

**NORTH CAROLINA CODE OFFICIALS QUALIFICATION BOARD  
MEETING NOTEBOOK**



**AGENDA**

**October 25, 2022 - 1:00 PM**

<https://ncgov.webex.com/ncgov/j.php?MTID=mfaa2acc2c44a0ac80de361c8c269fcf7>

**Meeting number (access code): 2432 053 8671**

**Meeting password: 3m9Vx9BJ2Qa**

**Via Phone: (415) 655-0003**

**Access Code: 2432 053 8671**

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## **INTRODUCTION and ROLL CALL**

### **BOARD OFFICERS**

**Chairman** Bill Thunberg

**Vice Chairman** Fleming El-Amin

**Secretary** Rob Roegner,

### **STANDING COMMITTEE CHAIRS**

**Policy & Procedures** Richard White

**Qualification & Evaluation** Tom Bender

**Education & Research** Karen Tikkanen

### **Department of Insurance, Engineering and Codes Division**

1. Designee - Rob Roegner

Represents, Appointing Authority, (Term Start/End)

### **Public Member**

2. Citizen of NC, Governor – Bill Thunberg ('08/'24)

### **Design Professionals**

3. Architect, Senate- Mark Patterson ('21/'25)
4. Engineer, Senate - Mack Summey, PE ('14/'26)

### **Code Enforcement Officials**

5. Code Official, County, Senate - Jeffrey Griffin ('16/'26)
6. Code Official, City, Senate - Michael Crofts ('19/'23)
7. Code Official, Fire Prevention, Governor - Thomas Bender ('18/'23)

### **Local Government**

8. Elected Official, County > 40K [Forsyth], Governor - Fleming El-Amin ('18/'26)
9. Elected Official, County < 40K [Dare], Governor - Danny Couch ('18/'25)
10. Elected Official, City > 5K, [Elizabeth City], Governor - Montrena Hadley ('22/'26)
11. Elected Official, City < 5K [Burnsville], Governor- Russell Fox ('21/'25)
12. Manager, City/County [Carrboro], Governor - Richard White ('18/'26)

### **Licensed Contractors**

13. General, Building, House - Andy Matthews ('12/'23)
14. General, Residential, House – Mark Smith ('15/'23)
15. Mech/Plumbing, House - Allen Kelly ('12/'25)
16. Electrical, House - James Steele ('16/'23)

### **Academic Institutions**

17. UNC School of Government, Dean - Vacant
18. NCSU Engineering Faculty, Dean - Stephen Terry, PhD, PE ('13/'22)
19. NCAT Engineering Faculty, Dean - Vacant
20. NC Community College System, President - Karen Tikkanen ('20/'24)

## **CONFLICT OF INTEREST REMINDER**

**NCGS 138A-15(e)** “At the beginning of any meeting of a board, the chair shall remind all members of their duty to avoid conflicts of interest and appearances of conflict...”

**In accordance with the State Government Ethics Act\*, it is the duty of every NC Code Officials Qualification Board member to avoid both conflicts of interest and appearances of conflict.**

**Do any Board members have any known conflict of interest or potential of conflict with respect to any matters coming before the Board today? If so, please identify the conflict or potential of conflict and refrain from any undue participation\* in the particular matter involved.**

**Let the minutes show that the State Ethics Commission has cited the potential for a conflict of interest for certain members of the Board who are serving in the following appointments:**

- **Code officials, because they serve on the Board that certifies them.**
- **Elected officials, because local government entities employ code officials.**
- **Licensed contractors, because their companies regularly work with code officials.**
- **UNC School of Government, because the school provides educational services for code officials who are subject to the jurisdiction of the Board.**

**Board members should exercise appropriate caution in the performance of their public duties should issues involving their licenses or that of any of their employees come before the Board. This would include recusing themselves to the extent that their interests would influence or could reasonably appear to influence their actions.**

\*” A public servant shall take appropriate steps, under the particular circumstances and considering the type of proceeding involved, to remove himself or herself to the extent necessary, to protect the public interest and comply with this Chapter, from any proceeding in which the public servant’s impartiality might reasonably be questioned due to the public servant’s familial, personal, or financial relationship with a participant in the proceeding.”

The Ethics Act establishes ethical standards for certain public servants, including conflict of interest standards. G.S. 138A-31 prohibits public servants from using their positions for their financial benefit or for the benefit of a member of their extended family or a business with which they are associated. G.S. 138A-36(a) prohibits public servants from participating in certain official actions in which they have an economic interest or if the public servant, a member of the public servant’s extended family, or a business with which the public servant is associated would otherwise benefit from that action.

In addition to the conflicts standards noted above, G.S. 138A-32 prohibits public servants from accepting gifts, directly or indirectly (1) from anyone in return for being influenced in the discharge of their official responsibilities, (2) from a lobbyist or lobbyist principal, or (3) from a person or entity which is doing or seeking to do business with the public servant’s agency, is regulated or controlled by the public servant’s agency, or has particular financial interests that may be affected by the public servant’s official actions. Exceptions to the gift rule are set out in G.S. 138A-32(e).

## **ITEM 2 –APPROVAL OF MINUTES**

July 26, 2022, Regular meeting minutes DRAFT (Attachment A).

## **ITEM 3 - FIFTH LEVEL III CERTIFICATE**

The following individual(s) achieved their Fifth Level III Certificate this quarter:

- Daniel Edward Pruss (Waxhaw), Fire Prevention, Level III issued 8/1/22

The number of active code enforcement officials who have five level III certificates is **185**.

## **ITEM 4 - PUBLIC COMMENT**

### **ITEM 5 - COMMITTEE REPORTS**

**Executive** - General responsibility for planning and coordinating the operations of the other standing committees, and it may exercise such other functions as are directed by the Board.

Chairman Bill Thunberg reports no committee meeting was held.

**Policies and Procedures** - Responsible for (a) developing rules and regulations applicable to the administration of Board functions, including disciplinary actions and (b) developing procedures for certifying code officials.

Chairman Richard White reports Policy and Procedures committee meeting was held on October 17, 2022. White will provide a report.

**Qualifications and Evaluation** - Responsible for (a) developing qualifications for employment in various capacities as a code enforcement official, (b) developing an evaluation system for certification of code officials and (c) reviewing staff decisions concerning individual applications. Appeals of decisions of this committee concerning such applications shall be heard by the Board de novo.

Chairman Tom Bender reports a committee meeting was held on October 13, 2022 and will provide a recommendation on applicants with a criminal history. Rich Hall shared results of the Self-Study Program.

**Education and Research** - Responsible for (a) developing and approving pre-service and in-service educational programs for code officials and (b) conducting and encouraging research in code enforcement, administration, and education.

Chairwoman Karen Tikkanen reports s committee meeting was held on October 19, 2022. Tikkanen will provide a report.

### **Investigation Review**

Chairman Jeff Griffin held committee meetings on September 8 and October 19 via video teleconference.

Griffin will make a motion to approve recommended disposition of complaint investigations.

### **Case(s) complete, ready for presentation to the Board**

- **580** Horne (Babi) – Brunswick
  - No-Basis, Dismiss
- **582** Basinger (Cheney) – New Hanover Co.
  - No-Basis, Dismiss
- **584** Brooks (Voronisky) – Raleigh
  - No-Basis, Dismiss
- **586** Banner/Pulliam (Miller) – Boone
  - LC: Banner and Pulliam
- **592** Harris (Graves) – Alamance Co.
  - No-Basis, Dismiss
- **593** Evans (Hartgrove) – Holden Beach
  - No-Basis, Dismiss

### **Rules Review and Update**

Chairman Rob Roegner held committee meeting on October 24, 2022 via video teleconference. Roegner will provide a report.

## **ITEM 6- ON-GOING BUSINESS**

### **A. Amend Bylaws for Investigation Review Committee (IRC) – Second Vote**

5. The Investigation Review Committee shall review all investigation reports prepared pursuant to a consumer or board-initiated complaint; shall determine terms and conditions of proposed consent agreements; and shall make recommendations to the Board as to the disposition of cases. The IRC shall have authority to direct staff to initiate an investigation on behalf of the Board.

## **ITEM 7 – NEW BUSINESS**

- A. NCDOI/OSP Research Project**
- B. NCDIT GDAC MOA**

**ITEM 8 – STAFF REPORT – ATTACHMENT B**

**ITEM 9 - ADJOURNMENT**

**ATTACHMENTS**

July 26, 2022, Regular meeting minutes DRAFT (Attachment A)

Staff Report (Attachment B)

Policy and Procedures Committee Meeting Minutes (Draft) (Attachment C)

Education and Research Committee Meeting Minutes (Draft) (Attachment D)

Guidelines for Community Colleges Board Courses (2006) (Attachment E)

Qualification and Evaluation Committee Meeting Minutes (Draft) (Attachment F)

Investigations Review Special Committee Meeting Minutes (N/A)

Rules Review Special Committee Meeting Minutes (TBD)