

NCOWCICB
BOARD MEETING AGENDA AND MINUTES APPROVED
May 12, 2017 10:00 a.m.
LOCATION: Hilton Garden Inn Raleigh Durham Airport
1500 RDU Center Drive Morrisville NC 27560

10:00 a.m. CALL TO ORDER: Russ Davis
OPENING PRAYER: Jerry Pearce
ROLL CALL: All present except Jeff Knight
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

Diana Rashash will not participate in discussion or vote on NCSU class approval request

10:05 a.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.

None attending

10:10 a.m. Approval of Minutes from December 9, 2016 meeting (see minutes attached)
Motion to approve, Russ Ayers, 2nd Diana Rashash, approved

10:15 a.m. Update from Administrator:

- **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>
- The following is what the Ethics Commission records show regarding the Board member's Ethics Training as of 3/9/16:

| Board Member | Last Date Rcvd | Next Due Date |
|---------------|----------------|---------------|
| Russ Davis | 1/6/16 | 1/6/18 |
| Russ Ayers | 11/30/15 | 11/30/17 |
| Jerry Pearce | 6/12/15 | 6/12/17 |
| Diana Rashash | 9/18/15 | 9/18/17 |
| Glenn Hines | 4/13/16 | 4/13/18 |

| | | |
|---------------------|----------|----------|
| Jeff Knight | 1/7/16 | 1/7/18 |
| Mark Brooks | 4/15/16 | 4/15/18 |
| Walter James | 11/30/16 | 11/30/18 |
| Adam Waters | 10/31/16 | 10/31/18 |
| Connie Stephens(EL) | 4/14/17 | 4/14/19 |

- Thank you to each Board member for filing your SEI on time
- Class Approval Request:
 - Caldwell County LEH class approval request:
 - First time class request, agenda has all the requirements for approval, should be a good class
 - Motion to approve, Diana Rashash, 2nd Mark Brooks, approved
 - Orange County LEH class approval request:
 - Re-approval for class held in 2016
 - Motion to approve, Walter James, 2nd Adam Waters, approved
 - NCSU Class approval request:
 - Design 400: Unconventional System and Uncommon Lots 6 hours all levels
 - Install 330 Innovations in Wastewater 6 hours All levels
 - Motion to approve both Jerry Pearce, 2nd Glenn Hines, approved
- Rules Periodic Review: The following motion was approved at the December 9, 2016 Board Meeting:

Upon review of this document is there a motion from the Board of the following “Pursuant to NCGS 150B-21.3A, the Board makes an initial determination that all of its rules found in Title 21, chapter 39 of the NC Administrative Code are necessary without substantive public interest.”

The Board’s classifications were filed with OAH and posted to the website and the public comment period has expired. No comments were received. Pursuant to NCGS 150B-21.3A, the Board must now approve a final classification in response to any comments received. Is there a motion to adopt the initial determinations as the Board’s final determinations and classifications of its rules? Motion by Diana Rashash for the following: “Pursuant to NCGS 150B-21.3A, the Board makes the final determination that all of its rules found in Title 21, Chapter 39 of the NC Administrative Code are necessary without substantive public interest.” 2nd Russ Ayers, approved
- In the minutes from the December meeting there was a comment for the rules committee to be in contact with counsel regarding additional rules that may be needed once the rules review process was complete. Upon further research it was discovered that the items would be a change to the General Statute and at this time we will not be proceeding with that change.
- Numerous Bills have been filed relating to Occupational Licensing Boards and also Environmental Health. I attended the annual OLB meeting last week and much was discussed about these bills. Regulatory Reform is still a hot topic and

OLB's are still being looked at. No one is sure where these bills will go at this point we are watching them closely. The majority of these bills will require more reporting for each Board and additional administrative steps

A requirement that at this point is proposed, but will most likely be put into place by end of the year is to have in place the availability to file a complaint online. The advice given at the meeting was to go ahead and get this in place. We are working with a company now to update the website

11:00 a.m. Treasurer's Report by Jerry Pearce, Treasurer
Financial Report as of March 31, 2017

Monies on hand:
Capital Bank Operating Account \$173,122.85
Select Bank* \$235,601.83
Bank of Oak Ridge* \$231,973.21
Sound Bank* \$206,571.70
North State Bank* \$103,528.99
New Bridge Bank* \$203,024.25
Total Monies on hand \$1,153,822.83

(*CD held for future enforcement)

See detailed YTD Financial Report Attached

Jerry Pearce presented the Treasurer's report and explained the process of checks and balances in place for the Board's accounting. The invoices are received at the office, Connie sends and email to Jerry containing the invoice details, Jerry mails the checks to the office for the payments, Connie reviews the checks, copies the checks and mails out the invoices

Jerry also noted that a lot of mergers are going on with banks and while we are striving to keep the money in North Carolina based banks that may not always be possible. We will however continue to assure that all funds remain within the FDIC limits.

Motion to accept Treasurer's report Glenn Hines, 2nd Mark Brooks, approved

11:15 a.m. Board shall enter Closed Session for discussion of complaints received
Motion to enter Closed Session Walter James, 2nd Russ Ayers, approved to go into closed session

11:45 a.m. Board shall re-enter regular session
Motion to re-enter regular session Adam Waters, 2nd Diana Rashash, approved to return to regular session

THE FOLLOWING COMPLAINTS WERE DISCUSSED IN CLOSED SESSION:

Complaint number: 08261601 This complaint was discussed at the December meeting. The contractor was contacted and the issued with the General Contractor was resolved to satisfaction of both parties. Motion to accept closure of complaint Jerry Pearce, 2nd Walter James, approved
Complaint number: 10281601 This complaint was discussed at the December meeting and admission of guilt letter was sent to installer. His reply to accusation was reviewed in closed session today. The letter he sent stated that he only dug a ditch that the homeowner must have put in drainage product after he left. Board's decision is to send another letter advising there is supporting evidence that he did the repair, however this is the only complaint received on his certification and the offer of admission of guilt will stand if he signs and returns within 10 day if

not the case will go to full investigation and a hearing. Motion to accept decision Jerry Pearce, 2nd Russ Ayers, approved

Complaint Number: 01201701 Install without permit and without certification. Complaint filed by LEH, they do not have identity of person doing the alleged installation. Board decision is to send letter to LEH advising that unless we have an identity of a person or company doing the install we have no one to pursue on the complaint and the LEH will need to continue with their violation process for a non-permitted system. Motion to accept decision Walter James, 2nd Glenn Hines, approved

Complaint Number: 02031701 Install with expired permit. Board Decision send letter to certification holder and copy the LEH stating that the permit was sent to the installer on the day before installation with no notation of the permit being expired and that the installer will need to pay close attention to the dates in the future. Motion to accept decision Russ Ayers, 2nd Mark Brooks, approved

Reapplication after revocation by John Bortone, application denied for violations of General Statutes, notification sent via certified letter, motion to accept decision Russ Ayers, 2nd Jerry Pearce, approved

Board approval of Consent orders:

Robert Ray (Certification Inspector 1159I)

Michael Teaster (Certification Installer 4677)

Is there a motion to approve the above-referenced consent orders?

Motion to accept Diana Rashash, 2nd Russ Ayers, approved

12:00 p.m. Next Scheduled Board Meeting: December 8, 2017 in Raleigh, keep in mind the Board meetings have been set as second Friday in May and December

12:05 p.m. Meeting Adjourn motion to adjourn Mark Brooks, 2nd Glenn Hines, adjourned

NCOWCICB Financial Report as of March 31, 2017

Monies on hand:

| | |
|--------------------------------|---------------------|
| Capital Bank Operating Account | \$173,122.85 |
| Select Bank* | \$235,601.83 |
| Bank of Oak Ridge* | \$231,973.21 |
| Sound Bank* | \$206,571.70 |
| North State Bank* | \$103,528.99 |
| New Bridge Bank* | <u>\$203,024.25</u> |
| Total Monies on hand | \$1,153,822.83 |

(*CD held for future enforcement)

YTD Receipts**

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|-----------------|--------------------|
| Fees Received | \$194,200.00 |
| Interest Income | <u>\$ 2,935.04</u> |
| Total Receipts | \$197,135.04 |

YTD Expenditures**

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|--------------------|---------------------|
| Postage | \$ 2,181.00 |
| Printing | \$ 6,031.92 |
| Travel – Board | \$ 5,984.20 |
| Travel – Staff | \$ 2,210.14 |
| Telephone | \$ 2,610.61 |
| Misc Expense | \$ 44.99 |
| Bank Charges | \$ 75.00 |
| Accounting | \$ 19,625.00 |
| Contract Labor | \$ 36,900.02 |
| Salaries | \$ 18,200.01 |
| Payroll Taxes | \$ 928.20 |
| Office Expense | \$ 1,139.69 |
| Depreciation | \$ 327.61 |
| Office Rent | \$ 7,500.00* |
| Investigations | \$ 350.00 |
| Document Scan | \$ 250.00 |
| Hearing Expense | \$ 258.50 |
| Meeting Expense | \$ 1,499.67 |
| Legal Fees | <u>\$ 15,566.73</u> |
| Total Expenditures | \$121,683.29 |

(**Fiscal year runs July 1 – June 30th *Rent amount includes 2016 rent paid in lump sum December 2016 office rent is \$500 monthly)

| Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] |
|---|----------------------|---|--|---|
| SECTION .0100 - DUTIES AND DEFINITIONS | 21 NCAC 39 .0101 | DEFINITIONS | Amended Eff. January 1, 2016 | Necessary without substantive public interest |
| | 21 NCAC 39 .0102 | TYPES OF CERTIFICATION | Eff. February 1, 2011 | Necessary without substantive public interest |
| SECTION .0200 - CERTIFICATION OF ON-SITE WASTEWATER CONTRACTOR OR INSPECTORS | 21 NCAC 39 .0201 | APPLICATION REQUIREMENTS FOR CERTIFICATION | Amended Eff. January 1, 2016 | Necessary without substantive public interest |
| | 21 NCAC 39 .0202 | BUSINESS SUCCESSION | Eff. January 1, 2013 | Necessary without substantive public interest |
| SECTION .0300 - ONSITE WASTEWATER CONTRACTOR OR INSPECTOR FEES | 21 NCAC 39 .0301 | SCHEDULE OF CERTIFICATION FEES | Amended Eff. January 1, 2016 | Necessary without substantive public interest |
| | 21 NCAC 39 .0401 | ON-SITE WASTEWATER CONTRACTOR OR INSPECTOR EXAMINATIONS | Amended Eff. January 1, 2016 | Necessary without substantive public interest |
| SECTION .0400 - CERTIFICATION BY EXAMINATION | | | | |

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|--|---------------------|--|------------------------------|--|
| | 21 NCAC 39 .0402 | TIME AND PLACE OF EXAMINATION | Eff. February 1, 2011 | Necessary without substantive public interest |
| | 21 NCAC 39 .0403 | CONDUCTING AND GRADING EXAMINATIONS | Eff. February 1, 2011 | Necessary without substantive public interest |
| | 21 NCAC 39 .0404 | ISSUANCE OF CERTIFICATES | Eff. February 1, 2011 | Necessary without substantive public interest |
| | 21 NCAC 39 .0405 | LICENSURE FOR MILITARY- TRAINED APPLICANT; LICENSURE FOR MILITARY SPOUSE | Eff. April 1, 2014 | Necessary without substantive public interest |
| SECTION .0500 - CERTIFICATION RENEWAL | 21 NCAC 39 .0501 | CONDITIONS AND LIMITATIONS FOR RENEWAL OF CERTIFICATIONS | Eff. February 1, 2011 | Necessary without substantive public interest |
| SECTION .0600 - CONTINUING EDUCATION REQUIREMENTS | 21 NCAC 39 .0601 | REQUIREMENTS | Amended Eff. January 1, 2016 | Necessary without substantive public interest |
| | 21 NCAC 39 .0602 | APPROVAL OF CONTINUING EDUCATION COURSES | Amended Eff. January 1, 2016 | Necessary without substantive public interest |

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| | 21 NCAC 39 .0603 | DETERMINATION OF CREDIT | Eff. February 1, 2011 | Necessary without substantive public interest |
| | 21 NCAC 39 .0604 | RECORDKEEPING | Eff. February 1, 2011 | Necessary without substantive public interest |
| | 21 NCAC 39 .0605 | SPECIAL PROVISIONS FOR CONTINUING EDUCATION | Eff. February 1, 2011 | Necessary without substantive public interest |
| SECTION .0700 - PROCEDURES FOR DISCIPLINARY ACTIONS | 21 NCAC 39 .0701 | REVOCAION, OR SUSPENSION OF CERTIFICATION | Amended Eff. January 1, 2016 | Necessary without substantive public interest |
| | 21 NCAC 39 .0702 | CERTIFICATION FOLLOWING REVOCAION OR VOLUNTARY SURRENDER OF CERTIFICATION | Eff. February 1, 2011 | Necessary without substantive public interest |
| | 21 NCAC 39 .0703 | PENALTIES | Eff. February 1, 2011 | Necessary without substantive public interest |

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| SECTION .0800 – ONSITE WASTEWATER CONTRACTOR OR INSPECTORS CODE OF ETHICS | 21 NCAC 39 .0801 | CODE OF ETHICS | Amended Eff. January 1, 2016 | Necessary without substantive public interest |
| SECTION .1000 - NC ON-SITE WASTEWATER INSPECTOR STANDARDS OF PRACTICE | 21 NCAC 39 .1001 | DEFINITIONS | Eff. October 1, 2011 | Necessary without substantive public interest |
| | 21 NCAC 39 .1002 | GENERAL REQUIREMENTS | Amended Eff. January 1, 2016 | Necessary without substantive public interest |
| | 21 NCAC 39 .1004 | GENERAL EXCLUSIONS | Amended Eff. January 1, 2016 | Necessary without substantive public interest |
| | 21 NCAC 39 .1005 | ON-SITE WASTEWATER SYSTEM COMPONENTS | Amended Eff. January 1, 2013 | Necessary without substantive public interest |
| | 21 NCAC 39 .1006 | MINIMUM ON- SITE WASTEWATER SYSTEM INSPECTION | Amended Eff. January 1, 2016 | Necessary without substantive public interest |

