

NCOWCICB  
BOARD MEETING AGENDA  
February 6, 2014 1:00 p.m.  
LOCATION: Hampton Inn 1001 Wake Towne Rd Raleigh, NC

12:00 P.m. CALL TO ORDER: RUSS DAVIS

OPENING PRAYER: JERRY PEARCE

ROLL CALL: ABSENT DIANA RASHASH MARK BROOKS

READING OF ETHICS STATEMENT

ETHICS STATEMENT: In accordance with the State Government Ethics Act, it is the duty of every [Board] member to avoid both conflicts of interest and appearances of conflict.

Does any [Board] member have any known conflict of interest or appearance of conflict with respect to any matters coming before the [Board] today?

If so, please identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved.

READ BY RUSS DAVIS, JERRY PEARCE CLASS REQUEST FOR NCSTA

RUSS DAVIS INTRODUCED NEW BOARD MEMBER, ADAM WATERS, 23 YRS CITY OF WASHINGTON, CURRENTLY SERVES ON WPSOCC, TREATMENT PLANT OPTRS, REPLACES SID GASKINS

SID WAS PRESENTED WITH CERTIFICATE OF APPRECIATION AT THE NCSTA CONVENTION FOR HIS SERVICE TO THE BOARD

12:05 P.M. RECOGNITION OF ANY ATTENDING PUBLIC AND REQUEST TO ADDRESS BOARD (PLEASE NOTE: PUBLIC MAY ADDRESS THE BOARD DURING THIS SECTION OF BOARD MEETING. BOARD WILL NOT RESPOND TO COMMENTS OR REQUEST MADE BY PUBLIC. REQUEST MADE BY PUBLIC DURING THIS SESSION WILL BE PLACED ON A FUTURE BOARD AGENDA FOR DISCUSSION. PUBLIC WILL BE ALLOWED MAXIMUM OF FIVE (5) MINUTES PER PERSON TO ADDRESS BOARD. PUBLIC WILL NOT BE ALLOWED COMMENT FOR REMAINDER OF BOARD MEETING.

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DOUG LASSITER NCSTA LOBBYIST

12:10 p.m. Approval of Minutes from July 24, 2013 meeting (see minutes attached)  
MOTION TO APPROVE, RUSS AYERS, 2<sup>ND</sup> WALTER JAMES APPROVED

12:15 p.m. Board approval of proposed rules. Rules have already been reviewed by Board, submitted to RCC, public comment meeting held, and public comment period has ended. There have been no comments received on these rules either at the comment meeting or during the comment period.

Proposed rules below

Notes: MOTION TO APPROVE, RUSS AYERS, 2<sup>ND</sup> JEFF KNIGHT, APPROVED

1 21 NCAC 39 .0405 is proposed for adoption as follows:

2

3 **21 NCAC 39 .0405 Licensure for Military-Trained Applicant; Licensure for Military Spouse**

4 (a) Licensure for a military-trained applicant. Upon receipt of a request for licensure pursuant to G.S. 93B-15.1  
5 from a military-trained applicant, the Board shall issue a license upon the applicant satisfying the following  
6 conditions:

- 7 (1) Submit a complete Application for Certification;  
8 (2) Submit a license fee in accordance with G.S. 90A-27;  
9 (3) Submit written evidence demonstrating that the applicant is currently serving as an active member  
10 of the U.S. military;  
11 (4) Provide evidence to satisfy conditions set out in G.S. 93B-15.1(a)(1) and (2); and  
12 (5) Demonstrate that the applicant has not committed any act in any jurisdiction that would constitute  
13 grounds for refusal, suspension, or revocation of a license in North Carolina at the time the act  
14 was committed.

15 (b) Licensure for a military spouse. Upon receipt of a request for licensure pursuant to G.S. 93B-15.1 from a  
16 military spouse, the Board shall issue a license upon the applicant satisfying the following conditions:

- 17 (1) Submit a complete Application for Certification;  
18 (2) Submit a license fee in accordance with G.S. 90A-27;  
19 (3) Submit written evidence demonstrating that the applicant is married to an active member of the  
20 U.S. military;  
21 (4) Provide evidence to satisfy conditions set out in G.S. 93B-15.1(b)(1) and (2); and  
22 (5) Demonstrate that the applicant has not committed any act in any jurisdiction that would constitute  
23 grounds for refusal, suspension, or revocation of a license in North Carolina at the time the act  
24 was committed.

25

26 History Note: Authority: G.S. 90A-74; 93B-15.1

27 Eff. April 1, 2014.

28

21 NCAC 39 .1006 MINIMUM ON-SITE WASTEWATER SYSTEM INSPECTION

- (a) The inspector shall attempt to obtain, evaluate, describe, or determine the following during the inspection:
- (1) Advertised number of bedrooms as stated in the realtor Multiple Listing Service information or by a sworn statement of owner or owner's representative;
  - (2) Designed system size (gallons per day or number of bedrooms) as stated in available local health department information, such as the current operation permit or the current repair permit;
  - (3) Requirement for a certified subsurface water pollution control system operator pursuant to G.S. 90A-44, current certified operator's name, and most recent performance, operation and maintenance reports (if applicable and available);
  - (4) Type of water supply, such as well, spring, public water, or community water;
  - (5) Location of septic tank and septic tank details:
    - (A) Distance from house or other structure;
    - (B) Distance from well, if applicable;
    - (C) Distance from water line, if applicable and readily visible;
    - (D) Distance from property line, if said property lines are known or marked;
    - (E) Distance from finished grade to top of tank or access riser;
    - (F) Presence and type of access risers;
    - (G) Condition of tank lids;
    - (H) Condition of tank baffle wall;
    - (I) Water level in tank relative to tank outlet;
    - (J) Condition of outlet tee;
    - (K) Presence and condition of outlet filter, if applicable;
    - (L) Presence and extent of roots in the tank;
    - (M) Evidence of tank leakage;
    - (N) Evidence of inflow non-permitted connections, such as from downspouts or sump pumps;
    - (O) Connection present from house to tank;
    - (P) Connection present from tank to next component;
    - (Q) Date tank was last pumped, if known; and
    - (R) Percentage of solids (sludge and scum) in tank;
  - (6) Location of pump tank and pump tank details:
    - (A) Distance from house or other structure;
    - (B) Distance from well or spring, if applicable;
    - (C) Distance from water line, if applicable;
    - (D) Distance from property line, if said property lines are known or marked;
    - (E) Distance from finished grade to top of tank or access riser;
    - (F) Distance from septic tank;
    - (G) Presence and type of access risers;
    - (H) Condition of tank lids;
    - (I) Location of control panel;
    - (J) ~~Electrical connections in place and properly grounded;~~ Condition of control panel;
    - (K) Audible and visible alarms (as applicable) work;
    - (L) Pump turns on, and effluent is delivered to next component; and
    - (M) Lack of electricity at time of inspection prevented complete evaluation;
  - (7) Location of dispersal field and dispersal field details:
    - (A) Type of dispersal field;
    - (B) Distance from property line, if said property lines are known and/or marked;
    - (C) Distance from septic tank and/or pump tank;
    - (D) Number of lines;
    - (E) Length of lines;
    - (F) Evidence of past or current surfacing at time of inspection;
    - (G) Evidence of traffic over the dispersal field;
    - (H) Vegetation, grading, and drainage with respect only to their effect on the condition of the system or system components; and
    - (I) Confirmation that system effluent is reaching the drainfield; and
  - (8) Conditions that prevented or hindered the inspection.

12:30 p.m. Update from Administrator:

- Audit for fiscal year ending June 30, 2013 has been completed and the results were good with no negative comments from auditor
- An additional audit will be completed at some point during the next 12 months by the Office of the State Auditor. OSA is conducting audits on all occupational licensing boards.
- Renewals for 2014 are in line with previous years' renewals. We currently have 1620 certification holders that have renewed out of a potential 1877. The majority of the renewals were received by the due date of November 15<sup>th</sup>. A request was received from a class provider to grant an extension on the due date for their students in the December class, this request was denied. By rule the due date is November 15<sup>th</sup> to be on time with the renewal. Renewals received on time make the list by January 1 and receive their new cards by January 1. The only extensions granted for receiving hours are for active military service and long term disability.
- Renewals are still coming in and can be received until March 31<sup>st</sup> at which time the certification holder will have to reapply if they haven't renewed.
- A committee needs to be formed to format a new pool of exams. Current exam forms have been used in rotation since inception of the Board. Exams are held in January, June, August and October. If at all possible the new ones need to be ready to use by June.

RUSS DAVIS ASKED MARK BROOKS TO HEAD UP  
COMMITTEE, DIANA RASHASH AND DOUG LASSITER  
MOTION TO SETUP COMMITTEE RUSS AYERS, 2<sup>ND</sup> JEFF  
KNIGHT, APPROVED

- REMINDER Any Board member that has not taken the required Ethics training should do so immediately. Once you have taken the course please send me a copy of the completion certificate. Information for required Ethics training for Board members can be found at <http://www.ethicscommission.nc.gov/education/default.aspx> If any one wishes to take the ethics course today, the board room is available this afternoon for your use to do this.
- REMINDER Board members are required to submit an annual Statement of Economic Interest. Keep in mind this must be filed on time or you may be charged a penalty. This penalty is not charged to NCOWCICB but the individual Board member. The SEI is due no later than April 15 each year. You may qualify to file a no change form which is shorter. The forms and detailed information is available at: [www.ethicscommission.nc.gov/sei/blankForm.aspx](http://www.ethicscommission.nc.gov/sei/blankForm.aspx) While I do not need or want a copy of your SEI, please send me an email with the date you filed the SEI so that the Board has a record that you have filed.
- As you are aware I am in attendance at a large portion of the classes held for c/e requirements. The certification holder is required to take the c/e i.e. they can't have someone else attend for them. On a couple of occasions the certified person sent someone else to take the class for them, I contacted the certified person and told them they could not do this and they scheduled a later class to attend themselves. While I do not think this is happening a lot, the Board may want to take a proactive stance on this and head off what

could become a potential problem. A couple of actions might be considered such as 1) sending a letter to all certification holders advising them they must personally attend or 2) require that the class provider check state issued picture ID's at random for a percentage of attendees maybe 5 or 10% of attendees and list this info on the attendance sheets turned in to NCOWCICB. At this point, in my opinion, requiring the class provider to check ID's on each attendee would be an unnecessary burden on the provider or 3) require the provider to put a notice on their class solicitation stating that the certified holder must be the person in attendance. The Board may also choose to just watch this for another year.

MUCH DISCUSSION HELD, MOTION MADE BY WALTER JAMES TO REQUIRE PROVIDERS TO GET PICTURE ID ON ALL ATTENDEES AT SOME POINT DURING CLASS BEFORE ISSUING ATTENDANCE CERTIFICATE 2<sup>ND</sup> RUSS AYERS, APPROVED,

- At the Board meeting held January 2013 in an attempt to head off some of the complaints being received and to potentially aid in complaint hearings, the Board decided to require that a presentation be made at each c/e class of NCOWCICB rules and statutes. This has been done for a year now with the presentations being done by either myself, Jerry Pearce or the class provider following the guideline issued by NCOWCICB. We now have a full rotation of this presentation. This presentation has been received with mixed reviews all the way from appreciated to resentment. With the reduction in hours taking an entire hour from a 6 hour class for NCOWCICB rules may be taking away from the learning potential regarding systems and processes. Each certification holder also received a full book with their card for 2013 that contained all the rules and regs for NCOWCICB. The requirements for the new installer remain the same as always I attend each of those classes and do a full presentation and also give each of those attendees one of our rules and regs books. At this point the Board may want to entertain the idea of lifting this requirement for c/e classes but leave in effect the requirement that I be at each new installer/inspector class for a 1 hour presentation.

MOTION MADE BY RUSS AYERS TO REQUIRE PROVIDER TO HAVE CURRENT COPY OF RULES AND GC AT EVERY CLASS AND REFERENCE THE COPY FOR ANY QUESTIONS AND TO GIVE CONTACT INFORMATION ABOUT NCOWCICB 2<sup>ND</sup> WALTER JAMES APPROVED

- Class Approval Request:  
NCSU class approval request:  
NCSU has requested that all classes approved in 2013 be re-approved for 2014 with no new class approval requests being submitted MOTION TO APPROVE RUSS AYERS, 2<sup>ND</sup> GLENN HINES, APPROVED

NCSTA class approval request:

1. 2014 regional classes to be held in various location, 6 hours each day for all Grade Levels, MOTION TO APPROVE JEFF KNIGHT, 2<sup>ND</sup> GLENN HINES, APPROVED
2. 2014 Hands on training, NCSTA may sponsor systems to be installed for charitable events such as habitat, churches, fire departments, economic needs situations, etc request credit hours of 6 max hours, with 6 maximum attendees, this is re-approval from prior years, MOTION TO APPROVE RUSS AYERS, 2<sup>ND</sup> JEFF KNIGHT, APPROVED
3. New Installer and Inspector class, 18 hour installer class all levels, 12 hour Inspector class, this is re-approval of previous approval, MOTION TO APPROVE RUSS AYERS, 2<sup>ND</sup> JEFF KNIGHT, APPROVED

Johnston County LEH class approval request:

Workshop for installers, re-approval of last year class 6 hours, request approval for all levels, MOTION TO APPROVED GLENN HINES, 2<sup>ND</sup> RUSS AYERS, APPROVED

Carteret County LEH class approval request:

1. Workshop for installers, re-approval of last year class 6 hours, request approval for all levels, MOTION TO APPROVE RUSS AYERS, 2<sup>ND</sup> JEFF KNIGHT, APPROVED
2. 2014 Hands on Training, may sponsor systems to be installed for charitable events such as habitat, churches, fire departments, economic needs, situations, etc. request credit hours of 6 max hours, with 6 maximum attendees, MOTION TO APPROVE JERRY PEARCE, 2<sup>ND</sup> GLENN HINES, APPROVED

Albermarle Regional Health Department class approval request:

Workshop for installers, re-approval of last year class 6 hours, request approval for all levels, MOTION TO APPROVE GLENN HINES, 2<sup>ND</sup> WALTER JAMES, APPROVED

Chatham County Health Department class approval request:

Workshop for installers, re-approval of last year class 6 hours, request approval for all levels, MOTION TO APPROVE WALTER JAMES, 2<sup>ND</sup> GLENN HINES, APPROVED

Orange County Health Department class approval request:  
Workshop for installers, re-approval of last year class  
6 hours, request approval for all levels, MOTION TO  
APPROVE RUSS AYERS, 2<sup>ND</sup> JEFF KNIGHT,  
APPROVED

Soil Science Society class approval request:  
Annual Convention for 2015, re-approval of last year  
6 hours each day, request approval for all levels, MOTION  
TO APPROVE GLENN HINES, 2<sup>ND</sup> WALTER JAMES  
APPROVED

1:05 P.m. Treasurer's Report by Jerry Pearce, Treasurer  
Financial Report as of December 31, 2013

Monies on hand:	
North State Bank Operating Account	\$125,417.81
Select Bank*	\$233,316.38
Bank of Oak Ridge*	\$229,935.77
Sound Bank*	\$200,000.00
New Bridge Bank*	<u>\$201,054.81</u>
Total Monies on hand	\$989,724.77

(\*CD held for future enforcement)

See detailed YTD Financial Report Attached

PRESENTED BY JERRY PEARCE, MOTION TO APPROVE WALTER JAMES, 2<sup>ND</sup>  
GLENN HINES, APPROVED

1:15 P.m. Board shall enter Executive Session for discussion of complaints received

Notes:

MOTION TO GO INTO EXC SESSION WALTER JAMES, 2<sup>ND</sup> GLENN HINES,

MOTION TO REENTER REGULAR SESSION RUSS AYERS, 2<sup>ND</sup> JERRY PEARCE

2:00 p.m. Board shall re-enter regular session

THE FOLLOWING COMPLAINTS WERE DISCUSSED IN CLOSED SESSION:  
COMPLAINT NUMBER 01205131 BOARD DECISION TO SEND TO ATTORNEY  
FOR PROSECUTION

COMPLAINT NUMBER 951301 INVESTIGATION SHOWED COMPLAINT TO NOT  
BE VALID, BOARD DECISION TO SEND LETTER TO COMPLAINTANT OF  
DETERMINATION

COMPLAINT NUMBER 10291301 BOARD DECISION TO SEND LETTER STATING  
MUST BE CERTIFIED, CEASE AND DESIST

COMPLAINT NUMBER 07291301 BOARD DECISOIN TO PROCEED WITH FULL  
INVESTIGATION INCLUDING REQUEST FOR W2'S OF EMPLOYEES IN  
QUESTION, ONCE COMPLETED BOARD WILL REVIEW AGAIN,



COMPLAINT NUMBER 71701302 BOARD DECISION TO SEND TO ATTORNEY FOR PROSECUTION

COMPLAINT NUMBER 07161301 BOARD DECISION TO SEND TO ATTORNEY FOR PROSECUTION, INSTALL W/O CERTIFICATION OR PERMIT,

COMPLAINT NUMBER 1041301 BOARD DECISION TO SEND LETTER WITH OFFER OF ADMISSION OF GUILT, INSTALL WITHOUT PERMIT

COMPLAINT NUMBER 01161401 BOARD DECISION TO SEND LETTER TO HOMEOWNER ADVISING WHAT THEY CAN INSTALL W/O CERTIFICATION, SEND LETTER PERSON WHO ASSISTED WITH INSTALL THAT THEY MUST BE CERTIFIED

COMPLAINT NUMBER 12121301 BOARD DECISION TO REVOKE CERTIFICATION BASED ON FRAUDELENT INFORMATION SUBMITTED TO BOARD

REVIEW OF APPLICATION FOR CERTIFICATION RECEIVED FROM TOMMY PILKERTON, FORMER CERTIFICATION HOLDER THAT CERTIFICATION WAS REVOKED AND 12 MONTH WAITING PERIOD HAS PASSED. REQUEST HAS BEEN SENT TO ATTORNEY AS TO BOARD'S OPTIONS.

2:15 p.m.

Other Business:

Mark your calendars for next regular Board meeting  
September 19, 2014  
10:00 a.m. Hampton Inn Swansboro

DISCUSSION HELD ABOUT NEXT MEETING IN JANUARY,  
DUE TO POTENTIAL WEATHER ETC PROVIDERS NEED APPROVALS,  
MEETING WILL BE HELD DECEMBER 18<sup>TH</sup> 10:00 A.M. IN RALEIGH  
RATHER THAN IN HICKORY

2:20 p.m.

Meeting Adjourn

MOTION RUSS AYERS, 2<sup>ND</sup> GLENN HINES, MEETING ADJOURNED

NCOWCICB Financial Report as of December 31, 2013

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(\*CD held for future enforcement)

YTD Receipts\*\*

Fees Received	\$ 150,250.00
Interest Income	<u>\$ 3,030.00</u>
Total Receipts	\$ 153,280.00

YTD Expenditures\*\*

Postage	\$ 2,024.00
Printing	\$ 4,291.00
Travel – Board	\$ 2,765.00
Travel – Staff	\$ 2,463.00
Telephone	\$ 1,426.00
Misc Expense	\$ 585.00
Bank Charges	\$ 343.00
Accounting	\$ 15,415.00
Contract Labor	\$ 36,400.00
Office Expense	\$ 1,029.00
Depreciation	\$ 481.00
Investigations	\$ 2,260.00
Legal Fees	<u>\$ 16,882.00</u>
Total Expenditures	\$ 86,364.00

(\*\*YTD July 1, 2012 – December 31, 2013)