

North Carolina Underground Damage Prevention Review Board

Board Meeting – Tuesday, November 19, 2024

Location: 5009 High Point Road, Greensboro, NC 27407

Beginning at 10 am

Board Members Present: Eric Lochner, Ann Rushing, Larry Sanders, Keith Holden, Marcus Koontz, Daniel Robinette, Freddie Young, Paul Hunter, Jake Joplin, Tim Williams (remote), Lisa Smith-Perri

Board Members Absent: Amy Barron, Tony Konsul

Board staff present: Alex Ward, Caitlin Schwab

Guests: Mark Worth (remote), Justice Everitt, Richard Walsh (remote)

Called to order 10:00 am

With 10 Board members present a quorum was established.

Conflict of interest statement read and no conflicts heard at top of the meeting.

Approval of July 10, 2024 meeting minutes

I move we approve the meeting minutes from July 10 as written, Daniel, second Markus. No discussion. All in favor.

Review of Conflict of Interest Statements

Alex Ward read the conflict of interest statement from the state ethics commission related to the new Board member Paul Hunter.

Potential conflict of interest due to employer, TA Loving, and this could present a potential conflict of interest. Paul Hunter will need to recuse himself from meeting items that would conflict.

Legislative Committee Update

There has been an ad hoc working group working on potential revisions to the Board's statute. There are some items that are proposed to be changed that Jake reviewed.

Some items discussed include, soft digging, emergency tickets, time frames and coordination with the NC Utility Commission.

There are still some items that the working group are still reviewing and discussing for possible changes.

Goal is to have the potential revisions reviewed during the 2025 long legislative session.

Financial Reporting

Lisa presented the financials through August 31, 2024.

2025 Budget Review

Lisa reviewed the proposed budget for 2025.

I move we approve the proposed 2025 budget as presented, Lisa, second Larry. Questions about specific line items. All in favor.

Communication Chair Update

Ann reporting that she is working with John Black to add Paul Hunter (new Board member) on the website.

Penalty Matrix

A penalty matrix was shared with the Board. Potential to discuss the options for updating this penalty matrix. Alex wanted to reiterate that this matrix is a policy and is not rule or law, the statute does allow the Board to implement penalties up to \$2,500.

Discussion of the penalty matrix and the process followed with past Boards. Confirmed that the Board has remained consistent over the years.

Discussion about how the matrix was developed in the past. It is a policy and it can be changed at any time.

Case review process was discussed.

Case File Review

See attached spreadsheet

Break 12:19 pm

Reconvened 12:51 pm

Lisa had to leave the meeting.

Comments for attending public

Justice commented, thank you for having him.

Lisa recommended we review the list of top 50 utilities at the January 2025 meeting before invoicing goes out.

Marcus commented on their utility procedures and how that could increase the number of cases received by this Board, due to their internal process change.

Discussion of how entities report cases and internal processes.

Adjourn – 1:51 pm

Alleged Violation Outcomes - November 19, 2024

Case #	Recusal(s)	Violation					Violation Article #	Motion	Second	Fine	Pipes Plus - Person
		Circumstances	Gravity	Culpability	History	Other					
654			X	X			87 122 A	Ann	Freddie	\$500	Sacajaw Seward
655	Daniel Robinett	X		X	X	X	87 121 B1, 87 122 C6	Ann	Freddie	\$2,500	John Caliendo
663				X			87 122 A, 87 126 A	Ann	Freddie		Tom Toomer or Designee
664			X				87 122A	Freddie	Daniel	\$500	Tim Kessinger
665							87 122 A	Keith	Ann	\$500	
666					X		87 122 A	Freddie	Larry		Paul Cates
667	Daniel Robinett, Paul Hunter, Freddie Young						Motion to dismiss due to lack of evidence	Ann	Eric		
668							Exemption A27 141 - Dismissed	Freddie	Marcus		
669	Paul Hunter, Freddie Young	X			X	X	87 121 B1, 87 122 C6	Ann	Tim	\$1,500	
670	Paul Hunter, Freddie Young	X			X	X	87 121 B1, 87 122 C6	Ann	Markus	\$1,500	
671							87 122 A	Keith	Freddie		Jeffrey Bennick
735		X		X	X	X	87 122 C6	Freddie	Tim	\$2,500	
736		X		X	X	X	87 122 C6	Freddie	Tim	\$2,500	
737		X		X	X	X	87 122 C6	Freddie	Tim	\$2,500	
738		X		X	X	X	87 122 C6	Freddie	Tim	\$2,500	
739		X		X	X	X	87 122 C6	Freddie	Tim	\$2,500	
740		X		X	X	X	87 122 C6	Freddie	Tim	\$2,500	
741		X		X	X	X	87 122 C6	Freddie	Tim	\$2,500	
742		X		X	X	X	87 122 C6	Freddie	Tim	\$2,500	
743		X		X	X	X	87 122 C6	Freddie	Tim	\$2,500	
744		X		X	X	X	87 122 C6	Freddie	Tim	\$2,500	
745		X		X	X	X	87 122 C6	Freddie	Tim	\$2,500	
746		X		X	X	X	87 122 C6	Freddie	Tim	\$2,500	
747		X		X	X	X	87 122 C6	Freddie	Tim	\$2,500	
748		X		X	X	X	87 122 C6	Freddie	Tim	\$2,500	

750		X		X			87 125 C	Ann	Daniel	\$500	James Lynch or Designee
751	Tim Williams			X	X		87 122 C10	Ann	Larry	\$500	
752							Motion to dismiss due to lack of evidence	Freddie	Larry		
753	Daniel Robinett, Tim Williams			X	X	X	87 121 B1, 87 122 C6	Ann	Keith	\$2,500	
754	Daniel Robinett, Tim Williams						Need more information, submit new ticket search				
755							Need more information, submit new ticket search				
756							87 122A	Keith	Daniel	\$500	
757							87 122 C9 A1	Ann	Freddie		Michael Pulley
758							87 122 C9 A1	Freddie	Eric	\$500	
759			X	X	X	X	87 122 A	Ann	Eric	\$2,500	
760	Daniel Robinett, Tim Williams, Eric Lochner, Marcus Koontz						87 121 B1, 87 122 C6	Ann	Freddie	\$2,500	
761	Daniel Robinett, Tim Williams, Eric Lochner, Marcus Koontz						87 121 B1, 87 122 C6	Ann	Freddie	\$2,500	
762	Daniel Robinett, Tim Williams, Eric Lochner, Marcus Koontz						87 121 B1, 87 122 C6	Ann	Freddie	\$2,500	

763	Daniel Robinett, Tim Williams, Eric Lochner, Marcus Koontz						87 121 B1, 87 122 C6	Ann	Freddie	\$2,500	
764	Daniel Robinett, Tim Williams, Eric Lochner, Marcus Koontz						87 121 B1, 87 122 C6	Ann	Freddie	\$2,500	
765	Tim Williams						Motion to dismiss due to lack of evidence	Ann	Daniel		
767			X	X			87 122 C9 A1	Ann	Marcus	\$500	Jonathan Lewis