

Minutes
Well Contractors Certification Commission Meeting
May 3, 2016
Raleigh, NC

The regularly scheduled meeting of the Well Contractors Certification Commission was called to order on Tuesday, May 3, 2016 at **11 am** at 5605 Six Forks Rd. ("Bldg. 3"), Raleigh, NC, 1st Floor, Cardinal Conference Rm. with Chairman Daniel Ortiz presiding. The following persons were in attendance for the meeting:

Commission Members

John Boyette
David Brown
Jonathan Dills
Douglas McVey
Daniel Ortiz
Thomas Whitehead
Billy Yow

WCC Staff

Andrew Morgan
Joanne Rutkofske

DHHS Staff

Wilson Mize
Nancy Deal
Larry Michael

Legal Staff

John Barkley

Guests

I. Preliminary Matters

(1) Chairman Daniel Ortiz welcomed everyone in attendance and called the meeting to order. He then read the NC State Government Ethics Act which mandates that the Chairman inquire as to whether any member knows of a conflict of interest or appearance of conflict with respect to matters before the Commission. He asked if any member knows of a conflict of interest or appearance of a conflict. No conflicts noted.

(2) The chairman also read a statement on the purpose of the Well Contractors Certification Commission: (Article 7A-Well Contractors Certification, G.S. 87-98.3). **Purpose:** It is the purpose of this Commission to protect the public health and safety by ensuring the integrity and competence of well contractors, to protect and beneficially develop the groundwater resources of the State, to require the examination of well contractors and the certification of their competency to supervise or conduct well contractor activity, and to establish procedures for the examination and certification of well contractors.

(3) Notation of Any Revisions or Additions to the Agenda: There were none.

II. Action Items

(1) Approval of Minutes

The Commission reviewed the August 4, 2015 meeting minutes. Noted to add Commissioner Boyette to the roster of that meeting. Commissioner Dills made a motion that the corrected minutes be approved. Commissioner Boyette made a second to the motion. A vote was taken and the motion passed unanimously.

(2) New Commissioner

Commissioner McVey introduced himself to the Commission. Commissioner McVey is from Buncombe County. The Evaluation of Statement of Economic Interest filed by Mr. Douglas McVey is included in the meeting packet. Chairman Ortiz reads from the evaluation from the Ethics Commission that "We did not find an actual conflict of interest, but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity."

Staff provided an updated Commission roster included in the meeting packet and posted the updated roster online.

(3) Impact of G.S. 93B-15.1, Military Experience

Commission counsel John Barkley presented the topic. Staff drafted language for Section .0500 of the Chap. 27 Well Contractor Certification Rules to address the General Statute change. The change provides that the Commission may waive the written exam and field observation for those with appropriate experience from the military, and their spouses holding an equivalent licensure. This is similar to the reciprocity allowance already in place in the Chap. 27 rules. Commissioner Boyette made a motion to move forward with rulemaking for Section .0500. Commissioner McVey made a second to the motion. A vote was taken and the motion passed unanimously.

(4) Clarification of Plumber Exemption

The Commission reviewed the G.S. 87-98.4(b)(13) limited exemption for plumbers to install pumps in wells. The question was raised whether this exemption applies to plumber sub-licensees. The Commission responded that it does not.

(5) Move Commission and staff to DEQ or Out of State Government

Data was provided by staff giving estimates of the financial impact of staying within state government versus leaving. The topic was tabled until the February 2017 Commission meeting to allow collection of data from one more renewal for the topic.

(6) Letterhead Update

State government has adopted a new "NC" logo for all communications including letterhead. Being an appointed body, not just state employees, the Commission has some leeway with the type of letterhead to use. The Commission reviewed a variety of updated letterhead styles drafted by staff and samples of what other licensing boards are doing. The Commission selected an "NC" logo version similar to the style adopted by the Departments.

Commissioner McVey made a motion to adopted letterhead option #2. Commissioner Dills made a second to the motion. A vote was taken and the motion passed unanimously.

(7) 10-Year Required Rules Review

A review of the rules is now required every 10 years in state government. The Commission reviewed each section of the Chap.27 Well Contractor Certification Rules and made a determination of whether each section was "Necessary with Substantive Public Interest", "Necessary without Substantive Public Interest", or "Unnecessary."

Commissioner Dills made a motion that all sections of the Chap.27 rules be deemed "Necessary with Substantive Public Interest." Commissioner McVey made a second to the motion. A vote was taken and the motion passed unanimously.

The rules with the determinations now go out for a 60-day public comment period after which time the Commission will review any comments received.

III. Information Items

(1) Staff Report

The staff report was presented by Drew Morgan. The report listed out-of-cycle exams, exam reviews, civil penalties assessed, outreach events and other staff activities that occurred between August 2015 and April 2016. Ten exam reviews were provided and 72 exams were given. There were no questions by Commissioners.

(2) Review Committee Report

Commissioner Brown presented the Review Committee report for Committee meetings held August 2015 through April 2016. The Review Committee met every month. At the meetings 60 applications for certification were reviewed and 27 applications for preapproval of continuing

education. The Committee is looking for continuing education courses to be more tightly focused on well contractor activities to grant approval now that the amount of CEU required is so drastically reduced.

(3) Budget Committee Report

The Budget Committee report was presented by Commissioner Whitehead. The Committee reviewed options on purchasing a replacement vehicle for staff. Wilson Mize will look into whether the current vehicle may be used as a trade-in.

The Committee also reviewed pricing for a provider that could transition the drillers database into a "web-based" system. The estimates were too pricey. Staff directed to continue looking for more cost effective options for getting the computer systems improved.

(5) Disciplinary Committee Report

The Disciplinary Committee report was presented by Chairman Ortiz. The Committee head cases on Joshua Burnette, Raymond Brown and Christopher Bullins. The Committee directed staff to inform counties of the option to phone-in to meetings if needed to facilitate attendance. The Committee voiced concern that counties inform Commission staff if issues are later resolved so that well contractor certification renewals will not be inadvertently held up.

(5) Ethics Update

Joanne Rutkofske provided the Ethics update. A tracking list of when each Commissioner must obtain additional Ethics training was provided.

V. Upcoming Meetings

Commission Meeting – August 2, 2016 @11am, 5605 Six Forks Rd., Raleigh, NC

Review Committee – June 7, 2016 @10am, 4000 Chi Rd., Raleigh, NC

Budget Committee – July 5, 2016 @11am, Greensboro, NC (@NCGWA)

VI. Closing Remarks

No closing remarks noted.

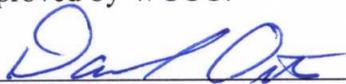
VI. Adjournment

With no further business or comments from Commission or Staff, the meeting was adjourned at 1:40 p.m.

Respectfully submitted,

Joanne Rutkofske
WCC Staff

Approved by WCCC:



Daniel Ortiz, REHS
Chairman, Well Contractors Certification Commission
www.wellcontractors.nc.gov

11-1-16

Date