

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

The regularly scheduled meeting of the Well Contractors Certification Commission was called to order on Tuesday, August 4th, 2020 at 10:09 AM at 400 W. Market St., Greensboro, NC, Rm. 320 with Chairman Doug McVey presiding. The following persons were in attendance for the meeting:

Commission Members

Justin Barefoot  
David Brown  
Chris Deal (via telephone)  
Laura Honeycutt  
Doug McVey  
Todd Muench  
Doug Young (via telephone)

WCC Staff

Andrew Morgan

DHHS Staff

Legal Staff

John Barkley (via MS Teams)

Guest

None

**I. Preliminary Matters**

(1) Chairman Doug McVey called the meeting to order and requested cellular telephones be silenced.

(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. The Chairman asked if any member knows of a conflict of interest or appearance of a conflict. No conflict of interest noted.

(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  
None

## II. Action Items

(1) Presentation of Service Award

Mr. Yow was absent due to hurricane Isaias. Chairman McVey moved to the next action item on the agenda.

(2) Introduction of Commissioner Deal

Chairman McVey introduced Mr. Christopher Deal as the Senate's appointment to replace Commissioner Yow. The Chairman noted the State Ethics Commission letter finding no actual conflict of interest regarding the appointment of Commissioner Deal. Vice-Chairman Muench made a motion to accept the State Ethics Commission letter. Commissioner Brown seconded the motion. A vote was taken and the motion passed unanimously.

(3) Approval of Minutes

The Commission reviewed the May 5, 2020 meeting minutes. Vice-Chairman Muench made a motion to approve the May 5, 2020 minutes. Commissioner Brown seconded the motion. A vote was taken and the motion passed unanimously.

(4) Exams (Oct. @ DSI in Hickory?)

With Catawba Valley Community College not scheduling non-CVCC events due to COVID-19 Driller's Service Inc. has offered their corporate conference room in Hickory, NC. After discussion, there is no opposition to holding the written exam at DSI. Chairman McVey asked Mr. Barkley if a motion and vote was required. Mr. Barkley stated motion and vote were not required. As there is no opposition, the October 2020 written exam will be held at the DSI conference room in Hickory, NC.

Mr. Morgan then discussed moving to monthly scheduled exams due to COVID-19. Mr. Morgan has already scheduled an August 26, 2020 exam at the WCC office in Raleigh, NC. Mr. Morgan has requested Commissioners assist with administering the newly scheduled exams.

(5) New Database Update

Commissioners reviewed the timeline included in the meeting packet. An email from Wilson Mize was received on 8/3/2020 stating WCC has been approved to submit the Step 1 form to the Information Technology Governance Board to try and get on their September 2020 agenda. Vice-Chairman Muench stated this process may be terminated by the next action item.

(6) Going Independent

Commissioner Deal asked what "cons" there were when separating from State government. Mr. Barkley informed the Commission of the difference in legal services for independent boards and commissions. Chairman McVey informed the Commission that a lot of the proverbial "red-tape" would be eliminated. Chairman McVey asked Mr. Morgan for his input based on his appointment to the REHS Board which is independent. Mr. Morgan informed the Commission that they would have more control if independent and there are additional reports due to the Legislature at the end of the fiscal year. Chairman McVey then stated going independent could protect the well



contractor fund better as the money would be in Commission bank accounts and not held by the State. Chairman McVey stated that if going independent decreasing fees is probably not a good idea at this time, but a discussion he would like to continue. Vice-Chairman Muench made a motion to separate from State government and become an independent commission and suspend pursuing or purchasing a new database. Commissioner Honeycutt seconded the motion. A vote was taken and the motion passed unanimously. Chairman McVey asked Commissioners to contact their Senators and Representatives after the November 2020 election to get a bill sponsored to become independent. Mr. Morgan added the request should include the option to purchase and hold real property if the Commission wants to own an office. Mr. Barkley stated there are model letters available that could be used to begin crafting the request to become independent. Chairman McVey stated Mr. Morgan will be sending Commission members a reminder the beginning of November to contact their legislators.

(7) Decreasing Fees

Commissioner Brown asked Commissioner Honeycutt for the current balance in the Well Contractor fund which is \$836,000. Commissioner Brown would like to have an adjustable renewal fee based on the previous year and fund balance. Mr. Barkley informed the Commission that renewal fees must be set and not adjustable, however the fees could be lowered and set to increase a specified percentage annually but not to exceed a maximum set by the Statute or in Rule by the Commission. Chairman McVey and Commissioner Brown are concerned that money may be withdrawn from the fund by the State again. At this time decreasing fees is tabled due to the Commission's intent to become independent from the State, but still open for discussion.

(8) WCC Exam Personnel Approval

The Commission discussed whether positions or individuals should be approved and chose to approve individuals. Commissioner Brown made a motion that Wilson Mize and John Brooks be approved to fill in for WCCC activities (mainly field observations and written exams). Vice-Chairman Muench seconded the motion. A vote was taken and the motion passed unanimously.

### III. Information Items

(1) Re-appointment

Commissioner Muench has decided to serve a second term and has been re-appointed.

(2) Staff Report

The staff report was presented by Drew Morgan, for activities that occurred from May to July 2020:

1) Exam Reviews	0
2) Exams	16
3) Field Observations	6
4) Civil Penalty Assessments	1

(3) Legislative update (SL 2020-87, S374)

SL 2020-87 – now 15 days (instead of 30 days) is allowed to respond when receiving an application from a military-trained applicant or military spouse.

SL 2020-3 – Mr. Barkley advised the Commission of the exceptions created for licensing boards and commissions in response to COVID-19 and the August 2020 expiration of the Session Law. Mr. Barkley and Mr. Morgan will craft a report for the Legislature as required by this Session Law. S374 - May come up again in the next legislative session.

(4) Review Committee Report

Commissioner Brown presented the Review Committee report for meetings held in May, June and July 2020. The Review Committee has reviewed 12 applications for certification level A, 1 for level B, 2 for level C and 1 for level D. The Committee also reviewed 14 continuing education courses for pre-approval.

(5) Budget Committee Report

Commissioner Honeycutt presented the Budget Committee report for the July 2020 meeting. Over 96% of well contractors renewed their certification. Purchase of a NEC 2020 code book was approved as it is an exam reference. Meetings to have a booth at or attend were chosen for 2021. The fund currently has \$836,000.

(6) Ethics Update

Mr. Barkley reminded the Commissioners to complete their Ethics Training when due and Commissioners Young and Deal have 6 months from their appointment date to take Ethics Training.

**IV. Upcoming Meetings**

Commission Meeting – Nov. 10, 2020 @ 10am, 400 W. Market St., Greensboro, NC

Review Committee – Sept. 1, 2020 @ 10:00am, at 501 Millstone Dr., Hillsborough, NC

Budget Committee – Jan./Feb. 2021 TBD, Greensboro, NC

**V. Adjournment**

With no further business or comments from Commission or Staff, the meeting was adjourned at 11:38 AM

Respectfully submitted,  
Andrew Morgan, REHS  
WCC Staff

Approved by WCCC:

  
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Douglas McVey, MS, REHS  
Chairman, Well Contractors Certification Commission  
[www.wellcontractors.nc.gov](http://www.wellcontractors.nc.gov)

11/10/2020  
Date