



NCUDPRB MINUTES OF MEETING

NCUDPRB Board Meeting for Case File Review

Thursday, December 2, 2021

Location – Virtual via Microsoft Teams

Board Members Present: Megan Riley (Chair), Rick Gould (Vice-Chair), Lisa Smith-Perri (Treasurer), Louis Panzer, Freddie Young, W. Greg Puckett, Jonathan Holt, Whit Wheeler, Larry Sanders

Others Present:

Cyndi Sosa (board administrator), Juliane Bradshaw (Legal Counsel)

Guests:

Quorum Present? ☒ YES ☐ NO

Meeting called to order by Chair at 1:05pm

Roll call. Board member, guests and others noted.

Purpose of Meeting- Resume Review of Case Files from October Board Meeting – starting with case # 388

Chair presented matrix idea that was put together from November board discussion.

	Does Violation Type Apply?	
Type of Violation	Y	N
Circumstances		
Gravity		
Culpability		
History		
Other		

Type of Violation	# of violations that apply	Fine Type	Training
Minor	1	\$ -	Pipes Plus Training
Moderate	2	\$ 500	Pipes Plus Training, if desired
Major	3	\$ 1,500	Pipes Plus Training, if desired
Extreme	4+	\$ 2,500	Pipes Plus Training, if desired



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The board agrees to move forward using the matrix to resume reviewing cases. This matrix is very similar however now we will be checking for the number of violations that applied when running history within the last 24 months.

Note: Lisa left the meeting at 1:31pm and was not present for case file reviews.

Case #388

Recusals – Jonathan

Violation –

Motion by Louis for violation of 87-121(b).

- Motion seconded

Discussion – No history but we have culpability. With no history we would typically offer Pipes Plus training, but we don't have the name of the individual that should take the training. Can we request Jonathan to provide us with a name of the person who should take training and if we don't receive a response within 30 days from the date of our request then a \$500 fine would apply? Legal Counsel approves.

Motion by Louis to amend his original motion to a violation of 87-121(b) with a penalty of pipes plus training for an individual identified by Jonathan Holt. Provide name within 30 days or \$500 penalty will apply.

- Amended motion seconded

Opposed – None

Motion Carries

Penalty – Pipes plus and possible \$500 fine for culpability

Case #389

Recusals – Megan, Rick and Rufus

Violation –

Motion by Louis violation of 87-121(b) and recommends a penalty of \$500

- Motion seconded

Discussion – None

Opposed – None

Motion Carries

Penalty – \$500 for history

Motion by Chair, going forward pivot table will be provided to board members with case files for review before board meeting. History will include 24 months.

- Motion seconded

Opposed - None

Motion carries



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Case #390

Recusals – Rick

Violation –

Motion by Louis 87-121(b) with recommendation for pipes plus to be designated by contact within 30 days or \$500 penalty will apply

- Motion seconded

Discussion – None

Opposed – None

Motion Carries

Penalty – Pipes Plus training and possible \$500 fine for culpability

Case #392

Recusals – none

Violation -

Motion by Megan violation of 87-122(a) with PIPES plus training for homeowner Fannie Johnson.

- Motion seconded

Discussion- Couldn't we just give the homeowner a warning letter? Legal Counsel thinks it would be fine to issue a warning letter. The letter would not have to go to NCUC. The process would stop after the warning letter was sent. Can we just vote on Legal Counsel and Board Administrator drafting a letter to send out? Can we add verbiage of "Should we be notified of an additional violation in the future fines or penalties may apply"? Yes, per Legal Counsel.

Megan would like to withdraw her original motion.

Motion by Louis for violation of 87-122(a) with warning letter to be sent to homeowner

- Motion seconded

Discussion – None

Opposed – None

Motion Carries

Penalty – warning letter

Motion by Greg for legal counsel to draft the letter to send out.

- Tom seconds motion

Discussion- Board feels this type of letter fits better than pipes plus training for homeowners.

Opposed – none

Motion carries

Case #393

Recusals – Jonathan, Rick, Rufus

Violation –

Motion by Megan violation of 87-121(b)

- Motion seconded for violation only

Discussion – This would be their 2nd violation in today's reviews.

Opposed – None

Motion for violation carries



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Penalty –

Motion by Freddie of \$500 fine for history

- Motion seconded

Discussion- None

Opposed- None

Motion carries

Case #394

Recusals – Megan, Jonathan, Rick, Rufus

Violation –

Motion by Louis for violation of 87-121(b)

- Motion seconded

Discussion – Duke had another violation this quarter, case file # 389.

Opposed – None

Motion carries for violation only

Penalty-

Motion by Louis to serve a warning letter in lieu of a penalty; treat multiple violations against the same entity in the same quarter with a letter; only after a penalty has already been issued on a similar violation.

- Motion seconded

Discussion – None

Opposed - None

Motion Carries

New discussion on suggested verbiage for warning letters we are sending out to entities with multiple violations in the same quarter, only after a penalty has already been issued on a similar violation.

Letters should include- "This violation occurred, we noticed similar violations reported against you in this same quarter. Please consider this as a warning (reference cases in letter)".

Legal Counsel left meeting at 3:33pm but is available via telephone if needed

Case #395

Recusals – Rick, Rufus, Jonathan

Violation –

Motion by Megan for a violation of 87-121(b)

- Motion seconded

Discussion – no history other than case #390 reviewed earlier for same violation

Opposed – None

Motion Carries

Penalty-

Tom motions to serve a warning letter with same verbiage as letter recommended for case # 394

- Motion seconded



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Discussion – None

Opposed – None

Motion Carries

Case #396

Recusals – Rufus

Violation –

Motion by Tom violation of 87-122(a) with a \$1,000 fine for gravity and circumstances

- Motion seconded for purpose of discussion

Discussion – Did the board read the response from American's Home Place? Response shared and reviewed. Appears complainant has been in dispute with the alleged violator for months regarding other issues in addition to an open lawsuit and is using that information to file a report of an alleged violation against America's Home Place with the UDPRB.

Tom motioned to withdraw his original motion

Motion by Rick that America's Home Place made no violations

- Motion seconded

Discussion – None

Opposed – None

Motion Carries

Case #397

Recusals – Greg

Violation –

Motion by Rick for violation of 87-122(a) with Pipes Plus Training for Reginald Carter of R&J Septic Tank Service

- Motion seconded

Discussion – None

Opposed – None

Motion Carries

Case #398

Recusals – Megan

Violation –

Motion by Louis no violation occurred

- Motion seconded

Discussion – None

Opposed – None

Motion Carries

Case #399

Recusals –

Violation –

Motion by Louis violation of 87-122(a) with Pipes Plus for Anthony Burton

- Motion seconded



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Discussion – None

Opposed – None

Motion Carries

Case #401

Recusals – Rufus

Violation –

Motion by Louis for violation of 87-122(a) with pipes plus training for Frank Lato and a penalty of \$1500 for circumstance, gravity and culpability.

- Motion seconded

Discussion – Although this violator has no history of past violations, this report alone contains multiple events and risk of damage multiple times with lack of one call tickets. There is history over time within this report.

Motion by Louis to amend his original motion for penalty of 87-122(a) with fine to be motioned separately after discussion.

- Motion seconded

Opposed – None

Motion Carries

Motion by Tom to recommend a penalty of PIPES Plus Training for Frank Lato and \$2,000 civil penalty for circumstance, gravity, culpability and history

- Motion seconded

Opposed – None

Motion Carries

Case #402

Recusals – Jonathan

Violation –

Motion by Megan for a violation of 87-122(a).

- Motion seconded

Discussion – It is hard to tell from the photos where the damage is. Is it on the property of the golf course for sure and how can we be sure the Golf Course is the responsible party?

Motion by Megan to withdraw her original motion for violation.

Motion by Louis of insufficient evidence of the responsible party.

- Motion seconded

Discussion – None

Opposed – None

Motion Carries – Insufficient evidence

Meeting adjourned at 4:10pm – Push remaining cases to January board meeting starting with case # 404



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Approved