

NCOWCICB

Meeting Agenda Minutes Approved 12/9/22

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.

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 2nd 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>
- 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	12/8/20	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 2nd 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, 2nd 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, 2nd 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, 2nd Glenn Hines

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

David Swinney, 2nd 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, 2nd, Chris Dobbins approved

Complaint 04072201 revocation motion Walter James 2nd Mike Robinson, approved

Complaint 04252201 letter to him motion David Swinney 2nd Chris Dobbins, approved

Complaint 01072201 injunction motion Walter James, 2nd Glenn Hines, approved

Complaint 05102201 mail letter admission of guilt motion Jerry Pearce 2nd 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, 2nd Jerry Pearce, adjourned.

Lunch will be served

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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 30th)