

MINUTES

STATE BOARD OF EXAMINING
WATER WELL DRILLING CONTRACTORS AND
WATER WELL PUMP INSTALLATION CONTRACTORS

January 14, 2025

10:00 A.M.

PARTICIPATING BOARD MEMBERS:

Aaron Wilson- Chairman
John Midkiff- Vice-Chairman
Jerry Hunt
Wes Moody
Michelle Christopher
Christy Hutchinson-DEQ
Jeremy Manley & Markus Malessa-SEO

MEMBERS OF THE PUBLIC

Matt Bebout- WYGWA
Travis Hueller- WYGWA
Chris Odegard- WYGWA
Parker Blakely- WYGWA
Paul Mitts- WYGWA
David Schroeder- Division 2 Superintendent, State Engineers Office

PARTICIPATING PROFESSIONAL STAFF:

Patrick Kent, Assistant Attorney General
Kristin Baker, State Engineer's Principal Accountant
Jimmy Gordon, Executive Director, WWCB

CALL TO ORDER:

Chairman Wilson called the State Board of Examining Water Well Drilling Contractors and Water Well Pump Installation Contractors (WWCB) meeting to order at 10:01 a.m.

REVIEW & APPROVE AGENDA

The Board reviewed and approved the meeting agenda as circulated. Jerry Hunt made a motion to approve the agenda. Wes Moody seconded the motion. Motion carried.

REVIEW & APPROVE September 18th MEETING MINUTES

The Board reviewed and approved the meeting minutes as circulated. John Midkiff made a motion to approve the minutes. Michelle Christopher seconded the motion. Motion carried.

REVIEW & APPROVE SEPTEMBER 18TH EXECUTIVE SESSION MINUTES

The Board reviewed and approved the executive session meeting minutes as circulated. John Midkiff made a motion to approve the minutes. Michelle Christopher seconded the motion. Motion carried.

OLD BUSINESS:

Online Licensing Software-

Director Gordon shared his work with ETS in development of a Board specific licensing software since the last meeting. He shared an “in-progress” website with the Board to show the overall layout and the functionality the new website will have. He informed the Board the work is slow moving, but he remains in constant communication with the ETS development team and feels confident the end product will be very useful to the Board and licensed contractors.

NEW BUSINESS:

Fiscal Update-

Kristin Baker provided an update on the Boards current budget position including revenue and expenses through year end 2024. She asked for any questions or clarifications needed, which there where none.

Ratification of New Licenses’-

John Midkiff made a motion to ratify all licenses presented by director Gordon. Jerry Hunt seconded the motion. Motion carried.

Executive Director Update

Director Gordon provided the Board with an update of his office since the September 18th meeting. 8 exams were given to 3 applicants. 3 new licenses had been issued since the last Board meeting, 2 Wyoming residents and 1 non-resident. He also shared a breakdown of the current license count. 27 of the possible 47 licenses had been renewed to date in the 2024 cycle. He also shared with the Board that the Chairman and Vice-Chairman positions where both up for re-appointment. The Board typically appoints these positions at the April meeting. He also informed the Board the Engineer’s office had hired a new Groundwater Administrator; he shared the bio provided for Ryan Cox. House Bill 120 was also briefly explained as it applies to the Administrative Procedures Act. It has not been discussed in the Legislature to date. He also shared with the Board that he was aware of one company who employees three licensed contractors who has repeatedly failed to submit statement of completion paperwork for many of their wells. In 2024 they had 10 wells facing expiration that were submitted after multiple requests by himself and other SEO staff. He felt the company had developed a habit of missing the 30-day deadline and it could warrant an investigation toward their licenses. To date, no official written complaint had been received involving the company.

Miscellaneous/ Public Comment-

David Schroeder Superintendent of Division 2 of the Board of Control spoke about multiple instances he was aware of with the contractor mentioned in Director Gordon’s update regarding missing UW6 Statement of Completion forms. He detailed interactions he has had with the company, and its owner involving missing paperwork, and various other issues. He felt an official complaint was soon to be submitted to the Board so action could be taken. Multiple members of the Wyoming Groundwater association attended the meeting and inquired about the process the Board follows as it relates to investigating a licensed contractor. Discussion was had on what items constituted a violation of statutes, and how that information is researched or investigated. The Board and Director Gordon explained the requirement that an official complaint be received by the Board in order to start an investigation on any issue involving a licensed contractor. The complaint must be in writing and may not be anonymous according to

Board statutes. When an official complaint is received by the Board, a copy is sent to the contractor who the complaint is issued against for their official response. Once that is received, or if the deadline comes and no response is received the Executive Director determines if the complaint is valid, and warrants an official investigation. At that time, he assigns, at random, a Board member to serve as the Investigative Board Member. They work with both parties to investigate the complaint and to determine if Board or Engineer's office standards or statutes have been broken. They have the responsibility to issue a recommendation to the Board to either dismiss the complaint, reconcile with both parties, or recommend discipline towards a license. The board then must meet and vote to accept the Investigative Board Members recommendation, or to issue a different decision. The Board discussed that this process was required by the Administrative Procedures Act, and must be followed for all complaints that are received. It also explained that a complaint can come from any member of the public, or the State Engineer's Office and staff. Also, the Board must receive approval from any land owner to inspect a well in question, so any complaint that does not include the land owner would require approval to access the well to properly investigate. Chairman Wilson spoke about the duty of the Board to insure due process for all license holders. The Board has rules and processes that must be followed to discipline a license, and without a written complaint submitted to the Board, that process cannot take place on rumors alone. Director Gordon added that to date, no official complaint has been dismissed without at least an investigation by a Board member. Several complaints have been withdrawn by the issuing party after mediation from Board members and staff. Discussion from the WYGWA members also involved inquiring to the Engineer's Office staff in attendance, if they intended to revoke a well permit that was found to not meet construction standards. The overall response was that would be reserved for extreme cases, and it was determined to cause undue hardship on the well owner in most instances. The WYGWA staff also inquired if the Board could require a minimum number of continuing education credit hours come from an in-person source, versus allowing all online courses. The topic was discussed with no Board action at this time.

EXECUTIVE SESSION

John Midkiff made motion for the Board to enter into Executive Session to discuss the settlement agreement listed on the agenda. Michelle Christopher seconded the motion. Motion carried. The Board entered into Executive Session at 11:58 a.m.

The Board exited Executive Session at 12:17 p.m.

Wes Moody made a motion to direct Executive Director Gordon to issue the settlement agreement to the licensed contractor involved. Jerry Hunt seconded the motion. Motion carried.

Next Meeting

The next meeting will take place in Casper WY at the Thyra Thompson State Building on April 4th, 2024, time 10:00 a.m.

ADJOURNMENT:

Chairman Wilson adjourned the meeting at 12:22 p.m.