

North Carolina Underground Damage Prevention
Review Board
Meeting Minutes from November 15, 2016

Present: Louis Panzer, Chris McGee, Tom West, Danny Sloan, Joel Johnson, Danny Lassiter, David Stike, Greg Puckett, Jim Nelson, Nestor Martin

Absent: Those absent made an attempt to join by phone; however, due to technical issues beyond our control, they were unable to join.

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 David Stike and seconded by Danny Lassiter to approve minutes from last meeting. The motion passed unanimously.

Chris McGee introduced Sam Watson, with the Utility Commission. Mr. Watson discussed the UC involvement in our process. NC UDP Review Board will send a letter to the Utility Commission with our findings. The UC will create a docket.

Discussion:

- Chris McGee-when penalties are collected, where do those funds go?
- Louis Panzer-Why wouldn't we put all correspondence in the Utility Commissions docket? Attach information to letter that goes to the Utility Commission, point people to the website?
- Louis Panzer-Training Requirements? Completed certificate of training would go into docket for Utility Commission.
- Call ahead to Utility Commission clerk's office to set up a docket number, attach documents to that docket number.
- Penalty Recommendations: Who? (Names and Addresses) What? When?
- David Stike: Arbitration? Who are the arbitrating parties? Who pays for this process?
- Parties: GS87-129 (c): Who are the parties?
- Group held discussion about who the parties are in arbitration and filing fee for this board
- Also discussion about the process, the roles, and responsibilities of the Utility Commission.

Louis Panzer reviewed the process of the draft letter that would be sent to the defendant. Discussion was held regarding the language that would let people know if that future arbitration beyond this board may have financial impacts. How much direction or guidance should we provide?

Docket 8 and 9

MOTION: A motion was made by David Stike and seconded by Tom West that there were violations of G.S. 87-122(A) & 87-126(A). The penalty will be training. The motion passed unanimously.

Docket 14

MOTION: A motion was made by Greg Puckett and seconded by David Stike that there was a violation of G.S. 87-122(A). The penalty will be training. The motion passed unanimously.

Docket 16

- Nestor Martin recuses himself

MOTION: A motion was made by David Stike and seconded by Joel Johnson that there was a violation of G.S. 87-122(c)(4). The penalty will be training. The motion passed.

Docket 17

- Nestor Martin recuses himself
- Greg Puckett recuses himself

MOTION: A motion was made by Tom West and seconded by David Stike that there was a violation of G.S. 87-122(A). Motion withdrawn by Tom West and seconded by David Stike. Motion of no violation was made by Danny Sloan and seconded by Joel Johnson stating information was provided and no violation occurred. The motion passed unanimously.

Docket 18

- Nestor Martin recuses himself

MOTION: A motion was made by Tom West and seconded by Joel Johnson that there was a violation of G.S. 87-122 (c) (9) and G.S. 87-122(A). The penalty will be to levy a fine of \$2000.00 and Pipes Plus training. The motion passed unanimously.

Docket 19

- Jim Nelson recuses himself
- Nestor Martin recuses himself
- Greg Puckett recuses himself

MOTION: A motion was made by Tom West and seconded by Joel Johnson to notify the complainant of a lack of information regarding the responsible party as defined by law. This will be a standard response letter. The motion passed unanimously.

MOTION: A motion was made by Louis Panzer and seconded by Danny Sloan to amend the form for gathering information from a complainant. The motion passed unanimously.

MOTION: A motion was made by Louis Panzer and seconded by Nestor Martin to standardize a letter for response to complainants that incorrectly identify parties that can be cited. The motion passed unanimously.

Docket 20

- Danny Sloan recuses himself
- Nestor Martin recuses himself
- Chris McGee recuses himself

MOTION: A motion was made by Joel Johnson and seconded by Greg Puckett to send a letter to Iredell Water that states insufficient information has been provided in order to make a determination. The motion passed unanimously.

MOTION: A motion was made by Jim Nelson and seconded by Nestor Martin to have our next board meeting on January 17, 2017 from 9:00am – 4:00pm. The motion passed unanimously.

MOTION: A motion was made by Louis Panzer and seconded by Danny Sloan to adjourn. The motion passed unanimously.