baton Rouge but the main office of DEQ is in Baton Rouge. The 5th circuit court will have to decide on that.

Craig Gautreaux asked Ms. Pruett if she had received all of the violations from DEQ and had responded to them. She replied yes. Craig asked Ms. Pruett if she had received the Administrative Orders. She replied yes. Craig asked who had put together the response to the Administrative Orders. Ms. Pruett replied that she and Jeff had. Craig asked Ms. Pruett why she thought EPA came after them if they had a Compliance Order. She replied that she didn't know why. She said that the submitted documents list all of the orders and the responses, when they received them and when they were dated. Craig asked if Mr. Jeff Pruett had been hard headed when DEQ went to the systems. Ms. Pruett replied that he gave them everything he had. Mr. Rountree injected that he may have been hard headed, but that Jeff Pruett thought he was doing what he was supposed to do and he was.

Jake Causey referred to the booklet with the charges, responses and the before and after pictures that had been submitted as evidence to the Committee and asked why the systems were in that kind of shape. Ms. Pruett replied that they were just purchased and they were in that shape when they were purchased. Mr. Causey asked when they were purchased. Ms. Pruett replied September 2005. Mr. Causey asked if all the systems were purchased in 2005. Ms. Pruett replied all the systems that were in non-compliance. Mr. Causey asked if Mr. Pruett had systems prior to 2005. Ms. Pruett said yes. Mr. Causey asked if they were included in the Order. Ms. Pruett replied there were 2 or 3 of the systems in the order, but 95% of the systems in the order were the systems just purchased. Mr. Causey asked Ms. Pruett if she had any knowledge of the history of any boil advisories or boil orders. Ms. Pruett replied that she knew they had more in the last 3 months than they had in the last 10 years, but she didn't know the number. Mr. Causey asked if she was referring to boil advisories or boil orders. Ms. Pruett replied boil advisories. Mr. Causey asked if there were any boil orders. Ms. Pruett replied that she did not know what he was talking about. Mr. Causey explained that boil orders are orders signed by the State Health Officer, Dr. Guidry, putting the system under a boil notice. Mr. Causey continued to say that boil orders are only done when a system is unwilling to issue a boil advisory and there was at least 1 boil order issued, maybe 2. Recently the system is more willing to issue boil advisories but there's still been some complaints from consumers not knowing they were under a boil advisory and when the advisory was lifted. Mr. Causey asked Ms. Pruett to explain how boil advisories are done. Ms. Pruett replied that about 80% of the boil advisories in the last 3 months have gone out on a Thursday. DHH truck does not run on Friday so the system can't pull samples until Monday for the truck that runs on Tuesday so the system is on boil notice for 5 days. Mr. Causey asked how the customers are made aware of the boil advisories. Ms. Pruett replied the media. Mr. Causey asked they did hand delivery or posting of notices. Ms. Pruett replied no, not for advisories. We tell the customers through the media and newspaper.

Dave Wittner asked Ms. Pruett if Jeff Pruett was involved with the systems prior to the purchase. Ms. Pruett replied no, he was not involved at all. Mr. Rountree stated that Mr. Pruett was involved with other systems. Mr. Wittner asked if they were out of compliance. Mr. Rountree said that as Brandy Pruett had testified there were 2 things, 95% of the stuff was related to the systems he purchased in 2005, 5% would be stuff he had before.

Jake Causey asked Mr. Rountree who served as the operator for these systems currently. Mr. Rountree replied, Mr. Risinger. Mr. Dave Wittner asked how many operators the company had to take care of the systems. Mr. Risinger replied that the company has 5 guys, two are certified. Mr. Wittner asked how many systems the company had. Mr. Risinger replied 26 systems. Mr. Wittner asked how far the systems were spread out. Mr. Risinger replied that they were from Joyce, LA, outside of Winnfield, from Jackson Parish to 9 miles north to Bastrop in Morehouse Parish, in Bienville where there is a full time operator and there is 2 operators in the Ouachita area. Mr. Risinger stated that he could be at any system within an hour and he said responds to 99% of the calls.

Grant Magnon asked who the systems were purchased from in 2005. Brandy Pruett replied they were purchased from Mr. Tidwell. Mr. Magnon asked if this was an outside entity. Brandy Pruett replied that it was an outside entity that Mr. Pruett was not involved with the Tidwell Company. Mr. Magnon asked if the failure to provide records of monitoring information was due to incomplete DMRs. Brandy Pruett replied that the DMRs were complete and in their files but when they came with the subpoena to get the records they were not on site. Mr. Gautreaux asked if that was because they were involved in a civil suit. Mr. Rountree and Ms. Pruett replied yes.

Jake Causey asked if Mr. Pruett's position is that the State should continue to certify him and stand by him as a water and wastewater operator in Louisiana. Mr. Rountree replied that his position and Mr. Pruett's position is that Mr. Pruett has done nothing within the scope of the statutes that would justify revocation of his certificates. The certificates are going to expire but it is adding insult to injury to say the certificates should be suspended in a disciplinary hearing when the statutes talk about different things that are bases for it and those facts do not exist.

David McCay reminded the Committee that Brandy Pruett had not been sworn in. Mr. McCay asked Ms. Pruett swear that the testimony she had already given and the testimony she would be giving was the truth. Brandy Pruett did as requested.

Mr. Rountree ended by thanking the Committee of Certification and asking them to give Mr. Pruett some consideration.

Jake Causey confirmed with Mr. Gautreaux that the Committee was holding the hearing to decide if the Committee will recommend to Dr. Guidry, the State Health Officer, to revoke Mr. Pruett's certificates. Mr. Gautreaux said there could be different actions but the Committee would discuss the options.

David McCay asked Mr. Rountree if he objected to the Committee going into executive session to deliberate Mr. Pruett's case. Mr. Rountree said no, he had no objections to the Committee going into executive session. Mr. Gautreaux explained that they would close Mr. Pruett's hearing, hold the next scheduled hearing and then the Committee would go into executive session to deliberate on both cases. Mr. McCay advised that Ms. Millet and Mr. Causey should not be present in the executive session since Mr. Rountree will not be present to represent Mr. Pruett.

Craig Gautreaux closed Mr. Pruett's hearing.

Hearing for Marios Papadopoulos called to order at 12:05 am.

Quorum confirmed.

Committee Members in attendance:

Craig Gautreaux (Chairman), David Wittner (Vice-Chairman), Grant Magnon, Tom Owens, Dirk Barrios, Mayor Glenn Brasseaux, Jake Causey (Secretary and Ex-officio DHH), Dennis McGehee

Committee Members Absent:

Bryan Kauffer

DHH-OPH staff in attendance:

Dinah Millet
David McCay

No visitors present.

The Committee Chairman, Craig Gautreaux, announced that the meeting was a special meeting to discuss Marios Papadopoulos' conviction or plea of nolo contendere and consider certification revocation by the Louisiana Committee of Certification. This is an open meeting and the Committee will hear testimony by the operators involved and provide a recommendation to the State Health Officer, Dr. Jimmy Guidry. This Committee is chaired by Craig Gautreaux. The Committee issued notices by certified letters to the individual in question and the Committee accepts as evidence the following documents in regards to Mr. Papadopoulos:

1. Notice of November 10, 2011 notifying Mr. Papadopoulos of the Committee of Certification's intent to hold this hearing and the conviction notice attached.
2. The August 24, 2011 response by Mr. Papadopoulos, explaining his situation and opposing disciplinary action.
3. A print-out of the operator certification database screen showing the current status of the continuing education hours for Mr. Papadopoulos' certification renewal.

The Committee will hear testimony from Jake Causey on behalf of the Committee, explaining why the Committee is holding this hearing and determine what disciplinary action, if any, should be recommended for Mr. Papadopoulos.

David McCay, DHH attorney asked if there was any documentation showing that the notice was sent to Mr. Papadopoulos and if it was received. Dinah Millet, Operator Certification Program Administrator presented a printout from the track and confirm section of the USPS website showing that the notice had been mailed from Lafayette on November 14, 2011, went through the process, it was marked unclaimed and returned to Lafayette today, December 1, 2011. At David McCay's suggestion, the USPS printout was submitted to the Committee as evidence.

Jake Causey read the citations against Mr. Papadopoulos that was listed on the Bill of Information from the Parish of Ouachita Fourth Judicial District Court. David McCay pointed out that Citation 1 and Citation 17 was the only 2 citations Mr. Papadopoulos was convicted on. Mr. Causey re-read the citations 1 & 17 for the Committee. Dave Wittner asked Mr. Causey to confirm that the convictions included making false statements about the discharge for the entire month. Mr. Causey replied that Mr. Wittner was correct and they indicated no discharge on the DMR when apparently there was a discharge sometime during that month.

Craig Gautreaux asked if there were any questions from the Committee. A Committee member asked where the citations occurred and Jake Causey replied that the incidents occurred at Curry Creek Wastewater Treatment Plant which is believed to be in Ouachita Parish. There were no other questions for Mr. Causey.

Mr. Marios Papadopoulos nor his attorney was present for comment. David McCay asked Craig Gautreaux to have Dinah Millet to go out into the hallway and make a vocal call for Mr. Marios Papadopoulos and his attorney to confirm that they were not present for the hearing. Ms. Millet left the room and returned to report that Mr. Papadopoulos and his attorney were not present.

Craig Gautreaux closed the hearing for Marios Papadopoulos.

Mayor Glenn Brasseaux made a motion to go into executive session for deliberation on John Jeffrey Pruett. Dave Wittner seconded the motion. The motion passed unanimously.

Mayor Glenn Brasseaux made a motion to reconvene the open meeting. Dennis McGehee seconded the motion. The motion passed unanimously.

Grant Magnon made a motion to recommend revocation of John Jeffrey Pruett's license for the term of his incarceration and probation, 2 years and 2 years after he gets out. After he is released for twenty-four (24) months he can re-test and the licenses can be reissued.

This is based on Louisiana R.S. 40:1145.D which states the state health officer may revoke the certification of an operator following a hearing by and upon the recommendation of the committee when it is found that the operator has practiced fraud or deception; that reasonable care, judgment or the application of knowledge was not used. The Committee just had a hearing and the members agree that the operator did not take reasonable care, lack of good judgment and his knowledge was not applied properly.

The motion was seconded by Tom Owen. The motion passed unanimously.

After the motion passed, Dinah Millet asked the Committee to clarify that the intent of the motion was to require Mr. Pruett to wait 24 months after he is released from prison before he can test. Grant Magnon said it was to run concurrent with the court sentence. David McCay pointed out that sometimes the court shortens probation or terminates probation early. Craig Gautreaux said that the intent is to have the revocation run with the court's decision for probation. David McCay asked the Committee if probation was terminated early did they want the revocation to terminate early. Craig Gautreaux answered yes. After some comments from various committee members, David McCay asked if the Committee if they wanted to state a time or have the revocation run concurrent with the incarceration and probation. Dave Wittner said to go with concurrent with the court's decision. Grant Magnon agreed with Mr. Wittner that the revocation should run concurrent with the court's decision. After his incarceration and probation Mr. Pruett could re-test for certification under the operator certification rule as it is now, starting over at class 1. Craig Gautreaux confirmed that Mr. Pruett would have to meet the requirements of the rule as it applies now, without the new reinstatement. Dinah Millet clarified that the Committee did not want to provide Mr. Pruett an opportunity to reinstate his certificates. The intent is for him to be required to start over. Dennis McGehee asked if Mr. Pruett can re-test if he wins his appeal and is released next month or the month after. David McCay said that if the revocation runs concurrent with his incarceration and probation, the minute that ends it ends. After some discussion, Grant Magnon recommended the motion stand as is, going concurrent with what the courts come up with, whether that will be an appeal process or not. Mr. Magnon continued to say that the Committee does not know that the courts will grant an appeal or if the appeal will be won or not. The Committee can only work off the information that was supplied. Craig Gautreaux said that the Committee already had the motion, the second and everyone voted and announced that the Committee was done with Jeff Pruett.

Craig Gautreaux then called for discussion on Marios Papadopoulos. He announced that the discussion will be held in an open session. Craig stated that Mr. Papadopoulos pled no contest and he is currently on probation. Dinah Millet read from the 2nd page, top paragraph of the Judgment of Conviction and Sentencing which stated that Marios Papadopoulos was placed on unsupervised probation for 2 years. Craig Gautreaux stated that to stay consistent he suggested recommending revocation of Mr. Papadopoulos' licenses for two (2) years or to the end of his probation period at which time he can reapply. David McCay advised that though consistency is good, the Committee should look at each case, every case is different every criminal charge is different. Consistency is good but it is not the end all, be all. You have to individually look at the facts and the

particulars of every matter that comes before you. Mr. McCay told the Committee they should look at the counts in which Mr. Papadopoulos was convicted for that is listed on the Bill of Information and make a determination. Grant Magnon pointed out that out of 42 counts listed, he pled no contest to 2 counts. Mr. Magnon said the 42 violations are from 2 systems with the same violation month after month. David Wittner pointed out that most of the counts listed on the Bill of Information consist of false statements. David McCay pointed out that Mr. Papadopoulos pled no contest to only 2 counts and the other counts should not be considered. Dennis McGehee suggested the Committee review only the 2 counts that led to the conviction, Count 1 and 17. Count 17 was knowingly making false statements. Count 1 is knowingly violated provisions of the Louisiana Pollution Discharge permit. Craig summarized by stating that Mr. Papadopoulos pled no contest to permit limits and falsifying statements. Dinah Millet asked the Committee members if they had referred to the e-mail submitted by Mr. Papadopoulos which gave his explanation to the charges. Dennis McGehee and Craig Gautreaux confirmed that they had read the e-mail from Mr. Papadopoulos. Mr. Gautreaux said that Mr. Papadopoulos had lots of experience and education but it did not change the fact that he had to plead no contest to two charges and that it appeared he did not use reasonable care in the performance of his duties with his licenses. Craig asked the Committee if there were any recommendations.

Grant Magnon made a motion to recommend revocation of Mr. Papadopoulos' licenses for a period of two years at which time he can re-test for certification based on the rule as it is now. This action is based on the information provided to the Committee from the State of Louisiana Parish of Ouachita Fourth Judicial District Court Bill of Information conviction on Count 1 and Count 17 for violations of the Clean Water Act. This is based on Louisiana R.S. 40:1145.D which states the state health officer may revoke the certification of an operator, following a hearing by and upon the recommendation of the committee when it is found that the operator has practiced fraud or deception; that reasonable care, judgment or the application of his knowledge or ability was not used in the performance of his duties or that the operator is incompetent or unable to properly perform his duties. Mr. Magnon said it is the opinion of the committee that fraud and deception was practiced in this case. Dinah Millet asked the Committee to clarify if they meant a straight two years or if they meant two years or whatever the court decides. Craig Gautreaux replied two years or whatever the court decides. David McCay responded by pointing out that the court issued the judgment in July 2009 so Mr. Papadopoulos' probation under the court sentencing is over with and completed. Grant Magnon then said the motion will say that the license will be revoked for two years and since it is just coming in front of the Committee the revocation will start now and run two years since the two year suspension from the Committee cannot be retroactive. Mr. Magnon said it will be fair and consistent with our recommendations. Mr. Gautreaux asked it if that was a motion. Grant indicated yes. Dennis McGehee seconded the motion. The motion passed.

Dinah Millet asked the Committee to clarify when the two year would begin and Craig Gautreaux replied it should be the next cycle, revocation is to start on January 1, 2012.

Craig Gautreaux stated that the Marios Papadopoulos' business was concluded. Grant Magnon made a motion to adjourn. Tom Owen seconded the motion. The motion passed.