

MESSAGE FROM THE IMMEDIATE PAST CHAIRMAN

BOARD HISTORY CONTINUED Chapter 3

In our last two newsletters, we explored three major periods in our Board's history, namely "The First Thirty Years" – better known as "The Nathaniel Ellis Cannady, Sr. Era"; the period during which our licensing law was rewritten and re-enacted; a period better known as "The Richard B. "Dick" Boyd, Jr. Era", and the period during which our new licensing law was successfully implemented, a period better known as "The Howard R. Pancoast Era".

In this article, we will look back into the next eight years in our Board's history from June 20, 1978, the date Mr. Pancoast retired from the Board, to June 30, 1986, a period in the Board's history during which the Board overcame a major threat of "Sunset" by the State Legislature; a period of "survival", better known as "The Oscar Greene, Jr. Era".

In 1965, Mr. Greene was appointed to the Board as the Governor's electrical contractor at large appointee. He served continuously for 22 years as the Governor's appointee until his retirement from the Board April 15, 1987.

Upon Mr. Pancoast's retirement June 30, 1978, Mr. Greene was elected by his fellow board members to succeed Mr. Pancoast as Chairman of the Board. He served continuously as the Board's Chairman for the next 8 years.

At the time Mr. Greene became Board Chairman the dreaded clouds of the "Sunset" threat were beginning to form in our State, the beginning of a movement to sunset all of the State's Occupational and Professional Licensing Boards and commissions with the objective of putting all of these regulatory agencies under one big umbrella agency, namely the State Department of Commerce. Such a movement, if successful, would have brought to a closure our Board's existence. As in other critical past periods in our Board's history, the right person at the right time was called upon to lead the Board, this time that person being Mr. Greene.

Some of our State's legislators led by a powerful Speaker of the House of Representatives passed enabling authority for the establishment of a Governmental Evaluation Commission to be constituted by appointees of the Governor and the State Legislators. The stated purpose for the establishment of this commission was to study and evaluate all N. C. Occupational and Professional Licensing Boards and Commissions to determine whether or not these regulatory agencies were functioning properly in the public's interest and to make recommendations to the Governor and the State Legislature pursuant to the Commissions' findings and conclusions.

Every one of these boards and commissions became extremely vulnerable in this process.

This newly constituted Governmental Evaluation Commission formed its organization, and through a national search recruited Mr. Paul C. Jordan as the Commission's Executive Director. Mr. Jordan let it be known early on that North Carolina's autonomous occupational licensing board system was in strict conflict with his philosophy and early in the Commission's evaluation activities, it became apparent that his objectives were for the Commission to recommend to the Governor and to the State Legislature the sunseting of our State's Licensing Boards and for the creation of one umbrella agency within the N.C. State Department of Commerce to administer all of the various licensing laws including a single enforcement division.

The numerous reports our Board was called upon to furnish to the Commission became a monstrous process. Mr. Greene, through his leadership and organizational expertise, along with the other Board's leaders, our Board's attorney, Mr. Bill Hoke, the Plumbing and Heating Board's Attorney, Mr. Nick Fountain, the General Contracting Board's attorney, Mr. Ruffin Bailey, and the Refrigeration Board's attorney, Mr. Bob Broughton, developed and organized a united front to combat this dangerous threat to sunset all of the licensing boards.

The Commission held several public hearings across the State to receive public input to their evaluation process. This writer was privileged to represent our Board at those hearings, which to the displeasure of some, provided an important forum for our Board to fully explain the purpose for the Board's existence, the Board's operations, and the importance of maintaining our present autonomous Board system.

Following the Commission's long process of evaluating the boards, the Commission through Mr. Jordan, with his influence, submitted the Commission's recommendations to the Governor and to the Legislature. To hardly anyone's surprise, the recommendations submitted through Mr. Jordan included the sunset of all of the licensing boards and commissions and to replace all these State Agencies with a large umbrella board within the N.C. State Department of Commerce and for this umbrella board to assume the administration of all the state's contracting licensing laws including an enforcement division to police all segments of the construction industry in North Carolina being regulated including the electrical contracting industry.

The Commission, primarily Mr. Jordan, in support of their report to the Governor and the State Legislature, stated the Commission's recommendations were based on their findings which verified their belief that the present licensing boards were not fulfilling the intent of each separate sets of licensing laws; that there was a serious weakness in the enforcement of these laws, namely the boards were not revoking a sufficient number of licenses as related to the number of licenses issued, and that this in itself was sufficient evidence of lack of enforcement on the part of these separate boards.

Another reason the Commission gave in support of their recommendations was that none of the existing separate boards had sufficient public input and oversight. The Commission also expressed a belief that there is too much vulnerability for industry domination within the boards potentially depriving others from entering the industry the respective boards were regulating, that the Commission had evidence that this situation exists in other states having similar laws and that this same situation can exist under our state's present board structure.

As a result of Mr. Greene's untiring and dedicated leadership, throughout the entire governmental evaluation process, along with the other members of our Board and those of other boards, the Legislators were convinced that the Governmental Evaluation Commission's recommendations were not based on sufficient facts and to sunset these Boards would not be in the public's best interest, and except for a compromise offered by four of the state boards to the legislature and two amendments to the licensing acts, our Board's and the other affected board's licensing acts remained virtually in tact; this sterling victory over the proposal to sunset all of the licensing boards constituted some of Mr. Greene's finest "hours" as the Chairman of our Board.

The two amendments noted above involved the membership structure of the boards and term limits of the board members as follows:

1. The Board membership structure was increased from a 5 member board to a 7 member board adding two public members who represent the public and who have no tie in the construction industry. (It is under this amendment that this writer was appointed by the Governor to serve as a public member).
2. The length of board member terms was changed from no limitation as in the past to a 7 year term limit and that no member, having completed a full 7 year term is eligible to be reappointed to succeed him or her self. However, any member appointed to a term of less than a 7 year term for any reason is eligible for re-appointment to succeed him or her self for a full 7 years term. (It is under this amendment that this writer was reappointed by the Governor to a full 7 year term succeeding himself after having served an unexpired term due to death of one of the public members).

The compromise offered by the four licensing boards as noted above (electrical, plumbing and heating, general contracting, and refrigeration) consisted of the four boards agreeing to the establishment of a "Construction Coordinating Committee" constituted by board and staff members representing each of the four boards so that they could mutually work together to resolve any problems affecting the public's interest. Accordingly, this committee was established and began functioning immediately and has worked very satisfactorily over the years, primarily through the board's four executive directors or administrators meeting on a regular basis to explore any mutual problems that might arise

affecting the public's interest and to report any such problems to their respective boards with recommendations for appropriate board action.

The first two new public board members appointed to our Board by the Governor under the amended statutory provisions were:

- Reverend Prince E. Graves, founder and pastor of the St. James Baptist Church in Greensboro, NC; and
- Mr. Frank Martin, from Franklin, NC; retired.

In addition to the events dealing with the Board's survival over the "sunset threat", the period in the Board's history known as the "Era of Survival", there were several other important events occurring in the Board's history during Mr. Greene's chairmanship. Some of these events were:

- Developing and publishing the Board's Examination Information Handbook, furnishing each applicant for an examination a copy of this handbook (1979)
- Organized, planned and conducted the Board's first Comprehensive Workshop, a practice continued annually to date. (1979)
- Published and distributed the Board's first semi-annual newsletter (1979)
- Instituted computer and processing office procedures utilizing "IBM's System 23" computer system with related equipment. This was a major enhancement of the Board's office procedures.
- Established a new special restricted license classification (SP-SP) applicable to the grounding requirements for swimming pools and developed the necessary rules and regulations for the implementation of the Special Restricted License Classifications. (1980)
- Recruited and commissioned a special ad-hoc committee to assist the Board in studying the need for the establishment of a special restricted low voltage license classification to regulate low voltage wiring systems, including telephone installations. Following a comprehensive study the Board concluded that there was a need for certain low voltage wiring systems to be regulated for the safety and protection of the general public and pursuant to this conclusion the Board established a Special Restricted Low Voltage Classification (SP-LV) and developed the necessary rules and regulations for the implementation of this license classification. (1981)
- Pursuant to conflicts arising between the engineering profession and the electrical contracting industry regarding electrical installations based on drawings and specifications not bearing the seal of a registered professional engineer (PE), our Board led by Mr. Greene, initiated a meeting with the Board of Professional Engineers in an effort to resolve this matter. After considerable exchanges of facts and information between the two boards, a

satisfactory solution was reached with the engineering board whereby definitions of two types of drawings were agreed upon, namely “Design Drawings” and “Shop Drawings”. Under these definitions, a duly licensed electrical contractor is permitted to do certain designing, utilizing shop drawings to depict to a customer the electrical installation the licensee proposes to do without having to have a registered professional engineer’s seal on the drawing. This privilege for electrical contractors would extend to any type of electrical installations not otherwise specifically prohibited by other statutes. Under this agreement, electrical contractors are permitted to do certain “design-install” electrical installations. “Design drawings” must bear the seal of a registered professional engineer. “Shop drawings” usually are drawings prepared by the installing contractor to provide direction to the installing personnel. Drawings by the installing contractors are permissible to use to illustrate the contractors proposed installation. If a project does require the seal of a registered professional engineer, the installing contractor is permitted to prepare preliminary drawings to illustrate to the customer (owner) what he proposes to install, provided actual “design drawings” are in place. This agreement was a landmark solution to this conflict. (1983)

- Major legislation was enacted by the General Assembly which vitally affected the Board’s employee retirement and health program whereby effective July 1, 1983, no board staff member employed on or after that date would be eligible to be enrolled in the State Employee’s Retirement System or to be covered by the State Employee Health Program. This change made it necessary for our Board to establish a separate employee retirement and health program. To accomplish this our Board joined with eight other occupational and professional licensing boards to establish a retirement and health program for all staff members not eligible to participate in the State’s systems. This joint effort was successful and a reasonable retirement and health system was put into effect. (1984)
- Jesse H. Skinner was employed as the Board’s investigator and enforcement field representative. (May 1, 1985)
- This writer retired from his position as the Board’s Executive Director and Secretary Treasurer effective July 1, 1985. The Board immediately promoted Mr. Robert Lee “Robbie” Brooks Jr. from his position as Assistant Director to become the Board’s second Executive Director and fourth Secretary-Treasurer of the Board since the Board came into being in 1937. Robbie has served continuously in these positions since July 1, 1985.
- Established a reciprocal licensing agreement with the State of Florida’s Electrical Contracting Licensing Board effective July 25, 1985.
- Mr. Greene stepped down from the Board’s chairmanship effective July 1, 1986. During his 8 years as Chairman, he was privileged to have served with nine other distinguished board members in the order of their

appointments, namely Mr. Richard B. “Dick” Boyd, Jr.; Mr. Charles B. Sparrow; Mr. Larry L. Woodall, Jr.; Professor Luther Herman; Mr. J. Harold Garland; Rev. Prince E. Graves; Mr. J. Frank Martin; and Professor William T. “Bill” Easter.

- On April 15, 1987, Mr. Greene retired from the Board after a long and distinguished service leaving behind a great legacy of accomplishments and long to be remembered as the Board’s leader during the most crucial period in our Board’s history; a period known as “the Era of Survival”, better known as “The Oscar Greene, Jr. Era” indelibly inscribed in the Board’s annals of history.

To Be Continued.

Respectfully,

Curtis R. Kennedy