



Indiana Registry of Soil Scientists
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INDIANA Registry of Soil Scientist Board Minutes

January 30, 2015

The Board met on Friday, January 30, 2015. The meeting was held at the Daniels Turf Research and Diagnostic Center at Purdue University. Dave Lefforge called the meeting to order at 10:00 AM. Dave introduced Board members present. Board members present were: Spence Williams, David Lefforge, Tom Eickholtz and John Bonsett. Member Gary Steinhardt joined the meeting by telephone.

Dave requested that all attending sign the attendance sheet. Matt Pearson, Danny Starke, Randy Staley, Gary Hudson, Curtis Turner, Neal Brown, Alice Quinn and Jennifer Scott. Shane McBurnett was also present but he did not sign the attendance record.

David Lefforge opened the meeting. The first order of business was to conduct a public hearing regarding complaints filed against Shane McBurnett. During this portion of the meeting Spence Williams read a letter sent to the Board from Lydia Campbell who resides at 4331 East 200 North, Warsaw, Indiana. The letter read described concerns of an apparent inaccurate soils report and a recent septic system repair that is already in failure.

A second complaint letter dated September 4, 2014 from Neal Brown of the Kosciusko County Health Department was read by John Bonsett. This letter described a soils report compiled by Shane McBurnett that appeared to be inaccurate. Tom Eickholtz read a second letter expressing concerns of inaccuracy. This letter also represented the Campbell site located at 4331 East 200 North, Warsaw, Indiana.

Jennifer Scott from Wabash County shared with the Board that in October 2010 she had also sent a letter to the Board regarding Mr. McBurnett. In the 2010 letter Jennifer expressed her concerns regarding the accuracy of a report written by Mr. McBurnett.

Neal Brown of Kosciusko County discussed the procedure time line on the repair permits issued and also the procedures the Kosciusko County Health Department. Neal advised the Board that the KCHD had hired a soil scientist to evaluate the Hendrickson sites prior to the panel of soil scientist who reviewed the site along with Randy Staley.

- Neal Brown further explained why the address given in the complaint and the address of the property where the soil evaluation was conducted do not match. The county records show the address of the owners of multiple properties to have a single mailing address and that is where the discrepancy was. He also assured the group that the soil investigation was done at the proper location.

- Lefforge explains that because of the nature of the complaints a panel was formed to perform an independent evaluation of the sites.

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- Matt Pearson explained that the board was following a guidance document from 2006 made by a previous IRSS board for the make-up of the board.
- Randy Staley, who served as chair for the panel, performed and summarized the findings.

Randy Staley discussed with the Board the activities and site evaluation findings that were conducted by the panel of soil scientists who evaluated two of the sites on which Shane McBurnett had written a site evaluation. The site reports had been called into question by the local health department. The panel's findings noted the texture had higher clay content than was originally described by Shane. Per State guidelines the loading rate should have been .3 rather than .5. The water table was also higher than described in Mr. McBurnett's report. Randy Staley also noted that the septic field evaluated and all fingers appeared to be full.

- John Bonsett and Dr. Gary Steinhardt followed up with questions to Randy Staley.
- Neal Brown explained why Kosciusko County complained
 - Approximately 25% of the soil reports from septic systems are done by A.L.L. Soil Consulting
 - They have home owners and their attorneys breathing down their necks with questions and concerns
 - The county health departments don't have the knowledge to perform a soils evaluation and they rely on and trust the Indiana Registered Soil Scientist to do their job
 - It is disheartening to receive evaluations that don't appear to be right
- John Bonsett asked Neal Brown why the county had a site investigated
 - The county doubted one of the reports so much that they paid for an independent review of the site
 - It was when that review came back not in line with what had been reported by A.L.L. That is when they contacted the board and filed the complaint
 - That particular site now has 3 separate investigation performed with 2 of the 3 having similar results.

- Spence Williams comments that the county did the right thing; to trust the registered soil scientist. That is why they are professionals
- Matt Pearson adds the information on how to file a complaint is available on the IRSS website
- John Bonsett thanks Kosciusko County for bringing this to the board's attention.

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- David Lefforge asked Gary Steinhardt to summarize how Shane McBurnett has performed in the CEUF field exercises historically.
 - Gary Steinhardt explains that Mr. McBurnett always scores very high on the exercises and usually sets the curve.
 - Gary Steinhardt went further to say that Mr. Mc Burnett has the ability to recognize the differences and is troubled by the descriptions provided.
 - Gary Steinhardt mentioned field exercise protocols and typical standard deviations.
 - David Lefforge then takes a copy of McBurnett's IRSS application from 2002 to Mr. McBurnett and asks if that is his signature at the bottom of the IRSS code of professional conduct.
- Mr. McBurnett indicates that it is.

David Lefforge then concluded the complaint phase.

Mr. McBurnett advised the Board that he had hired an attorney who was unable to attend today's hearing and who had been unable to further investigate the sites in question on his behalf. Mr. McBurnett expressed a desire to return to one of the sites in question so that he could further review the site. He stated that he was not allowed to return to the site because of restrictions imposed by the local health department.

It was discussed that permission to return to the site was not a function of the Soil Board.

Matt Pearson explains that no matter the board's decision there is a right to appeal under administrative review in the law. Following discussion, Spence Williams made a motion to revoke the registration of Shane McBurnett. In his motion Spence mentioned the history of the Board's concern regarding complaints filed against Mr. McBurnett further stating that Mr. McBurnett was put on a probationary status by the Board in March 2014. Bonsett commented

that because of the history of McBurnett and the complaints that the situation needs to be addressed and seconds the motion. The motion carried 3 to 2.

Voting for the motion were Spence Williams, John Bonsett and David Lefforge. Voting against the motion were Gary Steinhardt and Tom Eickholtz.

It was explained that a formal letter will be sent to Mr. McBurnett to revoke his registrations and it will include the appeal process. He will not be able to practice as a soil scientist and the board will notify each of the Indiana county health departments of this action. Lefforge asked if there were any other comments. With none being heard the complaint hearing was closed.

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Curtis Turner was asked to come in front of the board members. The board explained that when he signs a soils report he is responsible for that information. Dr. Steinhardt goes further to remind Turner that he needs to be accurate; not fast.

Following a short break the business meeting takes place. Matt Pearson summarizes the minutes from September 12, 2014 meeting. Williams's motions to accept, seconded by Dr. Steinhardt. John Bonsett and Tom Eickholtz abstain from voting since they were not present at the meeting. Motion passes.

No financial report was provided.

In other business David Lefforge was re-elected a chairman. Spence Williams elected a vice chairman and John Bonsett was re-elected a secretary.

Discussion of field days: Dr. Steinhardt suggested May 28th and 29th for field exams.

Alice Quinn, with ISDH explains more about the forms and how better information can be included in the evaluation.

David Lefforge has been in contact with Indiana State Department of Health (ISDH) to try to update the State Form 48100. Several items are required by ISDH to be on the form.

Several in attendance mentioned how poorly communication is from the IRSS board. Not everyone knows to periodically check the IRSS website, www.oisc.purdue.edu/IRSS It was requested that the board will inform local and state health departments, local soil and water conservation districts and any other group of interest of all upcoming meetings and activities.

With nothing further to discuss, John Bonsett made a motion to adjourn, seconded by Spence Williams.

Meeting adjourned at 12:37 PM

Respectively submitted by:

John Bonsett

DRAFT