

Minutes
Louisiana Committee of Certification
Special Meeting and Hearing for Steve Ward
August 14, 2013
Department of Health and Hospitals
Bienville Building Rooms 671-673
628 North 4th Street
Baton Rouge, Louisiana

Meeting and Hearing for Steve Ward was called to order at 10:00 am.

ROLL CALL:

A. Determination of Quorum.

Committee Members in attendance:

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

Committee Members Absent:

Tom Owens. Tom Walton and Greg Shelden arrived at 1 PM (after hearing).

A quorum was achieved.

Recognition of Visitors and Others:

DHH-OPH staff in attendance was, David McCay, Steve Hoss, Jennifer Kihlken, William Smith, and James Mooring.

Visitor: Steve Ward.

B. Announcements: Chairman introduced the visitor.

Chairman opened the meeting by stating that the matter of Steve Ward would be considered first. Mr. McCay explained to Mr. Ward that, as per the notice of hearing which Mr. Ward stated he did receive, the evidence finding portion of the meeting would be held in open session and the deliberations portion would be held in executive session if he agrees. Dr. Mooring stated that he had received information from Jennifer Kihlken regarding numerous violations which had been brought against East Mooringsport Water System. This information was brought before the Committee in the May meeting where

it was determined that further consideration was warranted. A letter was sent to Mr. Ward informing him of this and inviting him to respond. He responded to Mr. Wittner and that response was brought before the Committee in the July meeting where it was determined that a hearing was warranted. Mr. Ward was sent a notice of hearing for which he signed signifying receipt.

The chairman asked if Mr. Ward would like to respond to the violations. Mr. Ward stated that he does not have the materials or the supplies with which to take all the samples and that no one has ever showed him how to draw the samples or fill out the paperwork. He stated that the only supply he has is a color wheel for chlorine. He was asked if he is the operator for East Cove and East Mooringsport. He was the operator for both but he is no longer the operator for East Cove. He was asked if there is any administrative staff and responded that there is only himself as operator and Mr. Turnley, an accountant. Mr. Ward referenced a letter of support from Mr. Turnley which had been distributed to the Committee. Mayor Brasseaux next asked if he had done any sampling and reporting at East Cove when he was the operator there? Mr. Ward responded that they had borrowed a turbidimeter from another system. Mr. Causey inquired what type of systems these are and was told they are surface water systems. He next asked if Mr. Ward is familiar with what the monitoring requirements are for surface water systems? He stated that he was not familiar with the requirements. He did say that he knew they were supposed to be done and that they had been sent letters but that he did not have the supplies. Mr. McCay referenced the notice of hearing letter regarding failure to monitor and failure to report and asked if Mr. Ward's position is that he did the monitoring and/or reporting; or is it rather that he did not but here's the reason why? Mr. Ward responded that his position is that he did not but here's the reason why. Mr. McCay asked if Mr. Ward denies the allegations as written and he did not deny them.

The Committee then heard from Ms. Kihlken, the DHH District Engineer. She stated that she has met with Mr. Ward on numerous occasions to explain how to complete the paperwork and what needs to be done. She has provided him with "cheat sheets" or "Regulations at a Glance" which include: what to do and when to do it, what goes to the certified lab, and what can be done in house. She stated that Mr. Ward has told her he does not have the equipment but she has asked him, repeatedly, to submit the reports and indicate that he does not have the needed equipment and to include whatever information he does have. She noted that Mr. Ward does have a color wheel yet he does not submit chlorine residual reports. She stated that she has provided the bags for LT2 monitoring every year since 2009 or 2010 but neither system has submitted any LT 2 samples. The District also provided information regarding how to collect bacteriological samples in the distribution system but Mr. Ward was not providing these samples to the lab. Mr. Causey asked if Ms. Kihlken had met with Mr. Ward regarding the reports required of a surface water system operator regardless of the lack of equipment. Ms. Kihlken said she did meet with Mr. Ward and instructed him to submit the reports with the indication that he does not have the necessary equipment. She did not receive any of the reports. Mayor Brasseaux expressed concern that Mr. Ward, a certified operator, apparently is not familiar with what is required of him as a surface water system operator. Ms. Kihlken responded that she holds classes every two years in her District regarding all surface

water treatment rules. Mr. Ward did not attend any of these classes stating that he did not know about them. The Engineer stated that she sent notices of the classes to the system address. Mr. McGehee stated that as an operator one is required provide the state with certain information, even if there is no data. Submitting reports which verify that the equipment is not provided relieves the operator of personal liability for the deficiency of the system. Mr. Causey asked Ms. Kihlken if there was any information which could have been provided by Mr. Ward but was not. She replied that the system did borrow a turbidimeter and had data which he did not provide. Also it is his responsibility to call the District Engineer when the turbidity exceeds 1.0 and that he would call for “two days” after she would meet with him but would not continue to call.

Mayor Brasseaux’s motion to go into executive session was seconded by Mr. Barrios and passed without opposition. Mr. McCay determined that there were no members of the public present and the Committee entered executive session.

The Committee returned to open session. Mr. Wittner informed Mr. Ward that the Committee had determined that he failed to use reasonable care, judgment, or the application of his knowledge or ability in the performance of his duties and/or is incompetent or unable properly to perform his duties. Mr. Magnon made the motion that the decision to revoke Mr. Ward’s certificates for one year, after which he may request certification upon successful examination be presented to Dr. Guidry for his consideration. The motion was seconded by Mr. Barrios and passed without opposition.

The regular meeting then began.

The minutes from the July meeting will be considered at the December meeting.

The chairman thanked Mr. Barrios for chairing the July meeting. He mentioned that he had received correspondence regarding Ron Turner who had asked about being the operator of multiple systems. The administrator responded that he had quoted the rule to Mr. Turner. The chairman mentioned that he had received a notice from Infiniedge regarding a quote to change the language from Professional Operator to Operation Systems Specialist. Dr. Mooring informed the Committee that he had requested this quote as per the Committee’s request. Mr. Wittner thanked the Committee for their support as his term will expire in September and his Municipal Wastewater committee position will be filled by Ms. Camille Mize.

Dr. Mooring, the Program Administrator, began by thanking Mayor Brasseaux and Mr. Wittner for their service and he expressed his opinion that Mr. Wittner has done an excellent job as Chairman. He next addressed a frequently asked question regarding the certification of people who have been convicted of felonies. At present, there is nothing to prohibit certification of felons. He has conferred with legal regarding this and has considered what types of questions may be asked on exam or certificate applications regarding criminal history. After much discussion it was suggested that some potential questions be developed and presented to the Committee for consideration. Another issue was brought before the Committee concerning someone who passed Class 1 certification

exams but does not meet the education/experience requirements to be issued certifications. She wishes to be issued Provisional class 1 certifications as per the rule. This would require the staff to assign one year of experience then remove that experience after issuance of the provisional certificate. The Committee had no objection to issuing these certifications with a note being made in the database to reflect that the 1 year experience had been assigned and removed.

Steve Hoss presented the Committee with exam reports for the year through July.

Jake Causey deferred the Secretary's report to next meeting.

Marios Papadopoulos was brought up as "Old Business". Dr. Mooring informed the Committee that Mr. Papadopoulos failed to attend either the LA Conference Short Course or the LRWA Annual Conference to speak, receive 32 hours of Advanced Wastewater training, or to speak, nor has he taken a Class 4 Wastewater Treatment exam. All of this was required as per his agreement. A letter was sent to Mr. Papadopoulos reminding him that the LRWA Annual Conference was his last opportunity to fulfill the requirements set forth by Dr. Guidry. No response was received. Mr. Wittner read the recommendation of the Committee outlining the two options which were presented to Dr. Guidry for his consideration. Mr. Magnon asked if Mr. Papadopoulos may "fall back" on the second option of two years of revocation after which he may begin testing at level one. The letter from Dr. Guidry dated 12/18/12 was read to the Committee. It was attorney David McCay's opinion that the Dr. Guidry letter is the official position and that because Mr. Papadopoulos did not fulfill the requirements his certificate(s), present and future, will remain in suspension indefinitely.

Next, the Chairman mentioned that the Operations Specialist designation had already been addressed and that no decision has been made. The staff is still gaining information regarding the price of implementation. Mr. Walton reiterated that the LA Conference is not in favor of changing the designation. Mayor Brasseaux made the motion that the Committee not consider changing the designation. Mr. Walton seconded the motion. The motion carried without opposition.

The minimum education requirement rule change is still in the works.

There was no new business.

Mayor Brasseaux made the motion to adjourn. Mr. Causey seconded and the motion carried by acclamation.