



NCUDPRB MINUTES OF MEETING

NCUDPRB Board Meeting for Process & Procedures Discussion

Tuesday, November 16, 2021

Location – Virtual via Microsoft Teams

Board Members Present: Megan Riley (Chair), Lisa Smith-Perri (Treasurer), Louis Panzer, Freddie Young, W. Greg Puckett, Jonathan Holt, Whit Wheeler, BJ Lanier, Chris Russ, Tony Konsul

Others Present:

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

Guests: none

Quorum Present? ☒ YES ☐ NO

Review Process & Procedures for Case File Reviews

Meeting called to order by Chair. Roll call, board members, guests and others noted.

Chair reviewed the current flow chart with attendees.

What about the 12-month history? Is this a reset? Chair said Board Administrator will pull the history and note it in the case file. We have history with files the board reviewed but what about damage or history the board is not aware of? Board agreed we can only take into consideration the history on the files the board reviewed. History pulled should only include cases with violations. What if there are multiple complaints within the same period? The history pulled before the board meeting should cover this. Once in the meeting we can review any other cases that are in the queue.

Motion by Megan for history to only include cases the board ruled on with a violation.

- Motion seconded

Discussion - None

Opposed- None

Motion Carries

Now talk about the 12-month history. If not 12 months, how far back do we look? Some feel 12 months is not long enough. Most are good with 18-24 months. Others in support of 24-months.

Motion by Megan to search for cases with penalties against the violators within 24 months from when the violation is filed.

- Motion seconded

Discussion- None

Opposed- None

Motion Carries



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Does the NC811 locate ticket information provide the correct party? Do we want to use NC811 ticket information to rule out incorrect information on reports received and include the correct party or do we want to simply reply and let them know they named the wrong party?

Board comment, if the complainant does not name the utility, then we should not add information or companies to the report based on information we see on the NC811 ticket.

Sometimes the complainant does not know who was on site or who was responsible for not marking lines. The complainant would name the type of utility that was damaged or put down the locator because they saw their vehicle. When we run a ticket search sometimes it is obvious who did not mark their lines, we should be able to add that information to the report

Legal Counsel said we can always consult with her if we decide to go the route of adding alleged violators to the case files when reports and NC811 tickets are received and should be modified.

Motion by Louis to give the board administrator latitude to identify the correct party that the complainant is trying to identify through use of the NC811 ticket system.

- Motion seconded

Discussion - None

Opposed - None

Motion Carries

Motion by Freddie to amend the complaint form to assist in identify alleged violator.

- Motion seconded

Discussion- Suggests using check boxes for violation against utility, excavator or NC811 notification center for types and entities. Then utility will have drop boxes for utilities based on the universal color codes electric, water, telecommunication, gas. Add section for NC811 ticket number if known. This would help weed out the reports the board should not or cannot review.

Opposed – None

Motion Carries

Discussion on penalties and fines.

Chair shared a chart used by Colorado Underground Damage Prevention Review Board. Their violations are grouped by minor, moderate & major each with a fine attached based on number of violations within the previous 12 months.

Questions: How do we define what is minor, moderate or major? What if we went through NC811 Law and gave each Statute level a rating level of minor moderate or major? Can we use a table with a point system instead? Board would only need to vote on violation, then we would check history and then see where the overall points add up to determine penalty.



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Chair shared her screen and put together a table based on her understanding of what the table might look like. We will be assessing the number of violations within the previous 24 months instead of 12 months. Will types of violations still be based on Circumstance, Gravity, Culpability, History, Other? Yes, and we should keep the \$500 structure for each so they can total \$2500. Above that, is training alone appropriate for non-financial penalties?

Some think we are complicating the process and like the way we are reviewing the cases now. Chair mentioned we need to be consistent when handing out penalties.

As we start to issue more fines, if people start to call us out on our decisions/penalties/ fines do we need to be concerned? We want to be able to defend ourselves on how we issue penalties. Legal Counsel agrees, we need to be consistent and make sure we have processes in place.

If we review cases according to the Law, then why can't we put a penalty on each violation? Why do we have to go through all the trouble of the chart? Each penalty could have a scale of severity. Could we vote on individual instances but if there is a series of violations, then maybe use a multiplier with some type of cap.

Chair motions for her and Board Administrator to come up with a draft of a matrix for our next meeting that has the law tied to it for purpose of putting a fine with a penalty.

- Louis will second the motion but would like us to leave off the history multiplier for now

Opposed – None

Motion carries

Meeting Adjourned