

Geauga County General Health District  
Board of Health Meeting Minutes  
December 18, 2006, 7:00 p.m.  
Geauga County Health District Office  
470 Center Street, Bldg. 8, Chardon, OH 44024

I. Call to Order

Mr. Richard Lang, President, called the monthly meeting of the Geauga County Board of Health to order at 7:05 p.m., and stated the meeting was being held to conduct the regular business of the Board.

Board members present: Mr. Richard Lang, Mr. J. David Benenati, Dr. Donald Bowers, Mrs. Nan Burr, and Ms. Melanie Eppich.

Staff members present: Robert Weisdack, Health Commissioner; Michael Tusick, R.S.; and Alta Kress, Secretary Supervisor.

Others present: Twenty-two others were present.

II. Pledge of Allegiance

Mr. Lang asked everyone to stand and recite the Pledge of Allegiance.

III. Variances

A. Tom Steigerwald/Donald Vorhees

Tom Steigerwald and Donald Vorhees were not present. Mr. Tusick was sworn in and stated his experience.

Mr. Tusick stated that this was a variance request by Tom Steigerwald in behalf of Donald Vorhees for the property located at 15219 S. Deepwood Ln., Russell Twp. The request involves section 3701-29-02(G) of the Geauga County Household Sewage Disposal System Regulations which pertains to off-lot discharge. (Written background information was provided to the Board for consideration in this case) Discussion followed.

**Dr. Bowers moved to approve the variance as requested. Ms. Eppich seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.**

B. Sitework Developing/Kevin Mendelsohn

John Blakey was present and sworn in by Mr. Lang. Mr. Tusick was sworn in again.

Mr. Tusick stated that this was a variance request by Sitework Developing for the property located at 7939 Country Ln., Bainbridge Twp. The request involves section 3701-29-02(G) of the Geauga County Household Sewage Disposal System Regulations which pertains to off-lot discharge. (Written background information was provided to the Board for consideration in this case) Discussion followed.

**Mr. Benenati moved to approve the variance as requested. Mrs. Burr seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.**

C. Daniel Hoegler

John Burkholder of JB Excavating was present and sworn in by Mr. Lang. Mr. Tusick was sworn in again.

Mr. Tusick stated that this was a variance request by Daniel Hoegler for the property located at 16473 Old State Rd., Parkman Twp. The request involves section 3701-29-02(G) of the Geauga County Household Sewage Disposal System Regulations which pertains to off-lot discharge. (Written background information was provided to the Board for consideration in this case) Discussion followed.

**Mr. Benenati moved to approve the variance as requested. Ms. Eppich seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.**

D. Paul Ogint Exc./Mary McGuire

Paul Ogint and Michael Wilmot were present and sworn in by Mr. Lang. Mr. Tusick was sworn in again.

Mr. Tusick stated that this was a variance request by Paul Ogint Exc. in behalf of Mary McGuire for the property located at 8484 Whiting Dr., Chester Twp. The request involves section 3701-29-02(G) of the Geauga County Household Sewage Disposal System Regulations which pertains to off-lot discharge and Section 3701-29-02(K) which requires a 50' isolation distance to a water well. (Written background information was provided to the Board for consideration in this case) Discussion followed.

Mr. Tusick stated that the discharge for the system will be to the front by the road ditch. The effluent would then flow back onto the property and then onto the neighbor's property. He stated that the EH staff does not recommend approval of this variance.

During the discussion, Mr. Wilmot stated that the road ditch in front of the neighbor had been recently cleaned out. He stated that this would facilitate the flow of the treated effluent from his system. Mr. Ogint stated that he could create a build-up on the property & install a culvert down to the newly cleaned out road ditch.

**Mrs. Burr moved to approve the variance with the following changes: a build-up must be created so the water flows to the West and a culvert must be installed down to the newly cut road ditch. Ms. Eppich seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.**

E. Colin Cooper/Paul Semall

Colin Cooper and Paul Semall were present and sworn in by Mr. Lang. Mr. Tusick was sworn in again.

Mr. Tusick stated that this was a variance request by Colin Cooper in behalf of Paul Semall for the property located at 9795 South Blvd., Auburn Twp. The request involves section 3701-29-02(G) of the Geauga County Household Sewage Disposal System Regulations which pertains to off-lot discharge. (Written background information was provided to the Board for consideration in this case) Discussion followed.

**Mr. Benenati moved to approve the variance as requested. Ms. Eppich seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.**

F. Colin Cooper/Laura Raudins

Colin Cooper and Mr. Tusick were sworn in again by Mr. Lang. Glen Raudins was present and sworn in by Mr. Lang.

Mr. Tusick stated that this was a variance request by Colin Cooper in behalf of Laura Raudins for the property located at 16615 Snowshoe Tr., Bainbridge Twp. The request involves section 3701-29-02(G) of the Geauga County Household Sewage Disposal System Regulations which pertains to off-lot discharge. (Written background information was provided to the Board for consideration in this case) Discussion followed.

**Mrs. Burr moved to approve the variance as requested. Ms. Eppich seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.**

G. Fincham Soil Investigations/John Kleinbaum

Chris Fincham was present and sworn in by Mr. Lang. Mr. Tusick was sworn in again.

Mr. Tusick stated that this was a variance request by Fincham Soil Investigations in behalf of John Kleinbaum for the property located at 7290 Ober Ln., Bainbridge Twp. The request involves section 3701-29-02(G) of the Geauga County Household Sewage Disposal System Regulations which pertains to off-lot discharge. (Written background information was provided to the Board for consideration in this case) Discussion followed.

**Mrs. Burr moved to approve the variance with the addition that new tanks must be installed. Mr. Benenati seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.**

H. Fincham Soil Investigations/Joni & Lyle Stusek

Jim Fincham and Lyle Stusek were present and sworn in by Mr. Lang. Mr. Tusick was sworn in again.

Mr. Tusick stated that this was a variance request by Fincham Soil Investigations in behalf of Joni & Lyle Stusek for the property located at 14613 Kiwanis Dr., Newbury Twp. The request involves section 3701-29-02(G) of the Geauga County Household Sewage Disposal System Regulations which pertains to off-lot discharge and to 3701-29-02(K) which requires a 50' isolation distance to a water well and 3701-28-10 of the Private Water System rules which requires a 50' isolation distance to a water well. (Written background information was provided to the Board for consideration in this case) Discussion followed.

**Mrs. Burr moved to approve the variance as requested. Ms. Eppich seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.**

I. Fincham Soil Investigations/Michael Judy

Chris Fincham and Michael Judy were present and sworn in by Mr. Lang. Mr. Tusick was sworn in again.

Mr. Tusick stated that this was a variance request by Fincham Soil Investigations in behalf of Michael Judy for the property located at 9727 Thwing Rd., Chardon Twp. The request involves section 3701-29-02(G) of the Geauga County Household Sewage Disposal System Regulations which pertains to off-lot discharge. (Written background information was provided to the Board for consideration in this case) Discussion followed.

**Mrs. Burr moved to approve the variance as requested. Mr. Benenati seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.**

J. Auburn Bainbridge Exc./Kim Deltorto

Lewis Tomsic, Jr. was present and sworn in by Mr. Lang. Mr. Tusick was sworn in again.

Mr. Tusick stated that this was a variance request by Auburn Bainbridge Exc in behalf of Kim Deltorto for the property located at 9727 Thwing Rd., Chardon Twp. The request involves section 3701-29-02(G) of the Geauga County Household Sewage Disposal System Regulations which pertains to off-lot discharge. (Written background information was provided to the Board for consideration in this case) Discussion followed.

**Mr. Benenati moved to approve the variance as requested. Ms. Eppich seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.**

K. Auburn Bainbridge Exc./David Griffith

Lewis Tomsic, Jr. and Mr. Tusick were sworn in again by Mr. Lang.

Mr. Tusick stated that this was a variance request by Auburn Bainbridge Exc in behalf of David Griffith for the property located at 13685 Northwood Rd., Russell Twp. The request involves section 3701-29-02(G) of the Geauga County Household Sewage Disposal System Regulations which pertains to off-lot discharge. (Written background information was provided to the Board for consideration in this case) Discussion followed.

**Mrs. Burr moved to approve the variance as requested. Ms. Eppich seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, no; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.**

L. Auburn Bainbridge Exc./Herbert Stevenson

Lewis Tomsic, Jr. and Mr. Tusick were sworn in again by Mr. Lang. Jackie Stevenson was present and sworn in by Mr. Lang.

Mr. Tusick stated that this was a variance request by Auburn Bainbridge Exc in behalf of Herbert Stevenson for the property located at 9796 Cedar Rd., Munson Twp. The request involves section 3701-29-02(C) of the Geauga County Household Sewage Disposal System Regulations which states that a sewage system shall serve 1 dwelling on an individual lot. (Written background information was provided to the Board for consideration in this case) Discussion followed.

**Mr. Benenati moved to approve the variance as requested. Mrs. Burr seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.**

M. Auburn Bainbridge Exc./David Griffith

Lewis Tomsic, Jr. and Mr. Tusick were sworn in again by Mr. Lang.

Mr. Tusick stated that this was a variance request by Auburn Bainbridge Exc in behalf of David Horschler for the property located at 9830 Broadway Dr., Auburn Twp. The request involves section 3701-29-02(G) of the Geauga County Household Sewage Disposal System Regulations which pertains to off-lot discharge. (Written background information was provided to the Board for consideration in this case) Discussion followed.

**Mrs. Burr moved to approve the variance as requested. Dr. Bowers seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.**

The Board took a short break from 8:10 p.m. to 8:20 p.m.

N. Auburn Bainbridge Exc./Christopher Ford

Lewis Tomsic, Jr. and Mr. Tusick were sworn in again by Mr. Lang.

Mr. Tusick stated that this was a variance request by Auburn Bainbridge Exc in behalf of Christopher Ford for the property located at 14698 Westfield Dr., Newbury Twp. The request involves section 3701-29-02(G) of the Geauga County Household Sewage Disposal System Regulations which pertains to off-lot discharge. (Written background information was provided to the Board for consideration in this case) Discussion followed.

**Mrs. Burr moved to approve the variance as requested. Mr. Benenati seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.**

O. Auburn Bainbridge Exc./Dave Scott

Lewis Tomsic, Jr. and Mr. Tusick were sworn in again by Mr. Lang.

Mr. Tusick stated that this was a variance request by Auburn Bainbridge Exc in behalf of Dave Scott for the property located at 11745 Bricker St., Newbury Twp. The request involves section 3701-29-02(G) of the Geauga County Household Sewage Disposal System

Regulations which pertains to off-lot discharge. (Written background information was provided to the Board for consideration in this case) Discussion followed.

**Mr. Benenati moved to approve the variance as requested. Mrs. Burr seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.**

P. Anthony Zuccaro

Anthony and Shannon Zuccaro were present and sworn in by Mr. Lang. Mr. Tusick was sworn in again.

Mr. Tusick stated that this was a variance request by Anthony Zuccaro for the property located at 7321 Cedar Crest Tr., Chester Twp. The request involves section 3701-29-02(G) of the Geauga County Household Sewage Disposal System Regulations which pertains to off-lot discharge. (Written background information was provided to the Board for consideration in this case) Discussion followed. Mr. Tusick stated that this property has already had a permit issued for an on-lot leaching trench system.

Mr. Zuccaro told the Board that they would like an off-lot system so that they can save the trees on their property.

**Dr. Bowers moved to approve the variance as requested. Ms. Eppich seconded the motion. Motion carried with a roll call vote. Mr. Lang, no; Mr. Benenati, no; Dr. Bowers, no; Mrs. Burr, no; and Ms. Eppich, no.**

**The Finding of Fact was as follows: There is room for an on-lot trench system and a permit has already been issued for that system.**

Q. The Potter's Company/Jerry Elliott

Steve Tricamo and Jerry Elliott were present and sworn in by Mr. Lang. Mr. Tusick was sworn in again.

Mr. Tusick stated that this was a variance request by The Potter's Company in behalf of Jerry Elliott for the existing property located at 15950 Jug St., Burton Twp. The request involves the following sections of the Geauga County Household Sewage Disposal System Regulations: Section 3701-29-02(G) which pertains to off-lot discharge; Section 3701-29-02(C) which states each system shall serve one dwelling on an individual lot; and Section 3701-29-02(D) which requires a surface or subsurface sand filter following an aerobic treatment system or other device approved by the Ohio Department of Health to provide additional treatment so that the requirement of regulation 3701-29-02(G)(3) will not be exceeded. (Written background information was provided to the Board for consideration in this case) Discussion followed. This variance was tabled from the October 2006 Board of Health meeting.

**Dr. Bowers moved to approve the variance as a single test case. The owners, at their expense, are required to sample the system after 6 months of service and one year after. The system must be tested for ammonia nitrogen, CBOD, SS, and fecal coliform. If the system is found to be failing, sand filters must be installed. Mr. Benenati seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, no.** Mr. Elliott indicated that he gives his permission for the Health District staff to come onto the property to take the samples.

R. Dan Beech/Ray Arnold

Dan Beech was present and sworn in by Mr. Lang. Mr. Tusick was sworn in again.

Mr. Tusick stated that this was a variance request by Dan Beech in behalf of Ray Arnold for the property located at 12370 Valley Vista Dr., Munson Twp. The request involves section 3701-29-02(G) of the Geauga County Household Sewage Disposal System Regulations which pertains to off-lot discharge. (Written background information was provided to the Board for consideration in this case) Discussion followed.

**Dr. Bowers moved to approve the variance as requested. Ms. Eppich seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.**

S. The Potter's Co./Lawrence Kern

Steve Tricamo and Lawrence Kern were present and sworn in by Mr. Lang. Mr. Tusick was sworn in again.

Mr. Tusick stated that this was a variance request by The Potter's Co. in behalf of Lawrence Kern for the property located at 19074 Thrasher Rd., Troy Twp. The request involves section 3701-29-02(G) of the Geauga County Household Sewage Disposal System Regulations which pertains to off-lot discharge. (Written background information was provided to the Board for consideration in this case) Discussion followed.

**Dr. Bowers moved to approve the variance as requested. Ms. Eppich seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.**

T. Romano Ianiro Contracting/Terry Vance

Luigi Ianiro was present and sworn in by Mr. Lang. Mr. Tusick was sworn in again.

Mr. Tusick stated that this was a variance request by Romano Ianiro Contracting in behalf of Terry Vance for the property located at 9906 Fairmount Rd., Newbury Twp. The request involves section 3701-29-02(G) of the Geauga County Household Sewage Disposal System Regulations which pertains to off-lot discharge. (Written background information was provided to the Board for consideration in this case) Discussion followed.

**Mr. Benenati moved to approve the variance with the stipulation that the easement must be recorded and on file with the Health District before a permit will be issued. Mrs. Burr seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.**

U. Sitework Developing/Emil Valerio

John Blakey was present and sworn in by Mr. Lang. Mr. Tusick as sworn in again.

Mr. Tusick stated that this was a variance request by Sitework Developing in behalf of Emil Valerio for the property located at 16689 Snow Rd., Troy Twp. The request involves section 3701-29-02(G) of the Geauga County Household Sewage Disposal System

Regulations which pertains to off-lot discharge. (Written background information was provided to the Board for consideration in this case) Discussion followed.

**Mrs. Burr moved to approve the variance as requested. Mr. Benenati seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.**

VI. Administrative Hearings

A. Christopher Walsh

Christopher Walsh was not present. Mr. Weisdack was sworn in and stated his experience. Mr. Tusick was sworn in again.

Mr. Weisdack stated that this is an alleged code violation to the property owned by Christopher Walsh located at 17971 Mumford Rd., Troy Township. This case is in regards to section 3701-29-02(D) of the Geauga County Household Sewage Disposal System Regulations which states: "No household sewage disposal system or part thereof shall create a nuisance."

This case involves a nuisance complaint investigation. It was determined during a site investigation that the pump in the pump station is not working and that there is a broken pipe from the lower bathroom to the septic tank. No action has been taken. Discussion followed.

**Mr. Benenati moved that a code violation exists at the property owned by Christopher Walsh located at 17971 Mumford Rd., Troy Township. Mrs. Burr seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.**

**Mrs. Burr moved that the owner be ordered to make corrections and have the work inspected within 30 days of receipt of Board order. Failure to follow this order will result in referral to the Prosecutor's Office for legal action. Mr. Benenati seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.**

The Board took a short break from 10:00 p.m. to 10:05 p.m.

A. Joseph & Rita Bennici

Joseph Bennici was present and sworn in by Mr. Lang. Mr. Weisdack was sworn in and stated his experience. Mr. Tusick was sworn in again.

Mr. Weisdack stated that this is an alleged code violation to the property owned by Joseph and Rita Bennici located at 12073 Lakeside Dr., Newbury Township. This case is in regards to the following sections of the Geauga County Household Sewage Disposal System Regulations: 3701-29-02(D) which states: "No household sewage disposal system or part thereof shall create a nuisance."; 3701-29-02(E) which states: "No personal shall discharge or permit to discharge treated or untreated sewage effluent into normal ground water table."; and 3701-29-02(F) which states: "No person shall discharge or permit to discharge treated or untreated sewage effluent onto the surface of the ground."

This case involves a nuisance complaint investigation involving several properties. One of the field staff during an inspection at a neighboring property observed a pump in Mr. Bennici's septi tank and a pipe line leading from the tank and discharging to a catch basin along Route 44. Mr. Bennici was hand delivered a letter ordering him to stop the illegal pumping and to install a sample well for sewage effluent testing or begin the lot evaluation process. No action has been taken. Discussion followed.

**Dr. Bowers moved that a code violation exists at the property owned by Joseph and Rita Bennici located at 12073 Lakeside Dr., Newbury Township. Mrs. Burr seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.**

**Dr. Bowers moved that the owners be ordered have the septic tank capped and pumped as necessary and all pump receipts submitted to this department, and to install a new sewage disposal system within 60 days of receipt of Board order. Failure to follow this order will result in referral to the Prosecutor's Office for legal action. Mrs. Burr seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.**

VII. Show Cause Hearing

A. Jim Fincham/Fincham Soil Services

Mr. Snyder announced that they had brought a court reporter to transcribe the proceedings of Mr. Fincham's Hearing. Mr. Lang told Mr. Snyder that the transcription of the court reporter will not be counted as an official transcription of the proceedings.

Jim Fincham and Tim Snyder, Esq. were present and sworn in by Mr. Lang. Mr. Weisdack and Mr. Tusick were sworn in again.

Mr. Weisdack stated that this is a Show Cause Hearing under Section 3701-29-06(A) of the Geauga County Health District Household Sewage Disposal System Regulations. This case pertains to Mr. Jim Fincham, Soil Professional.

Section 3701-29-06(F) states: "Whenever the Health Commissioner finds that a soil professional is or has engaged in practices that are in violation of any provision of the regulations 3701-29-01 to 3701-29-21 of the Household Sewage Disposal System Regulations or has provided information that is incorrect, the Board of Health shall give written notice to the registrant describing the alleged violation and state an opportunity for a hearing will be provided by the Board of Health to show cause why his registration should not be revoked or suspended."

The following cases involve section 3701-29-06(D) which pertains to the written soil information submitted to this department regarding the following addresses: 18164 Chillicothe Rd., 11335 Grey Friar, 16820 Staffordshire Ct., 14180 Watt Rd., 12770 Keystone, 8455 Holly Hill, and 15525 Tavern Rd.

Mr. Fincham stated that he did not know why he was at the hearing. Mr. Lang asked Mr. Fincham if he had received the copies of each of the letters that were sent to him regarding these properties. Mr. Fincham indicated that he had received the letters. He stated that he did not know what the violations were. Mr. Fincham read a statement to the Board that he had prepared.

Mr. Snyder contended that the section of the code was not correct on the letters. Mr. Weisdack reviewed several of the letters that were sent to Mr. Fincham with the Board. Mr. Lang stated that based on those letters, Mr. Fincham was notified of what each discrepancy was on each of the properties.

The case for each property was reviewed. The differences in the soils reports were discussed. Mr. Fincham provided his explanation for the differences of each of the reports.

William Wendell, Registered Sanitarian was sworn in by Mr. Lang and provided testimony on the Holly Hill property. Mr. Wendell explained his findings of bedrock on the property when the soil report did not indicate bedrock in the area where trenches were to be installed.

David Sage, Sanitarian in Training was sworn in by Mr. Lang and provided testimony. Mr. Sage indicated that Mr. Fincham had threatened him after Mr. Sage had sent Mr. Fincham a violation letter.

Mr. Weisdack indicated that the staff brought these violations to his attention. He stated that as Health Commissioner, it was incumbent upon him to follow through with issues where multiple violations are made. That is why these cases were brought to the Board.

Mr. Snyder asked Mr. Weisdack if anyone had ever gone out to check the other soils professional's reports? Mr. Weisdack stated that there were none that had come to his attention.

Mr. Snyder asked Mr. Tusick if anyone had ever gone out to check the other soils professional's reports? Mr. Tusick stated that he couldn't recall any reports that had discrepancies.

Mr. Snyder asked Mr. Wendell if he could recall any soils reports that had any inconsistencies? Mr. Wendell answered no.

Mr. Snyder asked Mr. Sage if he knew of any soils reports with any inconsistencies? Mr. Sage indicated that he had one on his desk where the soil professional would be getting a violation letter.

Mr. Snyder asked Mr. Weisdack if anyone on the Health District staff is a professional soil scientist? Mr. Weisdack indicated that no, there isn't. He stated that the staff rely on the reports from the registered soil scientists.

Mr. Snyder asked Mr. Weisdack if Mr. McCleary or Ms. Saskowsky present? Mr. Weisdack indicated that Mr. McCleary was not present and he did not know Ms. Saskowsky, but did not believe she was present.

Mr. Snyder asked Mr. Fincham to describe his professional credentials as far as being a professional soil scientist. Mr. Fincham stated that he has a Bachelors of Science degree in Agronomy from the Iowa State University, 25 years experience in soils, certified by ARCPACS Board of Certification for the Soils Sciences Society of America and belong The National Society of Consulting Soil Scientists. Mr. Snyder asked Mr. Fincham if he had attended any soils scientist conventions where they have disagreed on the types of soils? Mr. Fincham indicated that he had.

Discussion ensued between the Board and Mr. Fincham.

**Mr. Benenati moved that Mr. Fincham be suspended immediately from soil science work for a minimum of 6 months and a transcription of this hearing be sent to ARCPACS for their review. Mrs. Eppich seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, no; Mrs. Burr, no; and Mrs. Eppich, yes.**

VIII. Executive Session

**Mr. Benenati moved to adjourn to Executive Session at 12:45 a.m. to discuss the personnel. Ms. Eppich seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes. Meeting reconvened at 1:07 a.m.**

IX. Other Business

There was no other business.

X. Meetings

The regular meeting of the Board will be held Tuesday, January 16, 2007 at 7:00 p.m., in the Environment Health lobby at 470 Center Street, Building 8, in Chardon, Ohio.

XI. Adjournment

As there was no further business to come before the Board, **Dr. Bowers moved to adjourn the meeting at 1:08 a.m. Ms. Eppich seconded the motion. Motion carried with a unanimous vote.**

Respectfully submitted,

Robert K. Weisdack, RS, MA, MPH  
Secretary of the Board