

NCOWCICB  
Meeting Minutes December 9, 2022  
Minutes Approved 7/14/23  
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: Everyone 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  
Jerry Pearce and Chris Dobbins will recuse from NCSTA class request
- 9:05 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.
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- 9:10 a.m.      Doug Lassiter NCSTA, Anna Choi Counsel for Board, Jeff Kerr  
Approval of minutes from 5/13/22 Meeting. See attached  
Motion to approve David Swinney, 2<sup>nd</sup> Jerry Pearce, approved
- 9:15 a.m.      Request received from Doug Lassiter, Executive Director for NCSTA. Mr. Lassiter will be giving the Board an update on proposed legislative updates that may impact NCOWCICB. Board positions that are up for reappointment will be presented to proper appointing authorities. Potential changes in wording of G.S. to reflect current positions of the Board and clarifications for certified evaluators.
- Discussion held by Board regarding moving forward with the relatively new certification of Evaluator and making sure the G. S. is clear and concise.
- Russ Ayers expressed concerns that the certification holders need to clearly understand that the certification holder is ultimately the responsible for actions of employees and anyone that performs services

9:25 a.m.

Update from Administrator:

- The annual audit for fiscal year 2021/2022 has been completed and it came back with no issues.
- **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	1/13/22	1/13/24
Russ Ayers	12/7/21	12/7/23
Jerry Pearce	12/5/21	12/6/23
Glenn Hines	4/20/22	4/20/24
Michael Robinson	12/8/22	12/8/24
Walter James	12/17/20	12/17/22
Chris Dobbins	7/12/21	7/12/23
David Swinney	7/13/22	7/13/24
Jim Beeson	12/8/21	12/8/23
Connie Stephens(EL)	7/7/21	7/7/23

- Reminder: SEI filings are due on or before 4/15/23. Please file on time and do not wait until the last minute as sometimes the system has issues due to overloading around April 15<sup>th</sup>. By filing on time you should be able to use the short form. SEI filing is required for every Board member each year. Below is the website to file from:  
[www.ethics.nc.gov/seis/regular-filers](http://www.ethics.nc.gov/seis/regular-filers)

Please send me an email once you have filed

- Renewals:  
Renewals are still being received. The due date to be on time for renewals is 11/15 each year and 70% of 2022 certification holders renewals have been received and processed.
- New Applicant update: We have continued to see a record number of new applicants in 2022 and it's looking like that trend will continue through 2023. NCSTA held 12 new installers classes and 4 new inspector classes. NCSU held 4 new installer classes and 2 new inspector classes. The 2023 schedule will most likely be the same.
- In 2022 NCSTA held three Evaluator class and just completed the last one 11/29/22. NCOWCICB currently has 40 Evaluators certified and with the next exam in February we should add an additional 10. New Evaluator classes will be scheduled based on interest from potential applicants.

- Class Approval Request:  
Request for class approvals:

Discussion and review of required classes to receive certification as an installer or inspector. Currently required classes for installer or the introduction class and additional continuing education hours, for inspector the introduction inspector class and for Evaluator the evaluator class.

Motion David Swinney to require Inspector 24 hour beginning class plus 6 hour c/e class before qualifying for exam , 2<sup>nd</sup> Russ Ayers, Glenn Hines opposed, approved

Approval Request Received:

Orange County reapproval of previous course 6 hours all levels.  
Motion to approve David Swinney, 2<sup>nd</sup> Jerry Pearce, approved

NCSU reapproval of previous courses including continuing education, introduction classes, and annual conference.  
Motion to approve David Swinney 2<sup>nd</sup> Chris Dobbins, approved

NCSTA reapproval of previous course including continuing education, introduction classes, annual convention, and hands on training classes.  
Motion to approve David Swinney, 2<sup>nd</sup> Walter James, approved

SSSNC conference 6 hours each day all certification credits  
Motion to approve with no approval for virtual portions Russ Ayers, 2<sup>nd</sup> Jerry Pearce, approved

- Projected Budget for fiscal year 2022/2023

Income	\$325,000
Expenses	
Postage	\$ 4,000
Printing	\$ 15,000
Travel – Board	\$ 15,000
Travel – Staff	\$ 5,000
Telephone	\$ 4,000
Misc Expense	\$ 1,000
Bank Charges	\$ 500
Accounting	\$ 35,000
Salaries	\$ 86,000
Payroll Taxes	\$ 6,500
Insurance	\$ 12,000
Office Expense	\$ 5,000
Depreciation	\$ 1,800
Office Rent	\$ 6,000

Investigations	\$ 1,000
Hearing Expense	\$ 2,000
Meeting Expense	\$ 9,000
Web Expense	\$ 1,200
Legal Fees	\$ 25,000
Total projected expenses	\$235,000

Motion to approve: Mike Robinson, 2<sup>nd</sup> Walter James, approved

- Update from committee on potential new certifications:  
Jim Beeson, Russ Ayers, David Swinney committee will be meeting again to further discuss. The outcome so far is not for master installer for potentially for a special inspector. The committee will come to next meeting with information.

10:46 a.m. Treasurer's Report by Jerry Pearce, Treasurer  
Financial Report as of October 31, 2022

Monies on hand:	
First Horizon Operating Account	\$234,347.05
First Citizens*	\$245,843.03
Bank of Oak Ridge*	\$234,128.08
Dogwood*	\$235,840.96
North State Bank*	\$235,274.97
First Bank*	\$226,793.75
Union Bank*	\$ 50,031.45
First National*	<u>\$205,249.20</u>
Total Monies on hand	\$1,667,508.49

(\*CD held for future enforcement)

See detailed YTD Financial Report Attached

Jerry Pearce reviewed details. NCOWCICB will be seeking another bank to open CD with another bank

Russ spoke to Board about potentially purchasing a property for Board

Motion to accept Mike Robinson, 2<sup>nd</sup> Chris Dobbins, approved

10:20 a.m. Board shall enter Closed Session for discussion of complaints received,  
Motion to enter closed session Jerry Pearce, 2<sup>nd</sup> Russ Ayers, approved

10:30 a.m. Board shall re-enter regular session  
Motion to enter regular session: motion to re-enter regular sessions Chris Dobbins, 2<sup>nd</sup>  
Glenn Hines, return to regular session

THE FOLLOWING COMPLAINTS WERE DISCUSSED IN CLOSED SESSION:  
COMPLAINTS REVIEWED AND DECISIONS BY BOARD LISTED UNDER EACH  
COMPLAINT

Complaint 02222201 update from previous complaint review closure with warning

Motion David Swinney, 2<sup>nd</sup> Jerry Pearce, approved

Complaint 04252201 review of former complaint decision seek injunction Motion Walter James, 2<sup>nd</sup> Jerry Pearce, approved

Complaint 05102201 review of former complaint Russ Ayers was recused, decision admission of guilt Motion Jim Beeson, 2<sup>nd</sup> Mike Robinson, approved

Complaint 08302201 incomplete inspection 6 month of suspension take inspection class during suspension, motion David Swinney, 2<sup>nd</sup> Walter James, approved

Complaint 5192201 did not complete install admission of guilt for incomplete installation, Motion Walter James, 2<sup>nd</sup> Chris Dobbins, approved

Complaint 09262201 install without permit, damage to system, admission of guilt, 12 month stayed suspension and must attend new installer class within suspension period motion Jerry Pearce, 2<sup>nd</sup> Mike Robinson, approved

Complaint 08122201 install without permit revoke certification, Motion Glenn Hines, 2<sup>nd</sup> Jim Beeson, approved

12:05 p.m.

Other business:

Please note the Board will need to hold a hearing on complaint that was scheduled for today prior to the May meeting probably looking for Feb 23, 2023  
Anna gave brief review of hearing protocol

The next scheduled meeting is May 12, 2023 in Cary, keep in mind the Board meetings have been set as second Friday in May and December.

Motion to adjourn meeting: Glenn Hines, 2<sup>nd</sup> Russ Ayers, meeting ajourned

Lunch will be served

NCOWCICB Financial Report as of October 31, 2022

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Union Bank*	\$ 50,031.45
First National*	<u>\$205,249.20</u>
Total Monies on hand	\$1,667,508.49
(*CD held for future enforcement)	

YTD Receipts\*\*

Fees Received	\$ 89,000
Interest Income	<u>\$ 2,708</u>
Total Receipts	\$ 91,708

YTD Expenditures\*\*

Postage	\$ 1,587
Printing	\$ 6,565
Travel – Board	\$ 0
Travel – Staff	\$ 2,375
Telephone	\$ 1,911
Misc Expense	\$ 0
Bank Charges	\$ 161
Accounting	\$ 2,800
Salaries	\$ 24,268
Payroll Taxes	\$ 1,929
Insurance	\$ 4,000
Office Expense	\$ 1,251
Depreciation	\$ 604
Office Rent	\$ 2,000
Investigations	\$ 0
Hearing Expense	\$ 0
Meeting Expense	\$ 1,103
Web Expense	\$ 263
Legal Fees	<u>\$ 3,694</u>
Total Expenditures	\$ 54,511

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

Note to statement: deposits were made in November of \$94,000

NCOWCICB  
Meeting Agenda with Minutes  
May 13, 2022 8:30 a.m.  
LOCATION: Courtyard Raleigh Cary/Parkside Town Commons  
1008 Parkside Main Street Cary, NC

8:30 a.m. CALL TO ORDER: Russ Davis  
OPENING PRAYER: Jerry Pearce  
ROLL CALL: all 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 None noted

8:35 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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8:40 a.m. Doug Lassiter with NCSTA and Board counsel Grant Simpkins  
Approval of minutes from 12/20/21 Meeting. See attached  
Motion to approve David Swinney 2<sup>nd</sup> Mike Robinson approved

8:45 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>
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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	12/8/21	12/8/23
Connie Stephens(EL)	7/7/21	7/7/23

- Thank you to Board members for each of you filing SEI on time

- Renewal and New Applicant update:  
We lost very few certification holders in 2022 to non-renewal. We are also seeing a large volume of new applicants for certification. NCSU has 6 new classes this year and NCSTA has 12 this year even with those numbers there is still a wait list for attendees. NCSTA will be adding another couple of classes to the 2022 schedule.
- The first certifications for evaluator were issued at the beginning of February and there are two more classes scheduled in June. Depending on demand there may be another class added to that schedule
- Class Approval Request:  
Request for class approvals:  
  
Jackson County reapproval of previous c/e class 6 hours all levels have signed form that department will not close motion to approve David Swinney 2<sup>nd</sup> Jerry Pearce, approved

Orange County held class in February when I received notice from attendee that portions would be virtual, I contacted them and told them the approval was for in person only. They wanted to see where we were allowed to make this requirement and I gave them the information that gives the Board the authority to set class requirements and advised them that the Board had already addressed this issue and decided that in person only would be approved. Thomas Privott requested an appeal to the decision and I told him I would add him to the agenda even though we had already addressed this issue. He stated that if someone had symptoms of COVID and couldn't attend that would place them in a hardship to which I responded there are numerous classes across the state and numerous ones in close proximity to Orange county where the certification holder could receive their hours.



- Projected Budget for fiscal year 2022/2023

Income	\$290,000
Expenses	
Postage	\$ 3,500
Printing	\$ 15,000
Travel – Board	\$ 10,000
Travel – Staff	\$ 4,000
Telephone	\$ 3,500
Misc Expense	\$ 1,000
Bank Charges	\$ 500
Accounting	\$ 30,000
Salaries	\$ 74,000
Payroll Taxes	\$ 5,500
Insurance	\$ 12,000
Office Expense	\$ 5,000
Depreciation	\$ 1,500
Office Rent	\$ 6,000
Investigations	\$ 1,000
Hearing Expense	\$ 2,000
Meeting Expense	\$ 7,500
Web Expense	\$ 1,200
Legal Fees	\$ 25,000

Motion to approve Jim Beeson, 2<sup>nd</sup> Chris Dobbins, approved

- At the May meeting Russ Davis asked David Swinney, Jim Beeson, Walter James and Russ Ayers to form a committee to discuss how to move forward with some type of master installer or designer program. Update on this info from committee:

Russ Davis said that committee will meet after meeting today to get started

10:30 a.m. Treasurer’s Report by Jerry Pearce, Treasurer  
Financial Report as of March 31, 2021

Monies on hand:	
First Horizon Operating Account	\$256,644.32
First Citizens*	\$245,843.03
Bank of Oak Ridge*	\$233,853.71
Dogwood*	\$231,729.18
North State Bank*	\$235,274.97
First Bank*	\$226,527.97
First National*	<u>\$205,193.06</u>
Total Monies on hand	\$1,635,066.24

(\*CD held for future enforcement)

See detailed YTD Financial Report Attached

Motion to accept Walter James, 2<sup>nd</sup> Glenn Hines, approved

Russ Ayers asked about the online renewals discussion was held process will remain as is

10:35 a.m. Board shall enter Closed Session for discussion of complaints received,  
Motion to enter closed session Jerry Pearce, 2<sup>nd</sup> Glenn Hines

11:30 a.m. Board shall re-enter regular session  
MOTION TO GO INTO REGULAR SESSION

David Swinney, 2<sup>nd</sup> Mike Robinson

THE FOLLOWING COMPLAINTS WERE DISCUSSED IN CLOSED SESSION:  
COMPLAINTS REVIEWED AND DECISIONS BY BOARD LISTED UNDER EACH  
COMPLAINT

Complaint 02222201 Jerry Pearce didn't participate stayed suspension 6 months motion  
David Swinney, 2<sup>nd</sup>, Chris Dobbins approved

Complaint 04072201 revocation motion Walter James 2<sup>nd</sup> Mike Robinson, approved

Complaint 04252201 letter to him motion David Swinney 2<sup>nd</sup> Chris Dobbins, approved

Complaint 01072201 injunction motion Walter James, 2<sup>nd</sup> Glenn Hines, approved

Complaint 05102201 mail letter admission of guilt motion Jerry Pearce 2<sup>nd</sup> Russ Ayers,  
approved

Russ Davis address Board regarding complaints received in between meetings.

Russ Ayers stated there are situations now that consumers have options other than just  
using health departments as they did before and feel like we will see issues where one  
company holds numerous certifications and there must be separation between  
responsibilities. He gave scenarios where conflicts may occur. His fear is that the  
environment will suffer because of these scenarios.

Russ Davis went through several scenarios where soils work was done incorrectly and now  
homeowners have systems that don't work.

Jim Beeson said in some of those cases the consumer would have tort claim against  
county. If soils were reviewed incorrectly then the consumer could file a lawsuit against  
soil scientist.

Russ Davis stated that we will start to see more issues come up and we may need to meet  
more often based on number of complaints.

Jerry Pearce referenced what Russ Ayers was talking about in one company having all the  
certifications or licenses to do everything from permitting to soils to installation etc.

11:35 a.m. Other business:

The next scheduled meeting is December 9, 2022 in Cary, keep in mind the Board meetings have been set as second Friday in May and December.

Motion to adjourn meeting: David Swinney, 2<sup>nd</sup> Jerry Pearce, adjourned.

Lunch will be served

NCOWCICB Financial Report as of March 31, 2022

Monies on hand:

First Horizon Operating Account	\$256,644.32
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Dogwood*	\$231,729.18
North State Bank*	\$235,274.97
First Bank*	\$226,527.97
First National*	<u>\$205,193.06</u>
Total Monies on hand	\$1,635,066.24

(\*CD held for future enforcement)

YTD Receipts\*\*

Fees Received	\$265,750
Interest Income	<u>\$ 7,702</u>
Total Receipts	\$273,452

YTD Expenditures\*\*

Postage	\$ 2,656
Printing	\$ 12,275
Travel – Board	\$ 8,376
Travel – Staff	\$ 2,526
Telephone	\$ 2,557
Misc Expense	\$ 252
Bank Charges	\$ 315
Accounting	\$ 25,430
Salaries	\$ 55,803
Payroll Taxes	\$ 4,409
Insurance	\$ 9,000
Office Expense	\$ 2,222
Depreciation	\$ 1,248
Office Rent	\$ 4,500
Investigations	\$ 338
Hearing Expense	\$ 0
Meeting Expense	\$ 5,251
Web Expense	\$ 751
Legal Fees	<u>\$ 17,188</u>

Total Expenditures	\$155,097
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(\*\*Fiscal year runs July 1 – June 30<sup>th</sup>)