

MINUTES

STATE BOARD OF EXAMINING
WATER WELL DRILLING CONTRACTORS and
WATER WELL PUMP INSTALLATION CONTRACTORS
Regular Meeting

July 27, 2017
10:00 a.m.
Via Teleconference

PARTICIPATING BOARD MEMBERS:

Nick Bebout, Chairman
Jerry Hunt
Jim O'Connor
John Midkiff
Lisa Lindemann
Michelle Christopher
Steve Barbour

PARTICIPATING PROFESSIONAL STAFF:

Abigail Boudewyns, Senior Assistant Attorney General
Eric Easton, Senior Assistant Attorney General
Cricket Hoskins, Financial Officer, SEO
Chuck Wilson, WWCB Contract Inspector
Sheri Culver, Executive Director, WWCB

GUESTS:

None

Call To Order:

Chairman Bebout called the State Board of Examining Water Well Drilling Contractors and Water Well Pump Installation Contractors (WWCB) meeting to order at 10:12 a.m. via teleconference.

APPROVAL OF AGENDA:

The agenda was approved as circulated.

REVIEW AND APPROVE MINUTES:

Mr. Midkiff moved to accept and approve the Minutes as amended from the April 26, 2017, meeting. Mr. Barbour seconded the motion. Motion carried.

OLD BUSINESS:

Mrs. Culver gave an update on the Executive Director's Job duties. She stated that the Water Well Contractor's flyers have been updated along with the board's website. She explained that she is still currently updating the desk manual and developing consistent licensing procedures.

Processing a Docketed Complaint:

Mr. Easton explained how a docketed complaint is processed. The WWCB has two attorneys; Mrs. Boudewyns assists the Executive Director with the day-to-day work and advises the Board directly, He is the prosecuting attorney and helps investigating Board member and the Executive Director in reviewing complaints. If there is a contested case matter, he assists the investigating Board member in presenting the case to the Board. Ms. Boudewyns will represent the other Board members at the contested case.

Complaints are reviewed by Board members because of their experience and expertise in the industry. If a case is assigned to a Board member, they are to review the complaint, obtain additional information if needed, and make a recommendation. The Board member will then consult with the prosecuting attorney on whether the complaint should proceed further, and on what disciplinary action should be taken against the contractor.

If additional action is required, the contractor is sent a notice. The contractor has a right to respond to the complaint and can provide additional information. If unresolved, the complaint will go before the remaining Board members as a contested case hearing. If a violation occurred, the Board will determine what sort of disciplinary action should be taken.

Mr. Easton and Mrs. Boudewyns explained that it is important not to discuss an investigation with other Board members to protect the rights of the contractor. The remainder of the Board member's job is to serve as the judge in a contested case.

Mr. Easton explained that the Board has a burden of proof to show that a violation has occurred. This can be tough since the mistake can be 300 ft. below ground. When a violation is noted, it is important to work with the people involved to provide some sort of settlement agreement.

Mr. Easton explained that the Board members have the right to approve or disapprove of the settlement agreement. It is best to try and be consistent with disciplinary actions. However, if the contractor consistently is violating the same policy, a stronger disciplinary action may be necessary.

Mr. Hunt noticed that some complaints are more of a contractual issue than meeting construction standards. He would like some guidance on how Board members separate the two.

Mr. Easton explained that when reviewing complaints, Board members should look at the facts to see if there were any violations of the rules, and if it requires any disciplinary action.

Ms. Lindemann asked if the Board can recommend that the contractor redrill a well, or compensate the client for the drilling of a new well.

Mr. Easton explained that a contractor cannot be fined and that to require a contractor to redrill a well is best handled through some sort of court action. However, the contractor can be required to obtain additional education.

Ms. Lindemann asked if a contractor is a repeat offender can the Board require an inspector on site for the next couple of jobs to ensure they are complying with the SEO's minimum construction standards.

Mr. Easton stated that is possible and has been the requirement in past settlement agreements.

Mr. O'Connor asked if the Board could require ethical training.

Mr. Easton stated that the Board could require ethical training. He stated that if a contractor continually violates the rules, they can be referred to the County Attorney.

TREASURER'S REPORT:

Mrs. Hoskins presented the Board's budget reports. The Board's expenditures are down from last year. She felt there would be enough money to operate throughout the remainder of the biennium.

The State is changing the way they are charging for permanently assigned vehicles - going from a flat rate to a per mile price at approximately 50 cents per mile. She feels the current budget will not be affected by this change.

Mr. Midkiff made a motion to approve the Treasurer's Report. Mrs. Christopher seconded the motion. Motion carried.

WATER WELL INSPECTION REPORTS:

Mr. Bebout stated that he has seen more positive remarks on the inspection logs than he had on previous inspection reports. The Board complimented Mr. Wilson on the reports and noted that it may be beneficial to share some of the comments with the Wyoming Water Well Association (WWWA).

RATIFICATION OF NEW LICENSEES:

Mrs. Culver explained that Todd Taylor, Eagle Drilling successfully passed his pump installation contractor's exam. Victor Oliver, Snowy River Water Well Drilling, successfully passed his water well drilling contractor's exam.

Mr. Barbour made a motion to approve the two new licenses. Mr. Bebout seconded the motion. Motion carried.

AUTHORIZATION TO SIGN CONTRACTS:

Mrs. Culver explained that at the last Board meeting, the Board requested that the word employment be removed from the Authorization to Sign Contract Policy.

After a brief discussion, Mr. Midkiff made a motion to also remove the wording "for Board Staff" and the word "employment" from the policy document. Mr. O'Connor seconded the motion. Motion carried.

COMPLIANCE LETTER & NOTICE OF INTENT:

Mrs. Culver explained that the Board packet included a copy of a compliance letter to be sent to contractors who are not complying with submitting Notices of Intent. After a brief discussion, the Board was in agreement with the letter.

COMMITTEE REPORTS:

Exam Committee

Ms. Lindemann explained that the committee continues to work on updating the licensing exams. She explained that a few of the test questions have been edited, but they are still in the process of reviewing and updating the remaining exams.

Penalty Committee

Mr. Midkiff explained that the committee met on April 21st with the WWA in Casper, WY. Mr. Wes Moody, Mr. Aaron Wilson and Mr. Matt Henderson represented the WWA. Mr. Bebout and Mr. Midkiff represented the WWCB.

Mr. Midkiff stated that during the meeting the WWA members expressed that they would have liked to have been consulted more during the rule making and penalty legislation process.

Mr. Bebout explained that the WWA was not necessarily against monetary fines and that they realize that something needs to be done to repeat offenders.

Mrs. Boudewyns explained that the Wyoming Department of Agriculture has categories of “noncritical” violations and “critical” violations. A critical violation is typically something that could affect human health. WDA has the ability to revoke a license for multiple critical violations. A history of noncompliance sets the level of disciplinary action and could be upgraded to critical.

WEBSITE FREQUENTLY ASKED QUESTIONS:

With Mr. O’Connor’s assistance, Mrs. Culver developed several questions and answers to include in the Frequently Asked Questions (FAQ’s) section of the WWCB’s website.

After a brief discussion, the Board suggested a few changes to the FAQ’s which Mrs. Culver will make.

DOCKET STATUS:

Mrs. Culver explained that the Board currently has three Dockets that are still open and need processed, including Docket Nos. 16-001, 16-004, and 17-002.

WWCB LOGO:

Mrs. Culver checked with the University of Wyoming (U.W.) on the use of the Wyoming bucking horse and rider on the WWCB’s logo. U.W. stated that once a logo has been selected, and if the bucking horse and rider is part of the logo, that an organizational use agreement application will be required.

After further discussion a committee was formed to look into creating a logo for the WWCB. Mr. O’Connor, Mr. Midkiff, Mr. Hunt, and Mrs. Culver will serve on the WWCB Logo Committee with Mr. O’Connor serving as chairman.

NEXT MEETING:

The next WWCB Board meeting is scheduled for September 6, 2017 at 10:00 A.M. in the Herschler, Bldg., Conference Room 1699, Cheyenne, WY.

ADJOURNMENT:

Chairman Bebout adjourned the meeting at 11.41 P.M.

Respectfully submitted,



Sheri R. Culver
Executive Director