

Minutes
Well Contractors Certification Commission Meeting
February 4, 2020 10:00 AM

The regularly scheduled meeting of the Well Contractors Certification Commission was called to order on Tuesday, February 4th, 2020 at 10:09 AM at 1100 E. Wendover Ave., Greensboro, NC, Rm. 416 with Chairman Doug McVey presiding. The following persons were in attendance for the meeting:

Commission Members

Justin Barefoot (absent)
David Brown
Jonathan Dills (absent)
Laura Honeycutt
Doug McVey
Todd Muench
Billy Yow

WCC Staff

Andrew Morgan

DHHS Staff

Wilson Mize

Legal Staff

John Barkley (via telephone)

Guests

Doug Young (Crane Pumps)
Hugh D. Harris

I. Preliminary Matters

(1) Chairman Doug McVey called the meeting to order and requested cellular telephones be silenced. Chairman McVey then requested the guest in attendance be introduced. Mr. Morgan introduced Mr. Doug Young of Crane Pumps to the Commissioners. Mr. Young gave a short explanation of his experience and informed the Commissioners he has applied for the public at large seat currently occupied by Jonathan Dills.

(2) Chairman McVey 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. Commissioner Yow brought forward a situation in Guilford County that may or may not come before Disciplinary Committee. Mr. Barkley advised that Commissioners Yow and Honeycutt recuse themselves if this issue is brought to the Disciplinary Committee.

(3) 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.

(4) Notation of Any Revisions or Additions to the Agenda

Mr. Morgan requested an addition that Mr. John Nykamp be authorized to assist with the written examination on February 5, 2020.

II. Action Items

(1) Approval of Minutes

The Commission reviewed the November 5, 2019 meeting minutes. Commissioner Billy Yow made a motion to approve the November 5, 2019 minutes. Commissioner Todd Muench seconded the motion. A vote was taken and the motion passed unanimously.

(2) Hugh David Harris level D application denial

Mr. Barkley advised the Commission that if Mr. Harris requests a formal appeal of his application denial Chapter 150B of the Administrative Procedures Act Article 3A must be followed which would require a separate meeting or separate the meeting from a Commission meeting, also a court reporter would create a full record and evidence would be presented under oath. The Commission would also have the option of requesting the appeal be heard by an Administrative Law Judge in the Office of Administrative Hearings.

Mr. Harris addressed the Commission and briefed the Commissioners on his employment and work history and stated he is not qualified to install well pumps.

Commissioner Brown informed Mr. Harris that collecting water samples from wells and advising well owners on how to properly chlorinate wells are not well contractor activities.

Further, Commissioner Brown pointed out that Mr. Harris just stated to the Commission he is not qualified to install well pumps which is a level D well contractor activity.

Mr. Harris then requested an informal review of his level D application.

At 10:30 AM Commissioner Yow motioned to go into closed session to discuss Hugh Harris level D application. Commissioner Brown seconded the motion. A vote was taken and the motion passed unanimously.

At 10:53 AM Commissioner Honeycutt motioned to come out of closed session. Commissioner Muench seconded the motion. A vote was taken and the motion passed unanimously.

Chairman McVey informed Mr. Morgan the review request from Mr. Harris is denied and Mr. Morgan is to craft a letter to Mr. Harris informing him of the Commission decision and his appeal rights.

(3) Moving to DWR if staying in State government

After a short discussion on moving to DEQ/DWR there is a consensus that switching departments will not eliminate current Commission obstacles with State government.

Chairman McVey stated there will be a vote on going independent when all Commissioners are in attendance.

III. Information Items

(1) Staff Report

The staff report was presented by Drew Morgan, for activities that occurred between November 2019 and January 2020:

1) Exam Reviews	7
2) Exams	16
3) Field Observations	6
4) Civil Penalty Assessments	1

Chairman McVey thanked Mr. Mize for his help with the part time office assistant position that should be advertised soon. A Commission member may assist with interviews depending on applicants and schedules.

(2) New database update

Commissioners reviewed the timeline included in the meeting packet. The process is awaiting IT approval.

(3) Review Committee Report

Commissioner Brown presented the Review Committee report for meetings held in November 2019, December 2019 and January 2020. The Review Committee has reviewed 12 applications for certification level A, 5 for level B, 11 for level C and 1 for level D. The Committee also reviewed 6 continuing education courses for pre-approval. Committee Chair Brown briefed the Commission on exam reference updates and test bank question revisions. Mr. Nykamp is authorized to assist with the February 5, 2020 written examination.

(4) Budget Committee Report

Commissioner Yow presented the Budget Committee report for the January 2020 meeting. Currently, the Committee is holding back on money in case the Commission votes to go independent. Future continuing education funding for NC GWA and NDA was also discussed.

(5) Douglas Young

Mr. Young informed the Commission he requested Governor Cooper appoint him to the Commission. The Governor's office has responded via email to Mr. Young that he will be appointed if Ethics Commission determines there is no conflict of interest.

(6) Ethics Update

Mr. Barkley reminded the Commissioners to complete their Ethics Training when due and Statement of Economic Interest prior to April 15 each year. Additionally, Mr. Barkley wants to provide legal training to Commissioners at the May 5, 2020 meeting.

IV. Upcoming Meetings

Commission Meeting – May 5, 2020 @ 10am, 1100 E. Wendover Ave., Greensboro, NC

Review Committee – Mar. 3, 2020 @ 10:00am, at 501 Millstone Dr., Hillsborough, NC

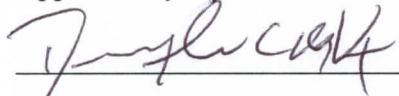
Budget Committee – Jul. 25, 2020 @ 11am, at 2101 N. Oak St., Myrtle Beach, SC

V. Adjournment

With no further business or comments from Commission or Staff, the meeting was adjourned at 11:45 AM

Respectfully submitted,
Andrew Morgan, REHS
WCC Staff

Approved by WCCC:



Douglas McVey, MS, REHS
Chairman, Well Contractors Certification Commission

www.wellcontractors.nc.gov

May 5, 2020

Date