

NCOWCICB

Meeting Minutes

December 10, 2021 9:00 a.m.

LOCATION: Courtyard Raleigh Cary/Parkside Town Commons  
1008 Parkside Main Street Cary, NC

- 9:00 a.m. CALL TO ORDER: Russ Davis  
OPENING PRAYER: Jerry Pearce  
ROLL CALL: all present except Chris Dobbins  
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.  
Jerry Pearce will not participate in class discussions relating to NCSTA
- 9:10 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.
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- Doug Lassiter, NCSTA and Anna Choi counsel for Board  
Doug Lassiter addressed the Board NCSTA will be working with legislature in next session regarding items of interest in onsite wastewater.
- 9:20 a.m. Approval of minutes from 7/23/21 Meeting. See attached motion Jerry Pearce 2<sup>nd</sup> Russ Ayers, approved
- David Swinney addressed the Board he is no longer employed with LEH and is pursuing private sector work. Russ Davis advised the Board the GS reads that David's position required LEH as time of appointment he will remain on Board
- 9:25 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 <https://www.ncsbe.gov/Ethics/Education>
  - The following is what the Ethics Commission records show regarding the Board member's Ethics Training as of 12/6/21:
- | Board Member | Last Date Rcvd | Next Due Date |
|--------------|----------------|---------------|
| Russ Davis   | 1/14/20        | 1/14/22       |
| Russ Ayers   | 12/7/21        | 12/7/23       |
| Jerry Pearce | 12/5/21        | 12/6/23       |

Glenn Hines	4/20/20	4/20/22
Michael Robinson	12/8/20	12/8/22
Walter James	12/17/20	12/17/22
Chris Dobbins	7/12/21	7/12/23
David Swinney	5/5/20	05/05/22
Jim Beeson	11/20/07	02/28/22
Connie Stephens(EL)	7/7/21	7/7/23

- SEI submissions are due again for each Board member no later than 4/15/22. Please file these early and send an email to [csstephens@ncowcib.info](mailto:csstephens@ncowcib.info) once you have completed the filing you do not need to send the filing just an email to let me know you have filed. This is the link to file and most of you should be able to use the short form. <https://ethics.nc.gov/seis/regular-filers>
- Renewal and New Applicant update:  
2021 has been an extremely active year for certification. Renewals for 2021 were extended to March 2021 and a grace that ended in June 2021. Renewals for 2022 were due 11/15/21 to be on time and run through 12/31/21 with no late fee and extend to March 31, 2022 with late fee.

So far we have 70% of database already renewed and 2022 cards mailed out to them. Quite an accomplishment considering the cards were ordered in September and because of shipping delays didn't arrive until Nov 30<sup>th</sup>. With this amount already in we are on target to retain the same numbers as we have had in the past.

12 classes for new installers have been held this year and providers have a waiting list for when the 2022 class schedules release. Several of these applicants are second generation getting certified but a large portion of these are new to the industry. This trend seems to be keeping up with the building boom. NCSU requested that we raise the limit of attendees in the 18 hour and inspector class from 30 to 50 students and I responded with the Board set this limit to benefit the attendees as 30 is as large a group as needs to be in attendance at these classes. I would advise the Board to leave the limit in place with maximum of 30 attendees.

Hopefully 2022 will bring some sort of resemblance to normal.

- The financial audit for fiscal year 2020-2021 has been completed and the report was good with no issues found
- The first Evaluator class is set to be complete on Monday December 13, 2021. This class has gone extremely well and the first

applicants for evaluator will be taking the exam in January so we should have Evaluators up and running by mid-February of 2022

Jim Beeson participated in the class and stated he has been taking classes since mid 80's and by far best class he has ever been in.

- Class Approval Request:  
Discussions of concerns regarding classes  
Russ addressed the Board about classes and stated he will be doing more audits of classes. He attended two 18 hour classes and they were night and day in quality.

David Swinney stated that 30 is more than enough for 18 hour and inspector class. Russ Davis concurred. David made motion that that max be 30 for 18 hour and inspector class and that we add to criteria as needed to pursue better product. 2<sup>nd</sup> Walter James, approved

Request for class approvals:

NCSU request for reapproval of all classes approved in 2021 including 18 hour, inspector class, and onsite conference  
Motion to approve David Swinney 2<sup>nd</sup> Jim Beeson, approved

NCSTA request for reapproval of all classes approved in 2021 Including 18 hour, inspector class, annual convention, hands on training class, and Evaluator class  
Jerry Pearce will not participate in discussion or vote  
Motion to approve Walter James, 2<sup>nd</sup> Glenn Hines, approved

Johnston County request for reapproval of class approved in 2021 which was canceled, all levels, 6hours  
Motion to approve Walter James, 2<sup>nd</sup> Mike Robinson approved

Orange County request for approval of class, 6 hours all levels, meets minimum requirements  
Motion to approve David Swinney, 2<sup>nd</sup> Russ Ayers, approved

- The current rules for NCOWCICB state that employees of environmental health shall not install or evaluate outside of their employment duties. We currently have several persons certified that are employees of environmental health. Our general statute reads that a person that does not renew within the ninety day period following expiration of certification shall make application to reapply. Some of these certification holders have renewed some

have not. I need the Board's guidance on how to proceed with these individuals. I would recommend they stay in a pending status whether renewed or not until which time they are no longer employed by the onsite section or environmental health I'm just unsure of the legality of that.

Per Anna we have to follow statute and the certification holders will need to renew or if they expire they will have to follow procedures for re-certification

- NCOWCICB has received request to pursue a master level of certification. This process would require new rules and requirements and maybe even additions to our GS if the Board seeks to explore this level of certification.

Discussion held:

Jerry stated that we have had other discussions before regarding this and we need to have an overview of requirements.

Doug Lassiter addressed the Board. SC master program is very limited and has to do with covering a system if LEH doesn't come out. He strongly advises against using FL as a model. He would advise that requirements regarding strong education, insurance, previous verified experience in onsite. Under GS this Board has authority to establish levels of certification would need to add definition for master installer. The only difference between IV and master would be the master would also have the ability to cover a system without it being inspected.

Russ Ayers stated we should back up and think about responsibility and where it would be the installer in regards to liability. This seems to be putting liability over to the installer. Cost would go up because of insurance etc. If an installer makes a mistake and the system gets inspected there is an opportunity to catch the mistake before it's covered.

Jim Beeson stated that LSS dealt with same scenario early on in that they would be better off in long run to hold the liability in the private sector. This is just a start of a conversation.

David Swinney said that rule 1937 section I states that an authorized agent must approve before an operation permit can be issued section m references it also. Not sure can override this.

Jerry stated that sometimes getting an inspection form LEH has become more and more difficult due to lack of personnel. Installers should accept responsibility of their install. This is a conversation and a starting point for the future. There a lot of times installers have to educate the inspector. We need to take a proactive stance in moving forward.

Connie stated maybe should look outside the box and consider a private inspector of systems instead of a Grade Level V/ Master installer. Much discussion held

Russ Davis asked David Swinney, Jim Beeson, Walter James and Russ Ayers to form a committee to discuss how to move forward with this and bring back to Board in May

11:00 a.m. Treasurer's Report by Jerry Pearce, Treasurer  
Financial Report as of October 31, 2021

Monies on hand:	
First Horizon Operating Account	\$148,293.65
Select Bank*	\$245,756.83
Bank of Oak Ridge*	\$233,660.30
Sound Bank*	\$228,871.09
North State Bank*	\$233,867.56
First Bank*	\$226,340.62
First National*	<u>\$205,167.48</u>
Total Monies on hand	\$1,521,957.53

(\*CD held for future enforcement)

See detailed YTD Financial Report Attached

Motion to accept Glenn Hines , 2<sup>nd</sup> Russ Ayers , approved

Does anyone on Board sit on committees or Boards for Union Bank of NC in Youngsville? None noted

11:15 a.m. Board shall enter Closed Session for discussion of complaints received,  
Motion Walter James , 2<sup>nd</sup> Russ Ayers  
Motion to enter closed session

11:45 a.m. Board shall re-enter regular session  
MOTION TO GO INTO REGULAR SESSION  
David Swinney , 2<sup>nd</sup> Russ Ayers  
Motion to return to regular session  
THE FOLLOWING COMPLAINTS WERE DISCUSSED IN CLOSED SESSION:  
COMPLAINTS REVIEWED AND DECISIONS BY BOARD LISTED UNDER EACH COMPLAINT

Complaint 04041901 complaint was set for hearing  
Motion to dismiss due to lack of evidence Jim Beeson, 2<sup>nd</sup> David Swinney,  
approved

Complaint 09241901 complaint heard at office of administrative hearing and  
findings are not back from OAH Board will need to have special meeting  
regarding recommendation of OAH a date will be set later in agenda must be  
within 120 days

Complaint 09222101 improper installation and permit not followed  
Jerry Pearce left the room  
Issue letter of admission that follow up with homeowner and county to attempt to  
come to solutions , motion David Swinney, 2<sup>nd</sup> Michael Robinson , approve  
Complaint 08172101 incorrect inspection  
David Swinney motion to dismiss, 2<sup>nd</sup> Glenn Hines, approved

12:00 p.m. Other business:

Election of officers:

Current Slate of Officers: Russ Davis, Chairman  
Russ Ayers, Vice-Chairman  
Jerry Pearce, Treasurer

Motion to keep current slate of offices, Walter James, 2<sup>nd</sup> Jim Beeson, approved

Next Board Meeting:

For tele-meeting consider dates first three weeks of Feb 1<sup>st</sup>, 10:30 a.m.

The next scheduled meeting is May 13, 2022 in Cary, keep in mind the Board  
meetings have been set as second Friday in May and December.

Meeting Adjourn:

Lunch will be served

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YTD Receipts\*\*

Fees Received	\$74,175
Interest Income	<u>\$ 2,945</u>
Total Receipts	\$77,120

YTD Expenditures\*\*

Postage	\$ 1,638
Printing	\$ 1,652
Travel – Board	\$ 3,651
Travel – Staff	\$ 435
Telephone	\$ 1,137
Misc Expense	\$ 166
Bank Charges	\$ 80
Accounting	\$ 20,370
Salaries	\$ 24,268
Payroll Taxes	\$ 1,964
Insurance	\$ 4,000
Office Expense	\$ 1,112
Depreciation	\$ 468
Office Rent	\$ 2,000
Investigations	\$ 0
Hearing Expense	\$ 0
Meeting Expense	\$ 1,669
Web Expense	\$ 431
Legal Fees	<u>\$ 8,670</u>
Total Expenditures	\$ 73,711

(\*\*Fiscal year runs July 1 – June 30<sup>th</sup>)

