

NCOWCICB
BOARD MEETING MINUTES
December 9, 2016 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: WALTER JAMES NOT PRESENT
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 RECUSED FROM DISCUSSION AND VOTING ON
NCSU CLASSES
JERRY PEARCE RECUSED FROM DISCUSSION AND VOTING NCSTA
CLASSES

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.

ANNA CHOI COUNSEL
DOUG LASSITER, NCSTA

10:10 a.m. Approval of Minutes from May 13, 2016 meeting (see minutes attached)
MOTION TO APPROVE DIANA RASHASH, 2ND JEFF KNIGHT, 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)	4/7/15	4/7/17

- End of the year reminder: SEI forms are due no later than April 15, 2017. These must be filed each year. If there are no changes and you file on time you should be able to use the short form. Once you have filed the SEI please send me notification that you have filed. This is the link for the SEI form and instructions: <http://www.ethicscommission.nc.gov/sei/blankForm.aspx>
- Please note the timeliness of your required education and filing of SEI is extremely important.
- Renewals for 2017 were due by 11/15/16 to be on time. The 2017 renewals have come in quicker than in years past we should remain close to same amount of active certification holders for 2017
- NCSU has held three courses this year for new installers and inspectors. These class have been well attended with average of 30 attendees for each class
- The fiscal year audit for 2015- 2016 was completed and once again the audit came out well. The auditor stated "this is as clean of a report as we can write"
- All required reports for the Board have been filed and on time. A new requirement in 2016 was a Department of Revenue report. This report goes in each year in June. Every licensing board must file a report listing each person we license along with their name, company name, address, phone and social security number. This Board had decided early on not to collect social security numbers. We are probably the only Board that did not collect this information on the application. Our application now has a blank for this information. The renewal forms for 2017 had the blank for

this information. The kick back in collecting this information was not nearly as great as I had anticipated. I tracked all the calls and the renewals that came in without it and were under 5% of the certification holders. The renewals that came in without it were mailed back and they were given the option to mail it in with the info or to call me with the information, most mailed it back.

- The social security information is not being databased on a system that has internet access. The Board now has a separate computer system solely for that purpose. The documents containing this information are held in a safe owned by the Board that is fireproof to 1700 degrees for 7 hours and water proof fully immersed for 8 hours. There are two keys and a combination to this safe, I have one and Jerry Pearce has one. The safe is located offsite from the office.
- The social security information can only be released to Department of Revenue or Child support agency by court order.

- Class Approval Request:

NCSU class approval request:

Re-approval for all classes approved in 2016

New class request:

Install 209 Control Panels 3 hours all levels

Install 225 Intro to TOS Inspections 6 hours all
Levels

Install 300 Pressure Manifolds 3 hours all levels

MOTION FOR APPROVAL GLENN HINES, 2ND

JERRY PEARCE, APPROVED

NCSTA class approval request:

Re-approval for regional classes held in 2016

MOTION TO APPROVE DIANA RASHASH, 2ND

GLENN HINES, APPROVED

SSSNC class approval request:

Approval of annual meeting 6 hours per day all

Levels

MOTION TO APPROVE MARK BROOKS, 2ND

GLENN HINES, APPROVED

Albermarle Regional Health class approval request:

Re-approval for class approved in 2016

MOTION TO APPROVE DIANA RASHASH, 2ND

GLENN HINES, APPROVED

Johnston County Annual Meeting class approval request:

Re-approval for class approved in 2016

MOTION TO APPROVE DIANA RASHASH, 2ND

GLENN HINES, APPROVED

Chatham County Annual Meeting class approval request:

Re-approval for class approved in 2016

MOTION TO APPROVE DIANA RASHASH, 2ND

GLENN HINES, APPROVED

Granville Vance County class approval request:

Re-approval for class approved in 2016

MOTION TO APPROVE DIANA RASHASH, 2ND

GLENN HINES, APPROVED

- Rules Review: As you aware each entity with rules is required to have a periodic review of each rule. The document listing all of the Board's rules is attached and each rule has been identified as required. This Board is a relatively new Board and we do not have old outdated rules. No comments have been received on any of our rules to date and each are identified as necessary without substantive public interest.

ANNA CHOI, BOARD COUNSEL ADDRESSED BOARD ON FULL REQUIREMENTS OF RULE REVIEW

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." MOTION JEFF KNIGHT, 2ND DIANA RASHASH, APPROVED

- Discussion of additions for the rule writing committee to be considering once we have completed rules review process RULE WRITING COMMITTEE WILL BE IN CONTACT WITH ANNA ABOUT ISSUES TO BE ADDRESSED IN NEXT RULES
- Complaint processing: How to file a complaint is on our website with easy access on the home page. Due to the fact that the Board only meets twice annually having a complaint review committee would be helpful in timely processing of these complaints. RUSS DAVIS DESIGNATED JERRY PEARCE AND MARK BROOKS AS GO TO FOR COMPLAINT REVIEW AND NEGOTIATION ISSUES WITH SPECIFIC COMPLAINTS AND THEY WILL BE ON ROTATION AND WILL NOT PARTICIPATE IN HEARINGS OR DISCUSSIONS OF THE COMPLAINT

JERRY PEARCE ASKED ABOUT LEH PERSONEL THAT WOULD NOT FILE COMPLAINT DUE TO SUPERVISION DISCOURAGING FILING, THEY CAN CALL THE OFFICE AND GIVE INFORMATION THE EXECUTIVE DIRECTOR CAN FILE A COMPLAINT ON THEIR BEHALF

- NCOWCICB Proposed Budget
FISCAL YEAR JULY 1, 2016 – JUNE 30, 2017

PROPOSED RECEIPTS		\$200,000
EXPENSES:		
SALARIES	\$72,800	
ATTORNEY*	30,000	
ACCOUNTING	20,000	
OFFICE RENT	6,000	
PRINTING	11,000	
TRAVEL	14,000	
POSTAGE	3,000	
PHONE	3,600	
BANK CHARGES	300	
INVESTIGATIONS**	4,000	
OFFICE SUPPLIES	1,500	
MISC	3,000	
TOTAL EXPENSES		\$169,200

*Attorney fees may be higher depending on number of complaints that go to hearing and/or prosecution. Funds may be transferred to general account from accounts held for future litigation.

**Investigations may be higher depending on number of complaints requiring investigations. Funds may be transferred to general account from accounts held for future litigation.

***Includes depreciation, web, meeting expense, and other misc

MOTION TO APPROVE THE BUDGET FOR FISCAL YEAR
JEFF KNIGHT, 2ND MARK BROOKS, APPROVED

11:00 a.m. Treasurer’s Report by Jerry Pearce, Treasurer
Financial Report as of October 31, 2016

Monies on hand:	
Capital Bank Operating Account	\$116,384.08
Select Bank*	\$235,309.61
Bank of Oak Ridge*	\$231,829.50
Sound Bank*	\$205,723.15
North State Bank*	\$103,368.21
New Bridge Bank*	<u>\$202,722.45</u>
Total Monies on hand	\$1,095,337.00

(*CD held for future enforcement)

See detailed YTD Financial Report Attached

MOTION TO APPROVE JEFF KNIGHT, 2ND DIANA RASHASH, APPROVED

- 11:15 a.m. Board shall enter Closed Session for discussion of complaints received
Motion to enter Closed Session GLENN HINES, 2ND MARK BROOKS,
APPROVED
- 11:45 a.m. Board shall re-enter regular session
Motion to re-enter regular session JERRY PEARCE, 2ND JEFF KNIGHT,
APPROVED
THE FOLLOWING COMPLAINTS WERE DISCUSSED IN CLOSED
SESSION:
Complaint number: 08261601 ETHICS VIOLATION, CONTACT INSTALLER
ABOUT COMPLAINT AND IF ISSUED NOT CORRECTED ORDER
INVESTIGATION, MOTION TO ACCEPT DECISION JEFF KNIGHT, 2ND
GLENN HINES, APPROVED
Complaint number: 10281601 INSTALL WITHOUT PERMIT, FIRST
OFFENSE, SEND LETTER OF ADMISSION OF GUILT MOTION TO
ACCEPT DECISION DIANA RASHASH, 2ND JERRY PEARCE, APPROVED
- 12:00 p.m. Update from Counsel Anna Choi
ANNA CHOI ADDRESSED BOARD ON APO PROGRESS
- 12:05 p.m. Presentation of Board Training by Counsel Anna Choi
OLB 93B TRAINING PRESENTATION AS REQUIRED EVERY TWO
YEARS FOR THE BOARD. THIS IS IN ADDITION TO THE REQUIRED
ETHICS TRAINING. ANNA WILL BE SENDING THE TRAINING TO
WALTER JAMES
- 12:40 p.m. Other Business:
- ELECTION OF OFFICERS:
CURRENT OFFICERS: RUSS DAVIS, CHAIR
RUSS AYERS, VICE CHAIR
JERRY PEARCE, TREASURER
MOTION BY MARK BROOKS TO KEEP OFFICERS THE SAME, 2ND
GLENN HINES, APPROVED
- Next Scheduled Board Meeting: May 12, 2017 in Raleigh, keep in mind the
Board meetings have been set as second Friday in May and December
- Reminder to Board: Hearing Date of February 17, 2017 in Raleigh Hilton Garden
Inn 9:00 A.M. START TIME, PLEASE CHECK YOUR EMAILS AS WE GET
CLOSER TO HEARING DATE FOR UPDATES
- 12:45 p.m. Meeting Adjourn MOTION JERRY PEARCE, 2ND JEFF KNIGHT, APPROVED

NCOWCICB Financial Report as of October 31, 2016

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Total Monies on hand	\$1,095,337.00

(*CD held for future enforcement)

YTD Receipts**

Fees Received	\$ 70,000
Interest Income	<u>\$ 1,188</u>
Total Receipts	\$ 71,188

YTD Expenditures**

Postage	\$ 1,880
Printing	\$ 5,408
Travel – Board	\$
Travel – Staff	\$ 1,001
Telephone	\$ 1,065
Misc Expense	\$ 45
Bank Charges	\$
Accounting	\$ 14,225
Contract Labor	\$ 24,267
Office Expense	\$ 602
Depreciation	\$ 114
Investigations	\$ 350
Legal Fees	<u>\$ 3,848</u>
Total Expenditures	\$ 52,805

(**Fiscal year runs July 1 – June 30th)

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

**SECTION .0400 -
CERTIFICATION
BY
EXAMINATION**

21 NCAC 39 .0401	ON-SITE WASTEWATER CONTRACTOR OR INSPECTOR EXAMINATIONS	Amended Eff. January 1, 2016	Necessary without substantive public interest
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21 NCAC 39 .0402	TIME AND PLACE OF EXAMINATION	Eff. February 1, 2011	Necessary without substantive public interest
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21 NCAC 39 .0403	CONDUCTING AND GRADING EXAMINATIONS	Eff. February 1, 2011	Necessary without substantive public interest
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21 NCAC 39 .0404	ISSUANCE OF CERTIFICATES	Eff. February 1, 2011	Necessary without substantive public interest
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21 NCAC 39 .0405	LICENSURE FOR MILITARY- TRAINED APPLICANT; LICENSURE FOR MILITARY SPOUSE	Eff. April 1, 2014	Necessary without substantive public interest
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**SECTION .0500 -
CERTIFICATION
RENEWAL**

21 NCAC 39 .0501	CONDITIONS AND LIMITATIONS FOR RENEWAL OF CERTIFICATIONS	Eff. February 1, 2011	Necessary without substantive public interest
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**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

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 REVOCATION 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
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