

North Carolina Underground Damage Prevention  
Review Board  
Meeting Minutes from April 18, 2017

Present: Louis Panzer, Chris McGee, Tom West, Joel Johnson, Greg Puckett, Jim Nelson, Nestor Martin, Dean Yancey, Chris Russ, Richard Gould, Ken Malonson

Chris McGee opened the meeting by welcoming everyone and informing the group that the proceedings were being recorded. We proceeded with introductions of the board members.

Danny Sloan read the ethics statement to the board.

**MOTION:** A motion was made by Louis Panzer and seconded by Dean Yancey to approve minutes from last meeting, with corrections. The motion passed unanimously.

**Case 58**

- Chris Russ recuses himself
- Jim Nelson recuses himself
- Dean Yancey recuses himself
- Nestor Martin recuses himself

**MOTION:** A motion was made by Tom West and seconded by Louis Panzer that the improper party was identified in the complaint. This will be returned to the complainant. There was no violation. There is no penalty. The motion passed unanimously.

**Case 66**

- Chris Russ recuses himself
- Jim Nelson recuses himself
- Dean Yancey recuses himself
- Nestor Martin recuses himself

**MOTION:** A motion was made by Joel Johnson and seconded by Tom West that the improper party was identified in the complaint. This will be returned to the complainant. There was no violation. There is no penalty. The motion passed unanimously.

**Case 75**

- Nestor Martin recuses himself
- Greg Puckett recuses himself

**MOTION:** A motion was made by Louis Panzer and seconded by Jim Nelson that there was a violation of G.S. 87-122 (A). The penalty will be Pipes Plus training. The motion passed unanimously.

## **Case 76**

- Chris Russ recuses himself

**MOTION:** A motion was made by Danny Sloan and seconded by Louis Panzer to notify the complainant of a lack of information regarding the responsible party as defined by law. The motion passed unanimously.

## **Docket 26**

- Nestor Martin recuses himself
- Chris Russ recuses himself
- Greg Puckett recuses himself
- Chris McGee recuses himself

**MOTION:** A motion was made by Jim Nelson and seconded by Dean Yancey that there was a violation of G.S. 87-122 (c) (6) with a penalty of Pipes Plus training. After discussion, a motion was made to amend the main motion to include a fine of \$2,000. The amendment motion was made by Tom West and seconded by Louis Panzer. The motion to amend was approved unanimously. The amended main motion passed unanimously.

## **Docket 27**

**MOTION:** A motion was made by Louis Panzer and seconded by Dean Yancey that there was a violation of G.S. 87-122 (B) (5) with a penalty of Pipes Plus training. After discussion, a motion was made to amend the main motion to change the violation to G.S. 87-122 (A). The amendment motion was made by Louis Panzer and seconded by Nestor Martin. The motion to amend was approved unanimously. The amended main motion passed unanimously.

## **Docket 28**

- Nestor Martin recuses himself
- Chris Russ recuses himself
- Greg Puckett recuses himself

**MOTION:** A motion was made by Louis Panzer and seconded by Joel Johnson to notify the complainant of a lack of information regarding the responsible party as defined by law. The motion passed unanimously.

## **Docket 29**

**MOTION:** A motion was made by Danny Sloan and seconded by Louis Panzer that there was a violation of G.S. 87-117 (8). The penalty will be Pipes Plus training. The motion passed unanimously.

## **Docket 30**

- Nestor Martin recuses himself
- Chris Russ recuses himself
- Greg Puckett recuses himself

**MOTION:** A motion was made by Jim Nelson and seconded by Danny Sloan that there was a violation of G.S. 87-122 (9) (a)(1). The penalty will be Pipes Plus training. The motion passed unanimously.

**Docket 33**

- Nestor Martin recuses himself
- Jim Nelson recuses himself
- Tom West recuses himself

**MOTION:** A motion was made by Louis Panzer and seconded by Dean Yancey that there was a violation of G.S. 87-122 (C) (10) and a penalty of Pipes Plus Training. After discussion, a motion was made to amend the main motion to include a fine of \$1,000. The amendment motion was made by Chris Russ and seconded by Rick Gould. The motion to amend was approved unanimously. The amended main motion passed unanimously.

**Docket 34**

- Nestor Martin recuses himself
- Chris Russ recuses himself
- Greg Puckett recuses himself
- Dean Yancey

**MOTION:** A motion was made by Danny Sloan and seconded by Louis Panzer to notify the complainant they must indicate a facility owner and not the locating company. The motion passed unanimously.

**Docket 35**

- Nestor Martin recuses himself
- Chris Russ recuses himself
- Greg Puckett recuses himself
- Dean Yancey

**MOTION:** A motion was made by Jim Nelson and seconded by Louis Panzer to notify the complainant they must indicate a facility owner and not the locating company. The motion passed unanimously.

**Docket 36**

- Nestor Martin recuses himself
- Chris Russ recuses himself

**MOTION:** A motion was made by Louis Panzer and seconded by Jim Nelson that there was a violation of G.S. 87-121 (B)(1). The penalty will be Pipes Plus training. The motion passed unanimously.

**Docket 37**

- Chris Russ recuses himself

MOTION: A motion was made by Joel Johnson and seconded by Danny Sloan to notify the complainant they must indicate a facility owner and not the locating company. The motion passed unanimously.

#### **Docket 38**

- Chris Russ recuses himself

MOTION: A motion was made by Dean Yancey and seconded by Tom West to notify the complainant that due to a lack of response on their part, the case is closed. The motion passed unanimously.

#### **Docket 39**

MOTION: A motion was made by Chris Russ and seconded by Jim Nelson to notify the complainant that no violation was found. The motion passed unanimously.

#### **Docket 40**

- Nestor Martin recuses himself
- Chris Russ recuses himself
- Greg Puckett recuses himself

MOTION: A motion was made by Danny Sloan and seconded by Joel Johnson to notify the complainant that no violation was found. The motion passed unanimously.

#### **Docket 41-48**

- Nestor Martin recuses himself
- Danny Lassiter recuses himself

MOTION: A motion was made by Louis Panzer and seconded by Jim Nelson that there was a violation of G.S. 87-121 (A)(1)(c) with a penalty of Pipes Plus training. The motion passed unanimously. After discussion, a motion was made to amend the main motion to change the violation to G.S. 87-122 (C). The amendment motion was made by Danny Sloan and seconded by Louis Panzer. The motion to amend was approved unanimously. The amended main motion passed unanimously.

#### **Docket 49**

- Nestor Martin recuses himself
- Chris Russ recuses himself
- Greg Puckett recuses himself
- Rick Gould recuses himself

MOTION: A motion was made by Louis Panzer and seconded by Danny Sloan to notify the complainant of a lack of information regarding the responsible party as defined by law. The motion passed unanimously.

#### **Docket 50**

- Greg Puckett recuses himself

MOTION: A motion was made by Jim Nelson and seconded by Nestor Martin that there was a violation of G.S. 87-122 (c)(4). The penalty will be Pipes Plus training. The motion passed unanimously.

**Docket 51**

- Nestor Martin recuses himself

MOTION: A motion was made by Louis Panzer and seconded by Chris Russ to notify the complainant of a lack of information regarding the responsible party as defined by law. The motion passed unanimously.

**Docket 52**

- Nestor Martin recuses himself

MOTION: A motion was made by Chris Russ and seconded by Tom West that there was a violation of G.S. 87-122 (A). The penalty will be Pipes Plus training. The motion passed unanimously.

**Docket 53**

- Nestor Martin recuses himself

MOTION: A motion was made by Chris Russ and seconded by Rick Gould that there was a violation of G.S. 87-122 (C)(4). The penalty will be Pipes Plus training. The motion passed unanimously.

**Docket 54**

- Nestor Martin recuses himself

MOTION: A motion was made by Rick Gould and seconded by Chris Russ that there was a violation of G.S. 87-122 (C)(4). The penalty will be Pipes Plus training. The motion passed unanimously.

**Docket 55**

- Jim Nelson recuses himself
- Chris Russ recuses himself

MOTION: A motion was made by Rick Gould and seconded by Danny Sloan to notify the complainant of a lack of information regarding the responsible party as defined by law. The motion passed unanimously.

**Docket 56**

- Chris Russ recuses himself
- Nestor Martin recuses himself
- Rick Gould recuses himself

MOTION: A motion was made by Danny Sloan and seconded by Louis Panzer to notify the complainant they must indicate a facility owner and not the locating company. The motion passed unanimously.

**Docket 57**

- Nestor Martin recuses himself

MOTION: A motion was made by Louis Panzer and seconded by Tom West that there was a violation of G.S. 87-122 (C)(4). The penalty will be Pipes Plus training. The motion passed unanimously.

**Docket 59**

- Nestor Martin recuses himself
- Greg Puckett recuses himself
- Chris Russ recuses himself

MOTION: A motion was made by Danny Sloan and seconded by Louis Panzer to notify the complainant of a lack of information regarding the responsible party as defined by law. The motion passed unanimously.

**Docket 60**

- Chris Russ recuses himself
- Nestor Martin recuses himself
- Jim Nelson recuses himself

MOTION: A motion was made by Danny Sloan and seconded by Louis Panzer to notify the complainant they must indicate a facility owner. The motion passed unanimously.

**Docket 61**

- Nestor Martin recuses himself
- Greg Puckett recuses himself
- Chris Russ recuses himself

MOTION: A motion was made by Rick Gould and seconded by Danny Sloan that there was a violation of G.S. 87-122 (A). The penalty will be Pipes Plus training. The motion passed unanimously.

**Docket 62**

- Nestor Martin recuses himself
- Greg Puckett recuses himself
- Chris Russ recuses himself

MOTION: A motion was made by Rick Gould and seconded by Tom West that there was a violation of G.S. 87-122 (C)(6). The penalty will be Pipes Plus training. The motion passed unanimously.

**Docket 63**

- Nestor Martin recuses himself
- Greg Puckett recuses himself
- Chris Russ recuses himself
- Louis Panzer recuses himself
- Dean Yancey recuses himself
- Jim Nelson recuses himself

MOTION: A motion was made by Rick Gould and seconded by Danny Lassiter to notify the complainant that no violation was found. The motion passed unanimously.

**Docket 64**

- Nestor Martin recuses himself

MOTION: A motion was made by Louis Panzer and seconded by Chris Russ that there was a violation of G.S. 87-122 (C)(4). This violation is being grouped with previous violations. The motion passed unanimously.

#### **Docket 65**

- Nestor Martin recuses himself
- Greg Puckett recuses himself
- Chris Russ recuses himself

MOTION: A motion was made by Louis Panzer and seconded by Joel Johnson to notify the complainant of a lack of information regarding the responsible party as defined by law. The motion passed unanimously.

#### **Docket 66**

Review postponed until documentation is recovered.

#### **Docket 67**

- Nestor Martin recuses himself
- Greg Puckett recuses himself
- Chris Russ recuses himself
- MOTION: A motion was made by Louis Panzer and seconded by Joel Johnson to notify the complainant that no violation was found. The motion passed unanimously.

#### **Docket 68**

- Nestor Martin recuses himself
- Greg Puckett recuses himself
- Chris Russ recuses himself

MOTION: A motion was made by Joel Johnson and seconded by Louis Panzer that there was insufficient evidence provided to support a violation. After discussion, Joel Johnson withdrew his motion and Louis Panzer withdrew his second.

MOTION: A motion was made by Richard Gould and seconded by Joel Johnson that there was a violation of G.S. 87-122 (C)(9)(b). The penalty will be Pipes Plus training. The motion passed unanimously.

#### **Docket 69**

- Nestor Martin recuses himself
- Chris Russ recuses himself

MOTION: A motion was made by Joel Johnson and seconded by Louis Panzer to notify the complainant that no violation was found. The motion passed unanimously.

#### **Docket 70**

- Nestor Martin recuses himself
- Greg Puckett recuses himself

- Chris Russ recuses himself

MOTION: A motion was made by Louis Panzer and seconded by Jim Nelson that there was insufficient evidence provided to support a violation. After discussion, Louis Panzer withdrew his motion and Jim Nelson withdrew his second.

MOTION: A motion was made by Richard Gould and seconded by Tom West that there was a violation of G.S. 87-122 (A). The penalty will be Pipes Plus training. The motion passed unanimously.

### **Docket 71**

- Nestor Martin recuses himself

MOTION: A motion was made by Tom West and seconded by Richard Gould that there was a violation of G.S. 87-122 (C)(4). This violation is being grouped with previous violations. The motion passed unanimously.

### **Docket 72**

- Nestor Martin recuses himself

MOTION: A motion was made by Tom West and seconded by Dean Yancey that there was a violation of G.S. 87-122 (C)(4). This violation is being grouped with previous violations. The motion passed unanimously.

### **Docket 73**

- Nestor Martin recuses himself

MOTION: A motion was made by Tom West and seconded by Jim Nelson that there was a violation of G.S. 87-122 (C)(4). This violation is being grouped with previous violations. The penalty will be Pipes Plus Training and a financial penalty of \$1,750 (Circumstance: \$250, Gravity: \$500, History: \$500, Culpability: \$500, Other: \$0). The motion passed unanimously.

### **Docket 74**

- Nestor Martin recuses himself
- Chris Russ recuses himself
- Greg Puckett recuses himself

MOTION: A motion was made by Richard Gould and seconded by Louis Panzer to notify the complainant that no violation was found. The motion passed unanimously.

MOTION: A motion was made by Tom West and seconded by Louis Panzer to cancel the meeting on March 23, 2017 and May 16, 2017. The motion passed unanimously.

MOTION: A motion was made and seconded to adjourn the meeting.

NEXT MEETING: April 18, 2017 from 10:00AM – 3:00PM