



# **NORTH CAROLINA CODE OFFICIALS QUALIFICATION BOARD**

**N.C. GENERAL STATUTES CHAPTER 143, ARTICLE 9C**

**NORTH CAROLINA ADMINISTRATIVE CODE  
(Board Rules)**

**BY-LAWS**

**North Carolina Code Officials Qualification Board Office**

**Mailing Address:  
1202 Mail Service Center  
Raleigh, NC 27699-1202  
Phone: 919-647-0000**

**Location:  
325 N Salisbury St  
Raleigh, NC 27603  
Website: <https://www.ncosfm.gov/>**

**October 1, 2020**

October 1, 2020 Message from the NCDOI Engineering & Codes Division staff

This issue of the NC General Statutes and Administrative Code (aka Board Rules) includes a brief summary of changes. These changes are noted by a **vertical bar in the margin** | to assist the reader. Together these Laws and Rules provide the regulatory guidance for the Board and Staff to Certify, Educate, Investigate and Discipline Code Enforcement Officials in North Carolina. This publication is for use and reference by applicants for certification; certified inspectors; continuing education course sponsors and instructors, design, construction and real estate industry professionals, and of course; the general public as they are the ultimate consumers of inspection and code administration and enforcement services as either homebuyers or homeowners that the NC Code Officials Qualification Board is intended to serve and protect.

Summary of Changes:

NC General Statutes:

Session Law 2018-29:

G.S. 143-151.12 was amended to establish the marketplace pool of qualified CEO's

G.S. 143-151.14 was amended to expand the Board's authority to grant comity

G.S. 143-151.13(A) was amended to reduce the amount of CE required to reactivate an inactive certificate.

G.S. 143-151.8(c) was amended to add (7) as an instance of willful misconduct, gross negligence, or gross incompetence.

Session Law 2019-174:

G.S. 143-151.13 was amended to include Residential Changeout Inspector as a standard certificate that shall be issued by the Board.

NC Administrative Code (Substantial updates)

11 NCAC 08.0602 – Probationary Certificate – Amended to include rules applicable to probationary certificate for Residential Changeout Inspector

11 NCAC 08.0702 – Nature of Standard Certificate – Was amended to reflect the addition of the Residential Changeout Inspector certificate.

11 NCAC 08.0734 – Residential Changeout Inspector – Was added to create the requirements for issuance of a Residential Changeout Inspector certificate.

11 NCAC 08.0735 – Temporary Certificate – adopted as a temporary rule relating to temporary issuance of Temporary Certificates.



**NORTH CAROLINA GENERAL STATUTES**

**Chapter 143, Article 9C — NC Code Officials Qualification Board**

<u>General Statute</u>	<u>Page</u>
§ 143-151.8 Definitions .....	4
§ 143-151.9 North Carolina Code Officials Qualification Board established; members; terms; vacancies.....	4
§ 143-151.10 Compensation .....	4
§ 143-151.11 Chairman; vice-chairman; other officers; meetings; reports. ....	4
§ 143-151.12 Powers. ....	5
§ 143-151.13 Required standards and certificates for Code-enforcement officials.....	5
§ 143-151.13A Professional development program for officials.....	5
§ 143-151.14 Comity. ....	5
§ 143-151.15 Return of certificate to Board; reissuance by Board.....	5
§ 143-151.16 Certification fees; renewal of certificates; examination fees.....	6
§ 143-151.17 Grounds for disciplinary actions; investigation; administrative procedures. ..	6
§ 143-151.18 Violations; penalty; injunction. ....	6
§ 143-151.19 Administration. ....	6
§ 143-151.20 Donations and appropriations .....	7
§ 143-151.21 Disposition of fees .....	7

Vertical bar in margin indicates change since previous edition

|

**NORTH CAROLINA CODE OFFICIALS QUALIFICATION BOARD  
GENERAL STATUTES**

**Article 9C**

**§ 143-151.8. Definitions.**

- (a) As used in this Article, unless the context otherwise requires:
- (1) "Board" means the North Carolina Code Officials Qualification Board.
  - (2) "Code" means the North Carolina State Building Code and related local building rules approved by the Building Code Council enacted, adopted or approved under G.S. 143-138, any resolution adopted by a federally recognized Indian Tribe under G.S. 153A-350.1 in which the Tribe adopts the North Carolina State Building Code and related local building rules, and the standards adopted by the Commissioner of Insurance under G.S. 143-143.15(a).
  - (3) "Code enforcement" means the examination and approval of plans and specifications, or the inspection of the manner of construction, workmanship, and materials for construction of buildings and structures and components thereof, or the enforcement of fire code regulations as an employee of the State or local government or as an employee of a federally recognized Indian Tribe employed to perform inspections on tribal lands under G.S. 153A-350.1, as an individual contracting with the State or a local government or a federally recognized Indian Tribe who performs inspections on tribal lands under G.S. 153A-350.1 to conduct inspections, or as an individual who is employed by a company contracting with a county or a city to conduct inspections, except an employee of the State Department of Labor engaged in the administration and enforcement of those sections of the Code which pertain to boilers and elevators, to assure compliance with the State Building Code and related local building rules.
  - (4) "Local inspection department" means the agency or agencies of local government, or any government agency of a federally recognized Indian Tribe under G.S. 153A-350.1, with authority to make inspections of buildings and to enforce the Code and other laws, ordinances, and rules enacted by the State and the local government or a federally recognized Indian Tribe under G.S. 153A-350.1, which establish standards and requirements applicable to the construction, alteration, repair, or demolition of buildings, and conditions that may create hazards of fire, explosion, or related hazards.
  - (5) "Qualified Code-enforcement official" means a person qualified under this Article to engage in the practice of Code enforcement.
- (b) For purposes of this Article, the population of a city or county shall be determined according to the most current federal census, unless otherwise specified.
- (c) For purposes of this Article, "willful misconduct, gross negligence, or gross incompetence" in addition to the meaning of those terms under other provisions of the General Statutes or at common law, shall include any of the following:
- (1) The enforcement of a Code requirement applicable to a certain area or set of circumstances in other areas or circumstances not specified in the requirement.

- (2) For an alternative design or construction method that has been appealed under G.S. 143-140.1 and found by the Department of Insurance to comply with the Code, to refuse to accept the decision by the Department to allow that alternative design or construction method under the conditions or circumstances set forth in the Department's decision for that appeal.
- (3) For an alternative construction method currently included in the Building Code, to refuse to allow the alternative method under the conditions or circumstances set forth in the Code for that alternative method.
- (4) The enforcement of a requirement that is more stringent than or otherwise exceeds the Code requirement.
- (5) To refuse to implement or adhere to an interpretation of the Building Code issued by the Building Code Council or the Department of Insurance.
- (6) The habitual failure to provide requested inspections in a timely manner.
- (7) Enforcement of a Code official's preference in the method or manner of installation of heating ventilation and air-conditioning units, appliances, or equipment that is not required by the State Building Code and is in contradiction of a manufacturer's installation instructions or specifications.

(1977, c. 531, s. 1; 1987, c. 827, ss. 224, 225; 1989, c. 681, s. 15; 1993, c. 232, s. 4.1; 1999-78, s. 2; 1999-372, s. 5; 2001-421, s. 2.4; 2015-145, s. 3(a); 2018-29, s. 9.)

**§ 143-151.9. North Carolina Code Officials Qualification Board established; members; terms; vacancies.**

(a) There is hereby established the North Carolina Code Officials Qualification Board in the Department of Insurance. The Board shall be composed of 20 members appointed as follows:

- (1) One member who is a city or county manager;
- (2) Two members, one of whom is an elected official representing a city over 5,000 population and one of whom is an elected official representing a city under 5,000 population;
- (3) Two members, one of whom is an elected official representing a county over 40,000 population and one of whom is an elected official representing a county under 40,000 population;
- (4) Two members serving as building officials with the responsibility for administering building, plumbing, electrical and heating codes, one of whom serves a county and one of whom serves a city;
- (5) One member who is a registered architect;
- (6) One member who is a registered engineer;
- (7) Two members who are licensed general contractors, at least one of whom specializes in residential construction;
- (8) One member who is a licensed electrical contractor;
- (9) One member who is a licensed plumbing or heating contractor;
- (10) One member selected from the faculty of the North Carolina State University School of Engineering and one member selected from the faculty of the School of Engineering of the North Carolina Agricultural and Technical State University;
- (11) One member selected from the faculty of the School of Government at the University of North Carolina at Chapel Hill;
- (12) One member selected from the Community Colleges System Office;
- (13) One member selected from the Division of Engineering and Building Codes in the Department of Insurance; and,
- (14) One member who is a local government fire prevention inspector and one member who is a citizen of the State.

The various categories shall be appointed as follows: (1), (2), (3), and (14) by the Governor; (4), (5), and (6) by the General Assembly upon the recommendation of the President Pro Tempore in accordance with G.S. 120-121; (7), (8), and (9) by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121; (10) by the deans of the respective schools of engineering of the named universities; (11) by the Dean of the School of Government at the University of North Carolina at Chapel Hill; (12) by the President of the Community Colleges System; and (13) by the Commissioner of Insurance.

(b) The members shall be appointed for staggered terms and the initial appointments shall be made prior to September 1, 1977, and the appointees shall hold office until July 1 of the year in which their respective terms expire and until their successors are appointed and qualified as provided hereafter:

For the terms of one year: the members from subdivisions (1), (6) and (10) of subsection (a), and one member from subdivision (3).

For the terms of two years: the member from subdivision (11) of subsection (a), one member from subdivision (2), one member from subdivision (4), one member from subdivision (7), and one member from subdivision (14).

For the terms of three years: the members from subdivisions (8) and (12) of subsection (a), one member from subdivision (2), one member from subdivision (4), and one member from subdivision (14).

For the terms of four years: the members from subdivision (5), (9) and (13) of subsection (a), one member from subdivision (3), and one member from subdivision (7).

Thereafter, as the term of each member expires, his successor shall be appointed for a term of four years. Notwithstanding the appointments for a term of years, each member shall serve at the will of the Governor.

Members of the Board who are public officers shall serve ex officio and shall perform their duties on the Board in addition to the duties of their office.

(c) Vacancies in the Board occurring for any reason shall be filled for the unexpired term by the person making the appointment.

(1977, c. 531, s. 1; 1987, c. 564, s. 28; 1989, c. 681, s. 16; 1995, c. 490, s. 12(a); 1999-84, s. 22; 2006-264, s. 29(m).)

#### **§ 143-151.10. Compensation.**

Members of the Board who are State officers or employees shall receive no salary for serving on the Board, but shall be reimbursed for their expenses in accordance with G.S. 138-6. Members of the Board who are full-time salaried public officers or employees other than State officers or employees shall receive no salary for serving on the Board, but shall be reimbursed for subsistence and travel expenses in accordance with G.S. 138-5(a)(2) and (3). All other members of the Board shall receive compensation and reimbursement for expenses in accordance with G.S. 138-5(a). (1977, c. 531, s. 1.)

#### **§ 143-151.11. Chairman; vice-chairman; other officers; meetings; reports.**

(a) The members of the Board shall select one of their members as chairman upon its creation, and shall select the chairman each July 1 thereafter.

(b) The Board shall select a vice-chairman and such other officers and committee chairmen from among its members, as it deems desirable, at the first regular meeting of the after its creation and at the first regular meeting after July 1 of each year thereafter. Provided, nothing in this subsection shall prevent the creation or abolition of committees or offices of the Board, other than the office of vice-chairman, as the need may arise at any time during the year.

(c) The Board shall hold at least four regular meetings per year upon the call of the chairman. Special meetings shall be held upon the call of the chairman or the vice-chairman, or upon the written request of four members of the Board.

(d) The activities and recommendations of the Board with respect to standards for Code officials training and certification shall be set forth in regular and special reports made by the Board. Additionally, the Board shall present special reports and recommendations to the Governor or the General Assembly, or both, as the need may arise or as the Governor or the General Assembly may request. (1977, c. 531, s. 1.)

### **§ 143-151.12. Powers.**

In addition to powers conferred upon the Board elsewhere in this Article, the Board shall have the power to:

- (1) Adopt rules necessary to administer this Article;
- (1a) Require State agencies, local inspection departments, and local governing bodies to submit reports and information about the employment, education, and training of Code-enforcement officials;
- (2) Establish minimum standards for employment as a Code-enforcement official: (i) in probationary or temporary status, and (ii) in permanent positions;
- (3) Certify persons as being qualified under the provisions of this Article to be Code-enforcement officials, including persons employed by a federally recognized Indian Tribe to perform inspections on tribal lands under G.S. 153A-350.1;
- (4) Consult and cooperate with counties, municipalities, agencies of this State, other governmental agencies, and with universities, colleges, junior colleges, community colleges and other institutions concerning the development of Code-enforcement training schools and programs or courses of instruction;
- (5) Establish minimum standards and levels of education or equivalent experience for all Code-enforcement instructors, teachers or professors;
- (6) Conduct and encourage research by public and private agencies which shall be designed to improve education and training in the administration of Code enforcement;
- (7) Adopt and amend bylaws, consistent with law, for its internal management and control; appoint such advisory committees as it may deem necessary; and enter into contracts and do such other things as may be necessary and incidental to the exercise of its authority pursuant to this Article; and,
- (8) Make recommendations concerning any matters within its purview pursuant to this Article; [and]
- (9) Establish within the Department of Insurance a marketplace pool of qualified Code-enforcement officials available for the following purposes:
  - a. When requested by the Insurance Commissioner, to assist in the discharge of the Commissioner's duty under G.S. 143-139 to supervise, administer, and enforce the North Carolina State Building Code.
  - b. When requested by local inspection departments, to assist in Code enforcement. (1977, c. 531, s. 1; 1987, c. 564, s. 15; c. 827, s. 226; 1999-78, s. 3; 2018-29, s. 2(a).)

### **§ 143-151.13. Required standards and certificates for Code-enforcement officials.**

(a) No person shall engage in Code enforcement under this Article unless that person possesses one of the following types of certificates, currently valid, issued by the Board attesting to that person's qualifications to engage in Code enforcement: (i) a standard certificate; (ii) a limited certificate provided for in subsection (c) of this section; or (iii) a probationary certificate provided for in subsection (d) of this section. To obtain a standard certificate, a person must pass an examination, as prescribed by the Board or by a contracting party under G.S. 143-151.16(d), that is based on the North Carolina State Building Code and administrative



procedures required for Code enforcement. The Board may issue a standard certificate of qualification to each person who successfully completes the examination. The certificate authorizes that person to engage in Code enforcement and to practice as a qualified Code-enforcement official in North Carolina. The certificate of qualification shall bear the signatures of the chairman and secretary of the Board.

(b) The Board shall issue one or more standard certificates to each Code-enforcement official demonstrating the qualifications set forth in subsection (b1) of this section. Standard certificates are available for each of the following types of qualified Code-enforcement officials:

- (1) Building inspector.
- (2) Electrical inspector.
- (3) Mechanical inspector.
- (4) Plumbing inspector.
- (5) Fire inspector.
- (6) Residential changeout inspector.

(b1) The holder of a standard certificate may practice Code enforcement only within the inspection area and level described upon the certificate issued by the Board. A Code-enforcement official may qualify and hold one or more certificates. These certificates may be for different levels in different types of positions as defined in this section and in rules adopted by the Board.

(b2) A Code-enforcement official holding a certificate indicating a specified level of proficiency in a particular type of position may hold a position calling for that type of qualification anywhere in the State. With respect to all types of Code-enforcement officials, those with Level I, Level II, or Level III certificates shall be qualified to inspect and approve only those types and sizes of buildings as specified in rules adopted by the Board.

(c) A Code-enforcement official holding office as of the date specified in this subsection for the county or municipality by which he is employed, shall not be required to possess a standard certificate as a condition of tenure or continued employment but shall be required to complete such in-service training as may be prescribed by the Board. At the earliest practicable date, such official shall receive from the Board a limited certificate qualifying him to engage in Code enforcement at the level, in the particular type of position, and within the governmental jurisdiction in which he is employed. The limited certificate shall be valid only as an authorization for the official to continue in the position he held on the applicable date and shall become invalid if he does not complete in-service training within two years following the applicable date in the schedule below, according to the governmental jurisdiction's population as published in the 1970 U.S. Census:

- Counties and Municipalities over 75,000 population – July 1, 1979
- Counties and Municipalities between 50,001 and 75,000 – July 1

Counties and Municipalities between 25,001 and 50,000 – July 1, 1983

Counties and Municipalities 25,000 and under – July 1, 1985

All fire prevention inspectors holding office – July 1, 1989. Fire prevention inspectors have until July 1, 1993, to complete in-service training.

An official holding a limited certificate can be promoted to a position requiring a higher level certificate only upon issuance by the Board of a standard certificate or probationary certificate appropriate for such new position.

(d) The Board may provide for the issuance of probationary or temporary certificates valid for such period (not less than one year nor more than three years) as specified by the Board's rules, or until June 30, 1983, whichever is later, to any Code-enforcement official newly employed or newly promoted who lacks the qualifications prescribed by the Board as prerequisite to applying for a standard certificate under subsection (a). No official may have a probationary or temporary certificate extended beyond the specified period by renewal or otherwise. The Board may provide for appropriate levels of probationary or temporary certificates and may issue these certificates with such special conditions or requirements relating to the place of employment of the person holding the certificate, his supervision on a consulting or advisory basis, or other matters as the Board may deem necessary to protect the public safety and health.

(e) The Board shall, without requiring an examination, issue a standard certificate to any person who is currently certified as a county electrical inspector pursuant to G.S. 153A-351. The certificate issued by the Board shall authorize the person to serve at the electrical inspector level approved by the Commissioner of Insurance in G.S. 153A-351.

(f) The Board shall issue a standard certificate to any person who is currently licensed to practice as a(n):

- (1) Architect, registered pursuant to Chapter 83A;
- (2) General contractor, licensed pursuant to Article 1 of Chapter 87;
- (3) Plumbing or heating contractor, licensed pursuant to Article 2 of Chapter 87;
- (4) Electrical contractor, licensed pursuant to Article 4 of Chapter 87; or,
- (5) Professional engineer, registered pursuant to Chapter 89C;

provided the person successfully completes a short course, as prescribed by the Board, relating to the State Building Code regulations and Code-enforcement administration. The standard certificate shall authorize the person to practice as a qualified Code-enforcement official in a particular type of position at the level determined by the Board, based on the type of license or registration held in any profession specified above. (1977, c. 531, s. 1; 1979, cc. 521, 829; 1983, c. 90; 1987, c. 827, ss. 225, 227; 1989, c. 681, s. 17; 1989 (Reg. Sess., 1990), c. 1021, s. 5; 1991, c. 133, s. 1; 2007-120, s. 1; 2008-124, s. 8.1; 2019-174, s. 2.)

#### **§ 143-151.13A. Professional development program for officials.**

(a) As used in this section, "official" means a qualified Code-enforcement official as that term is defined in G.S. 143-151.8.

(b) The Board may establish professional development requirements for officials as a condition of the renewal or reactivation of their certificates. The purposes of these professional development requirements are to assist officials in maintaining professional competence in their enforcement of the Code and to assure the health, safety, and welfare of the citizens of North Carolina. An official subject to this section shall present evidence to the Board at each certificate renewal after initial certification, that during the 12 months before the certificate expiration date, the official has completed the required number of credit hours in courses approved by the Board. Annual continuing education hour requirements shall be determined by the Board but shall not be more than six credit hours.

(c) The Board may require an individual who earns a certificate under programs established in G.S. 143-151.13 to complete professional development courses, not to exceed six hours in each technical area of certification, within one year after that individual is first employed by a city or county inspection department.

(d) As a condition of reactivating a standard or limited certificate, the Board may require the completion of professional development courses within one year after reemployment as an official as follows:

- (1) An individual who has been on inactive status for more than two years and who has not been continuously employed by a city or county inspection department during the period of inactive status shall complete professional development courses not to exceed six hours for each technical area in which the individual is certified.
- (2) An individual who has been on inactive status for more than two years and who has been continuously employed by a city or county inspection department during the period of inactive status shall complete professional development courses not to exceed three hours for each technical area in which the individual is certified.
- (3) An individual who has been on inactive status for two years or less shall complete professional development courses not to exceed two hours for each technical area in which the individual is certified.

(e) The Board may, for good cause shown, grant extensions of time to officials to comply with these requirements. An official who, after obtaining an extension under this subsection, offers evidence satisfactory to the Board that the official has satisfactorily completed the required professional development courses, is in compliance with this section.

(f) The Board may adopt rules to implement this section, including rules that govern:

- (1) The content and subject matter of professional development courses.
- (2) The criteria, standards, and procedures for the approval of courses, course sponsors, and course instructors.
- (3) The methods of instruction.
- (4) The computation of course credit.
- (5) The ability to carry-forward course credit from one year to another.
- (6) The waiver of or variance from the professional development required for hardship or other reasons.
- (7) The procedures for compliance and sanctions for noncompliance.

(2005-102, s. 1; 2018-29, s. 8.)

#### **§ 143-151.14. Comity.**

(a) The Board may, without requiring an examination, grant a standard certificate as a qualified Code-enforcement official for a particular type of position and level to any person who, at the time of application, is certified as a qualified Code-enforcement official in good standing by a similar board of another state, district or territory where standards are acceptable to the Board and not lower than those required by this Article for a similar type of position and level in this State.

(b) The Board may, without requiring an examination, grant a standard certificate as a qualified Code-enforcement official for a particular type of position and level to any person who, at the time of application, is certified as a qualified Code-enforcement official in good standing by the International Code Council where standards and examination are acceptable to the Board and not lower than those required by this Article for a type of position and level in this State.

(c) The certificates granted under subsections (a) and (b) of this section shall expire after three years unless within that time period the holder completes a short course, as prescribed by the Board, relating to the State Building Code regulations and Code-enforcement administration.

(d) A fee of not more than twenty dollars (\$20.00), as determined by the Board, must be paid by any applicant to the Board for the issuance of a certificate under this section. The provisions of G.S. 143-151.16(b) relating to renewal fees and late renewals shall apply to every person granted a standard certificate in accordance with this section.

(1977, c. 531, s. 1; 2007-120, s. 2; 2018-29, s. 7.)

**§ 143-151.15. Return of certificate to Board; reissuance by Board.**

A certificate issued by the Board under this Article is valid as long as the person certified is employed by the State of North Carolina or any political subdivision thereof as a Code-enforcement official, or is employed by a federally recognized Indian Tribe to perform inspections on tribal lands under G.S. 153A-350.1 as a Code-enforcement official. When the person certified leaves that employment for any reason, he shall return the certificate to the Board. If the person subsequently obtains employment as a Code-enforcement official in any governmental jurisdiction described above, the Board may reissue the certificate to him. The provisions of G.S. 143-151.16(b) relating to renewal fees and late renewals shall apply, if appropriate. The provisions of G.S. 143-151.16(c) shall not apply. This section does not affect the Board's powers under G.S. 143-151.17. (1977, c. 531, s. 1; 1993 (Reg. Sess., 1994), c. 678, s. 35; 1999-78, s. 4.)

**§ 143-151.16. Certification fees; renewal of certificates; examination fees.**

(a) The Board shall establish a schedule of fees to be paid by each applicant for certification as a qualified Code-enforcement official. Such fee shall not exceed twenty dollars (\$20.00) for each applicant.

(b) A certificate, other than a probationary certificate, as a qualified Code-enforcement official issued pursuant to the provisions of this Article must be renewed annually on or before the first day of July. Each application for renewal must be accompanied by a renewal fee to be determined by the Board, but not to exceed ten dollars (\$10.00). The Board is authorized to charge an extra four dollar (\$4.00) late renewal fee for renewals made after the first day of July each year.

(c) Any person who fails to renew his certificate for a period of two consecutive years may be required by the Board to take and pass the same examination as unlicensed applicants before allowing such person to renew his certificate.

(d) The Board may contract with persons for the development and administration of the examinations required by G.S. 143-151.13(a), for course development related to the examinations, for review of a particular applicant's examination, and for other related services. The person with whom the Board contracts may charge applicants a reasonable fee for the costs associated with the development and administration of the examinations, for course development related to the examinations, for review of the applicant's examinations, and for other related services. The fee shall be agreed to by the Board and the other contracting party. The amount of the fee under this subsection shall not exceed one hundred seventy-five dollars (\$175.00). Contracts for the development and administration of the examinations, for course development related to the examinations, and for review of examinations shall not be subject to Article 3, 3C, or 8 of Chapter 143 of the General Statutes or to Article 15 of Chapter 143B of the General Statutes. However, the Board shall: (i) submit all proposed contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars (\$1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all proposed contracts to be awarded by the Board under this subsection a standard clause which provides that the State Auditor and internal auditors of the Board may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Board shall not award a cost plus percentage of cost agreement or contract for any purpose.

(e) The Board may contract with persons for the development and administration of the examinations required by G.S. 143-151.13(a), for course development related to the examinations, for review of a particular applicant's examination, and for other related services. The person with whom the Board contracts may charge applicants a reasonable fee for the costs associated with the development and administration of the examinations, for course development related to the examinations, for review of the applicant's examinations, and for other related services. The fee shall be agreed to by the Board and the other contracting party. The amount of the fee under this subsection shall not exceed one hundred seventy-five dollars (\$175.00). Contracts for the development and administration of the examinations, for course development related to the examinations, and for review of examinations shall not be subject to Article 3, 3C, or 8 of Chapter 143 of the General Statutes or to Article 14 of Chapter 143B of the General Statutes. However, the Board shall: (i) submit all proposed contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars (\$1,000,000) authorized by this subsection to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all proposed contracts to be awarded by the Board under this subsection a standard clause which provides that the State Auditor and internal auditors of the Board may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Board shall not award a cost plus percentage of cost agreement or contract for any purpose.

(1977, c. 531, s. 1; 2005-289, s. 1; 2008-124, s. 8.2; 2009-451, s. 21.3; 2010-194, s. 25; 2011-326, s. 15(z); 2015-241, s. 7A.4(v).)

**§ 143-151.17. Grounds for disciplinary actions; investigation; administrative procedures.**

(a) The Board shall have the power to suspend any or all certificates, revoke any or all certificates, demote any or all certificates to a lower level, or refuse to grant any certificate issued under the provisions of this Article to any person who:

- (1) Has been convicted of a felony against this State or the United States, or convicted of a felony in another state that would also be a felony if it had been committed in this State;
- (2) Has obtained certification through fraud, deceit, or perjury;
- (3) Has knowingly aided or abetted any person practicing contrary to the provisions of this Article or the State Building Code or any building codes adopted by a federally recognized Indian Tribe under G.S. 153A-350.1;
- (4) Has defrauded the public or attempted to do so; NC General Statutes;

- (5) Has affixed his signature to a report of inspection or other instrument of service if no inspection has been made by him or under his immediate and responsible direction; or,
- (6) Has been guilty of willful misconduct, gross negligence or gross incompetence.

(b) The Board may investigate the actions of any qualified Code-enforcement official or applicant upon the verified complaint in writing of any person alleging a violation of subsection (a) of this section. The Board may suspend, revoke, or demote to a lower level any certificate of any qualified Code-enforcement official and refuse to grant a certificate to any applicant, whom it finds to have been guilty of one or more of the actions set out in subsection (a) as grounds for disciplinary action.

(c) A denial, suspension, revocation, or demotion to a lower level of a certificate issued under this Article shall be made in accordance with Chapter 150B of the General Statutes.

(d) The Board may deny an application for a certificate for any of the grounds that are described in subsection (a) of this section. Within 30 days after receipt of a notification that an application for a certificate has been denied, the applicant may make a written request for a review by a committee designated by the chairman of the Board to determine the reasonableness of the Board's action. The review shall be completed without undue delay, and the applicant shall be notified promptly in writing as to the outcome of the review. Within 30 days after service of the notification as to the outcome, the applicant may make a written request for a hearing under Article 3A of Chapter 150B of the General Statutes if the applicant disagrees with the outcome.

(e) The provisions of this section shall apply to Code-enforcement officials and applicants who are employed or seek to be employed by a federally recognized Indian Tribe to perform inspections on tribal lands under G.S. 153A-350.1.

(1977, c. 531, s. 1; 1987, c. 827, s. 228; 1993, c. 504, s. 36; 1993 (Reg. Sess., 1994), c. 678, s. 36; 1999-78, s. 5; 2007-120, s. 3.)

#### **§ 143-151.18. Violations; penalty; injunction.**

On and after July 1, 1979, it shall be unlawful for any person to represent himself as a qualified Code-enforcement official who does not hold a currently valid certificate of qualification issued by the Board. Further, it shall be unlawful for any person to practice Code enforcement except as allowed by any currently valid certificate issued to that person by the Board. Any person violating any of the provisions of this Article shall be guilty of a Class 1 misdemeanor. The Board is authorized to apply to any judge of the superior court for an injunction in order to prevent any violation or threatened violation of the provisions of this Article. (1977, c. 531, s. 1; 1993, c. 539, s. 1012; 1994, Ex. Sess., c. 24, s. 14(c); 2007-120, s. 4.)

#### **§ 143-151.19. Administration.**

(a) The Division of Engineering and Building Codes in the Department of Insurance shall provide clerical and other staff services required by the Board, and shall administer and enforce all provisions of this Article and all rules promulgated pursuant to this Article, subject to the direction of the Board, except as delegated by this Article to local units of government, other State agencies, corporations, or individuals.

(b) The Board shall make copies of this Article and the rules adopted under this Article available to the public at a price determined by the Board.

(c) The Board shall keep current a record of the names and addresses of all qualified Code-enforcement officials and additional personal data as the Board deems necessary. The Board annually shall publish a list of all currently certified Code-enforcement officials.

(d) Each certificate issued by the Board shall contain such identifying information as the Board requires.

(e) The Board shall issue a duplicate certificate to practice as a qualified Code-enforcement official in place of one which has been lost, destroyed, or mutilated upon proper application and payment of a fee to be determined by the Board. (1977, c. 531, s. 1; 1987, c. 827, ss. 224, 229.)

**§ 143-151.20. Donations and appropriations.**

(a) In addition to appropriations made by the General Assembly, the Board may accept for any of its purposes and functions under this Article any and all donations, both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize, disburse and transfer the same, subject to the approval of the Council of State. Any arrangements pursuant to this section shall be detailed in the next regular report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received by the Board pursuant to this section shall be deposited in the State treasury to the account of the Board.

(b) The Board may provide grants as a reimbursement for actual expenses incurred by the State or political subdivision thereof for the provisions of training programs of officials from other jurisdictions within the State. The Board, by rules, shall provide for the administration of the grant program authorized herein. In promulgating such rules, the Board shall promote the most efficient and economical program of Code-enforcement training, including the maximum utilization of existing facilities and programs for the purpose of avoiding duplication. (1977, c. 531, s. 1; 1987, c. 827, s. 224.)

**§ 143-151.21. Disposition of fees.**

Fees collected by the Commissioner under this Article shall be credited to the Insurance Regulatory Fund created under G.S. 58-6-25. (1991, c. 689, s. 295; 2003-221, s. 10.)

**§§ 143-151.22 through 143-151.25. Reserved for future codification purposes**

**NORTH CAROLINA CODE OFFICIALS QUALIFICATION BOARD**

**ADMINISTRATIVE CODE  
 (Board Rules)**

**Title 11 - Department of Insurance, Chapter 8 - Engineering and Building Codes**

<u>Description</u>	<u>Page</u>
Section .0100 General Provisions .....	13
.0101 Purpose of the Division .....	13
.0102 Deputy Commissioner .....	13
.0103 Division Personnel .....	13
.0104 Organization of Division .....	13
[Repealed effective July 1, 1988]	
Section .0200 North Carolina State Building Code.....	18
.0201 North Carolina Building Code Council .....	18
.0202 North Carolina State Building Code.....	19
.0203 Building Code Publications: General Information .....	19
.0204 Bldg Code/Volume I/General Construction .....	19
.0205 Bldg Code/Volume IB/Uniform Residential Code.....	20
.0206 Bldg Code/Volume II/Plumbing .....	20
.0207 Heating/Air Conditioning/Refrigeration/Ventilation .....	21
.0208 Building Code/Volume IV/Electrical .....	21
.0209 Regulations for Mobile Homes .....	21
.0210 Building Code/Handicapped Section .....	22
[Repealed Effective September 1, 1987]	
Section .0300 County Electrical Inspectors Certification .....	26
.0301 Application Forms Furnished.....	26
.0302 Application for Co. Electrical Inspectors Certification .....	26
.0303 Type of Examination.....	26
.0304 Scope of Examination .....	27
.0305 Examination Schedule.....	27
.0306 Classes of Certification .....	27
.0307 Certification Costs.....	27
[Repealed Effective July 1, 1988]	
Section .0400 Approval of School Maintenance Electricians .....	26
.0401 Application Forms Furnished.....	26
.0402 Application for School Maintenance Electricians Approval .....	26
.0403 Methods of Approval of School Maintenance Electricians .....	26
.0404 Application Approval.....	27
.0405 Approval of School Maintenance Electricians by Exam .....	27
.0406 Examination Information .....	27



<u>Description</u>	<u>Page</u>
Section .0501 Repealed – Legal Requirement .....	29
.0502 Nature of Limited Certificate .....	29
.0503 Application Form: Availability .....	29
.0504 Application Form: Contents .....	29
.0505 Application: Where Made and Fee.....	29
.0506 Certificate.....	29
.0507 Renewal.....	29
.0508 Required In-Service Training for Renewal .....	29
.0509 Repealed – Return of Certificate When Leave Employment .....	30
.0510 Repealed – Certificates for Positions Held on Applicable Dates .....	30
 Section .0601 Repealed – Legal Requirement .....	 30
.0602 Nature of Probationary Certificate .....	30
.0603 Application Form: Availability .....	30
.0604 Application Form: Contents .....	30
.0605 Application: Where Made and Fee.....	31
.0606 Certificate.....	31
.0607 Return of Certificate When Leave Employment .....	31
 Section .0701 Repealed – Legal Requirement .....	 31
.0702 Nature of Standard Certificate.....	32
.0703 Application Form: Availability .....	32
.0704 Application Form: Contents .....	32
.0705 Application: Where Made and Fee.....	33
.0706 Required Qualifications: Types and Levels.....	33
.0707 Special Circumstances.....	33
.0708 Certificate.....	33
.0709 Renewal.....	33
.0710 Return of Certificate When Leave Employment .....	34
.0711 Pre-Qualification Program .....	34
.0712 Continuing Education - General.....	34
.0713 Continuing Education Requirements.....	34
.0714 Inactive Code Enforcement Officials .....	34
.0715 Failure to Complete Continuing Education .....	35
.0716 Compliance .....	35
.0717 Extensions of Time.....	35
.0718 Course Sponsors.....	35
.0719 Continuing Education Coordinator .....	35
.0720 Approved Courses .....	35
.0721 Course Accreditation Requirements.....	36
.0722 Distance Education Courses.....	36
.0723 Denial or Withdrawal of Approval of Sponsor or Course.....	36
.0724 Sponsor and Course Changes .....	36
.0725 Notice of Scheduled Courses .....	37
.0726 Advertising and Providing Course Information .....	37
.0727 Fee for CE Courses .....	37
.0728 Cancellation and Refund Policies.....	37
.0729 Course Attendance .....	37
.0730 Accommodations For Persons with Disabilities.....	37
.0731 Course Completion Reporting.....	37
.0732 Retention of Course Records.....	37
.0733 Board Monitors .....	37
.0734 Residential Changeout Inspector.....	37
.0735 Temporary Certificate.....	37

<u>Description</u>	<u>Page</u>
Section .0801 Disciplinary Powers .....	31
.0802 Repealed – Preliminary Investigation .....	32
.0803 Repealed.....	
.0804 Repealed.....	
.0805 Hearing Officer .....	
.0806 Repealed.....	
.0807 Repealed.....	

**CHAPTER 08 - ENGINEERING AND BUILDING CODES DIVISION**

**SECTION .0100 - GENERAL PROVISIONS**

<b>11 NCAC 08 .0101</b>	<b>PURPOSE OF THE DIVISION</b>
<b>11 NCAC 08 .0102</b>	<b>DEPUTY COMMISSIONER</b>
<b>11 NCAC 08 .0103</b>	<b>DIVISION PERSONNEL</b>
<b>11 NCAC 08 .0104</b>	<b>ORGANIZATION OF DIVISION</b>

*History Note:* Authority G.S. 58-7.3; 58-9; 58-9.1; 58-9.2; 143-139;  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978;  
Repealed Eff. July 1, 1988.

**SECTION .0200 - NORTH CAROLINA STATE BUILDING CODE**

**11 NCAC 08 .0201 NORTH CAROLINA BUILDING CODE COUNCIL**

The North Carolina Building Code Council is established to adopt and amend the North Carolina State Building Code and hear appeals from state enforcement agencies. The Commissioner of Insurance of the State of North Carolina has responsibility for supervision of the State Building Code in cooperation with local officials appointed by city and county commissioners.

*History Note:* Authority G.S. 143-136; 143-138; 143A-78;  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

**11 NCAC 08 .0202 NORTH CAROLINA STATE BUILDING CODE**

All rules and regulations, code requirements, procedures for amendment or repeal of requirements and other pertinent information are contained in published volumes of the North Carolina State Building Code as described in this Section. For purposes of this Section the terms "building code" or "code" shall mean the North Carolina State Building Code.

*History Note:* Authority G.S. 143-138;  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

**11 NCAC 08 .0203 BUILDING CODE PUBLICATIONS: GENERAL INFORMATION**

(a) All volumes of the North Carolina State Building Code are published by the North Carolina Department of Insurance under the direction of the North Carolina Building Code Council. Amendments to all volumes of the code are published at: [https://ncdoi.com/OSFM/Engineering\\_and\\_Codes/Default.aspx?field1=Codes\\_-\\_Code\\_Book\\_Sales&user=State\\_Building\\_Codes](https://ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=Codes_-_Code_Book_Sales&user=State_Building_Codes).

(b) Copies of the various volumes of the Building Code may be obtained from: North Carolina Department of Insurance, Engineering & Codes, 325 North Salisbury Street, Raleigh, North Carolina 27603. Information regarding cost of the publications may be obtained at the same address. Costs are based upon the cost to the Department of publication, distribution, and annual revisions.

*History Note:* Authority G.S. 143-138; 143-138.1;  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978;  
Amended Eff. May 1, 2008; September 1, 1987;  
Readopted Eff. May 1, 2020.

<b>11 NCAC 08 .0204</b>	<b>BLDG CODE/VOLUME I/GENERAL CONSTRUCTION</b>
<b>11 NCAC 08 .0205</b>	<b>BLDG CODE/VOLUME IB/UNIFORM RESIDENTIAL CODE</b>

<b>11 NCAC 08 .0206</b>	<b>BLDG CODE/VOLUME II/PLUMBING</b>
<b>11 NCAC 08 .0207</b>	<b>HEATING/AIR CONDITIONING/REFRIGERATION/VENTILATION</b>
<b>11 NCAC 08 .0208</b>	<b>BUILDING CODE/VOLUME IV/ELECTRICAL</b>
<b>11 NCAC 08 .0209</b>	<b>REGULATIONS FOR MOBILE HOMES</b>
<b>11 NCAC 08 .0210</b>	<b>BUILDING CODE/HANDICAPPED SECTION</b>

*History Note:* Authority G.S. 143-138; 143-146 through 143-151.1;  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978;  
Amended Eff. February 1, 1987; August 1, 1986; May 1, 1984;  
Repealed Eff. September 1, 1987.

#### **SECTION .0300 - COUNTY ELECTRICAL INSPECTORS CERTIFICATION**

<b>11 NCAC 08 .0301</b>	<b>APPLICATION FORMS FURNISHED</b>
<b>11 NCAC 08 .0302</b>	<b>APPLICATION FOR CO. ELECTRICAL INSPECTORS CERTIFICATION</b>
<b>11 NCAC 08 .0303</b>	<b>TYPE OF EXAMINATION</b>
<b>11 NCAC 08 .0304</b>	<b>SCOPE OF EXAMINATION</b>
<b>11 NCAC 08 .0305</b>	<b>EXAMINATION SCHEDULE</b>
<b>11 NCAC 08 .0306</b>	<b>CLASSES OF CERTIFICATION</b>
<b>11 NCAC 08 .0307</b>	<b>CERTIFICATION COSTS</b>

*History Note:* Authority G.S. 153A-351(b);  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978;  
Repealed Eff. July 1, 1988.

#### **SECTION .0400 - APPROVAL OF SCHOOL MAINTENANCE ELECTRICIANS**

##### **11 NCAC 08 .0401 APPLICATION FORMS FURNISHED**

The staff of the electrical section shall provide application forms for persons wishing to apply for approval as a school maintenance electrician.

*History Note:* Authority G.S. 58-2-40; 115C-525;  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

##### **11 NCAC 08 .0402 APPLICATION FOR SCHOOL MAINTENANCE ELECTRICIANS APPROVAL**

The application requires the applicant to furnish all of the following pertinent information and such other information as may be deemed necessary in determining the qualifications of the applicant, including but not limited to:

- (1) date, school unit, name, address, telephone number, age, educational background, whether or not applicant has taken qualifying examinations previously, electrical experience background, whether or not employed full time by school unit, present responsibilities and title, signature of applicant, etc.;
- (2) signature of superintendent or maintenance supervisor other than applicant requesting application be processed and the applicant be approved.

*History Note:* Authority G.S. 58-2-40; 115C-525;  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

##### **11 NCAC 08 .0403 METHODS OF APPROVAL OF SCHOOL MAINTENANCE ELECTRICIANS**

Approved school maintenance electricians may be certified by two methods as set forth in 11 NCAC 08 .0404 and .0405.

*History Note: Authority G.S. 58-2-40; 115C-525;  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0404 APPLICATION APPROVAL**

An applicant will be approved as a school maintenance electrician if he has filed a completed application on a form furnished by the Commissioner and the applicant furnishes with his application satisfactory evidence that he has complied with one of the following conditions:

- (1) The applicant has taken and passed a regular qualifying examination administered by the State Board of Examiners of Electrical Contractors; or
- (2) The applicant has qualified for and obtained a journeyman electrician's certification from a duly established city or county journeyman electrician's examining board in the State of North Carolina; or
- (3) The applicant was on May 29, 1957 (date of enactment of statute) regularly employed by a local school unit in the State of North Carolina for the purposes of installing electrical wiring or altering or adding to any existing wiring as prescribed in G.S. 115-150.1(2) and has had at least 10 years of experience in such electrical work.

*History Note: Authority G.S. 58-2-40; 115C-525;  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0405 APPROVAL OF SCHOOL MAINTENANCE ELECTRICIANS BY EXAM**

The Commissioner will certify an applicant as a school maintenance electrician if the applicant:

- (1) furnishes with his application satisfactory evidence that he has had at least two years experience in the capacity of a journeyman electrician or in a capacity equivalent to or higher than that of a journeyman electrician classification, and
- (2) takes and passes the qualifying examination prepared and administered by the Commissioner of Insurance.

*History Note: Authority G.S. 58-2-40; 115C-525;  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0406 EXAMINATION INFORMATION**

The qualifying examination shall be designed to test applicants knowledge of fundamentals of electricity, acceptable materials, devices, appliances and equipment, provisions contained in the current edition of the National Electrical Code; the requirements regarding emergency lighting as contained in the North Carolina State Building Code; and other pertinent statutory requirements.

The examination may contain multiple-choice, true-false, essay type and research type questions, as well as problems and questions requiring calculations. All of the questions and problems will be designed to cover typical electrical installations as found on the premises of school properties.

The examination may be of the open-book and closed-book type with the majority of the examination being of the open-book type. All reference books will be provided the examinee for use during the examination.

The passing grade on the examination will be a minimum of 75. There will be no examination fee charged.

Arrangements shall be made to conduct the examination twice yearly in the Raleigh area and may be conducted at other times and places as deemed desirable by the Commissioner.

*History Note: Authority G.S. 58-2-40; 115C-525;  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**SECTION .0500 - QUALIFICATION BOARD-LIMITED CERTIFICATE**

**11 NCAC 08 .0501      LEGAL REQUIREMENT**

*History Note:      Authority G.S. 143-151.13;  
                         Eff. June 28, 1979;  
                         Repealed Eff. February 1, 1991.*

**11 NCAC 08 .0502      NATURE OF LIMITED CERTIFICATE**

A limited certificate shall be issued to each code enforcement official who held such a position on June 13, 1977. This certificate will entitle the official to continue in the position held on that date; it will not entitle him to shift to another employer or to another position for the same employer. The limited certificate will be issued and renewed from year to year without examination, on application of the official and verification of his status. However, it will not be renewed beyond the applicable date specified in Rule .0508 unless the official has prior to that date completed in-service training prescribed by the Board.

On or after the appropriate "applicable date" specified in Rule .0510, a limited certificate will be issued to each code enforcement official who makes application in accordance with these regulations. Such certificate will authorize the official to continue in the position held on the "applicable date" in the same manner as a limited certificate issued to an official who held a position on June 13, 1977.

*History Note:      Authority G.S. 143-151.13(c);  
                         Eff. June 28, 1979;  
                         Amended Eff. January 15, 1980;  
                         Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0503      APPLICATION FORM: AVAILABILITY**

The Board shall provide, upon request, application forms for any person desiring a limited certificate, obtainable from the Division of Engineering and Building Codes of the Department of Insurance.

*History Note:      Authority G.S. 143-151.19;  
                         Eff. June 28, 1979;  
                         Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0504      APPLICATION FORM: CONTENTS**

(a) The application form requires the applicant to furnish all of the following pertinent information necessary to determine the qualifications of the applicant for a limited certificate:

- (1) the date;
- (2) name, address, and telephone number where applicant can be reached;
- (3) age;
- (4) title of position held on June 13, 1977 or applicable date;
- (5) government unit by which employed on June 13, 1977 (or applicable date);
- (6) duties in position held on June 13, 1977 (or applicable date);
- (7) educational background;
- (8) employment record.

(b) Each application for a limited certificate authorizing continuation in a position held after June 13, 1977, shall be accompanied by a notarized certificate from the department head or higher level supervisor of the code enforcement official that:

- (1) the official occupied that position on the applicable date;
- (2) that the duties and title of the position were as set forth in the application; and
- (3) that the supervisor understands that the limited certificate will become invalid if the code enforcement official fails within two years to complete in-service training required under Rule .0508 of these Regulations.

*History Note:      Authority G.S. 143-151.13;  
                         Eff. June 28, 1979;  
                         Amended Eff. January 15, 1980;  
                         Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0505 APPLICATION: WHERE MADE AND FEE**

The completed application shall be returned to the Board at P.O. Box 26387, Raleigh, North Carolina 27611. Each application shall be accompanied by payment of a twenty dollar (\$20.00) fee, either in cash or by a check made payable to the North Carolina Code Officials Qualification Board.

*History Note: Authority G.S. 143-151.12(1); 143-151.16;  
Eff. June 28, 1979;  
Amended Eff. February 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0506 CERTIFICATE**

If an application is found to be in order, the Board's staff shall mail a limited certificate to the applicant at the address specified on the application. The certificate shall describe with particularity the position which it authorizes the applicant to hold and the governmental unit for which he is authorized to hold such position. The certificate shall be effective for one year, as specified in the certificate.

*History Note: Authority G.S. 143-151.13;  
Eff. June 28, 1979;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0507 RENEWAL**

To remain effective, a limited certificate must be renewed annually on or before the first day of July. Applications for renewal shall be made in the same manner as the original application for the certificate, on forms furnished by the Board. A ten dollar (\$10.00) renewal fee shall accompany each such application. In the event that an application is not received by July 1, an additional late renewal fee of two dollars (\$2.00) shall be charged. In accordance with 11 NCAC 08 .0712, continuing education requirements must be completed by June 30 for renewal of the limited certificate.

*History Note: Authority G.S. 143-151.12(1); 143-151.13A(b); 143-151.16;  
Eff. June 28, 1979;  
Amended Eff. February 1, 2006; February 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0508 REQUIRED IN-SERVICE TRAINING FOR RENEWAL**

No code enforcement official may have a limited certificate authorizing continuation in a position he held on June 13, 1977, renewed after July 1, 1981 unless he shall have submitted valid evidence that he has completed in-service training as prescribed by the Board.

No code enforcement official may have a limited certificate authorizing continuation in a position he held on an "applicable date" as specified in 11 NCAC 8 .0510 renewed beyond two years following such date, fire prevention inspectors beyond July 1, 1993, unless he shall have submitted valid evidence that he has completed in-service training as prescribed by the Board; said training shall be identical to the training required of applicants for standard certificates for the types and levels of code enforcement duties performed.

*History Note: Authority G.S. 143-151.12(1); 143-151.13;  
Eff. June 28, 1979;  
Amended Eff. February 1, 1991; January 15, 1980;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0509 RETURN OF CERTIFICATE WHEN LEAVE EMPLOYMENT**

*History Note: Authority G.S. 143-151.15;  
Eff. June 28, 1979;  
Repealed Eff. February 1, 1991.*

**11 NCAC 08 .0510 CERTIFICATES FOR POSITIONS HELD ON APPLICABLE DATES**

*History Note:* Authority G.S. 143-151.13;  
Eff. January 15, 1980;  
Repealed Eff. February 1, 1991.

## SECTION .0600 - QUALIFICATION BOARD-PROBATIONARY CERTIFICATE

### 11 NCAC 08 .0601 LEGAL REQUIREMENT

*History Note:* Authority G.S. 143-151.13;  
Eff. June 28, 1979;  
Repealed Eff. February 1, 1991.

### 11 NCAC 08 .0602 NATURE OF PROBATIONARY CERTIFICATE

(a) A probationary certificate may be issued as a building inspector, electrical inspector, mechanical inspector, plumbing inspector, or fire inspector as set forth in 11 NCAC 08 .0706, without examination, to any newly employed or newly promoted code enforcement official who lacks a standard certificate that covers the new position. A probationary certificate shall be issued for three years only and shall not be renewed. During the three-year period, the official shall complete the requirements set forth in 11 NCAC 08 .0706 to qualify for the appropriate standard certificate. A probationary certificate shall authorize the official, during the effective period of the certificate, to hold the position of the type, level, and location specified. The certificate shall be conditioned on the applicant's completion of a high school diploma or a high school equivalency certificate and meeting one of the following:

- (1) working under supervision sufficient, as determined by a supporting letter provided for in 11 NCAC 08 .0706(b), to protect the public health and safety;
- (2) possessing a minimum of two years of design, construction, or inspection experience working under a certified inspector or under a licensed professional engineer, registered architect, or licensed contractor;
- (3) possessing one of the experience qualifications listed in 11 NCAC 08 .0706 in each area of code enforcement for which the probationary certificate is issued; or
- (4) achieving a minimum score of 70 percent on the probationary prequalification exam administered by the Board in each area of code enforcement for which the probationary certificate is issued.

(b) A probationary certificate as a residential changeout inspector set forth in 11 NCAC 08 .0734 may be issued to any employed code enforcement official, whose employment can be verified pursuant to 11 NCAC 08 .0734(d)(2), who lacks a standard certificate as a residential changeout inspector and who successfully completes a residential changeout inspections course set forth in 11 NCAC 08 .0734(d)(3). A probationary certificate shall be issued for three years only and shall not be renewed. During the three-year period, the official shall complete the requirements set forth in 11 NCAC 08 .0706 to qualify for the appropriate standard certificate. A probationary certificate as a residential changeout inspector shall authorize the official, during the effective period of the certificate, to hold the position set forth in 11 NCAC 08 .0734(a). The probationary certificate shall be conditioned on the applicant's completion of a high school diploma or a high school equivalency certificate and working under the direct supervision of a person who possesses, or persons who collectively possess, standard certificates as an electrical inspector III, mechanical inspector III, and plumbing inspector III or an individual holding a residential changeout inspector certificate and five years of code enforcement experience.

*History Note:* Authority G.S. 143-151.12(2); 143.151.13;  
Eff. June 28, 1979; Amended Eff. December 1, 1982;  
Temporary Amendment Eff. January 1, 1983; For a Period of 120 Days to Expire on April 30, 1983;  
Amended Eff. December 1, 2017; July 18, 2002; October 1, 1992; February 1, 1991; May 1, 1983;  
Readopted Eff. July 1, 2019;  
Amended Eff. August 1, 2020.

### 11 NCAC 08 .0603 APPLICATION FORM: AVAILABILITY

The Board shall provide, upon request, application forms for any person desiring a probationary certificate, obtainable from the Division of Engineering and Building Codes of the Department of Insurance.

*History Note:* Authority G.S. 143-151.19;  
Eff. June 28, 1979;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.



**11 NCAC 08 .0604 APPLICATION FORM: CONTENTS**

The application form requires the applicant to furnish all of the following pertinent information necessary to determine the qualifications of the applicant for a probationary certificate:

- (1) the date;
- (2) name, address and telephone number where applicant can be reached;
- (3) date of birth;
- (4) education;
- (5) work experience;
- (6) certificates and other professional licenses, if any, held previously or currently;
- (7) title of position to which appointed or promoted;
- (8) date of appointment or promotion to position;
- (9) governmental unit by which employed;
- (10) duties in a new position, in sufficient detail to determine appropriate type and level of certification;
- (11) name and title, certification, or other qualifications of persons to be responsible for supervision; and
- (12) Social Security number.

*History Note: Authority G.S. 143-151.13;  
Eff. June 28, 1979;  
Amended Eff. July 18, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0605 APPLICATION: WHERE MADE AND FEE**

The completed application shall be returned to the Board at P.O. Box 26387, Raleigh, North Carolina 27611. Each application shall be accompanied by payment of a twenty dollar (\$20.00) fee, either in cash or by a check made payable to the North Carolina Code Officials Qualification Board.

*History Note: Authority G.S. 143-151.12(1); 143-151.16;  
Eff. June 28, 1979;  
Amended Eff. February 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0606 CERTIFICATE**

If an application is found to be in order, the Board's staff shall mail a probationary certificate to the applicant at the address specified on the application. The certificate shall specify the type and level of code enforcement in which the applicant may engage and may be conditioned upon his having supervision from an official with specified certification or qualifications. The certificate shall be effective for the period specified in the certificate.

*History Note: Authority G.S. 143-151.13;  
Eff. June 28, 1979;  
Amended Eff. December 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0607 RETURN OF CERTIFICATE WHEN LEAVE EMPLOYMENT**

A probationary certificate shall remain valid only so long as the person certified is employed by the state or a local government as a code enforcement official of the type and level indicated on the certificate. When the person certified leaves such employment for any reason, he shall return the certificate to the Board. If the person subsequently returns to such employment, the Board shall re-issue the certificate to him, provided there is any period remaining of its effective life. In such event, the effective period shall be calculated as though the resumed employment followed immediately after the cessation of employment.

*History Note: Authority G.S. 143-151.15;  
Eff. June 28, 1979;  
Amended Eff. December 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**SECTION .0700 - QUALIFICATION BOARD-STANDARD CERTIFICATE**



*Amended Eff. July 18, 2002;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0705          APPLICATION: WHERE MADE AND FEE**

The completed application and all required supplementary information shall be returned to the Board at P.O. Box 26387, Raleigh, North Carolina 27611. Each application (whether for one or several standard certificates for a single individual) shall be accompanied by payment of a twenty dollar (\$20.00) fee, either in cash or by a check made payable to the North Carolina Code Officials Qualification Board.

*History Note:      Authority G.S. 143-151.16;  
                          Eff. January 15, 1980;  
                          Amended Eff. August 1, 1990;  
                          Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0706          REQUIRED QUALIFICATIONS: TYPES AND LEVELS**

(a) Qualification Levels

- (1) With respect to all types of code enforcement officials, those with Level I, Level II, or Level III certificates shall be qualified to inspect and approve only those types and sizes of buildings specified in the following tables.
- (2) Limitation on maximum number of stories and square feet (sf) of floor area of buildings for Building, Electrical, Mechanical, and Plumbing inspectors, Levels I, II, or III:

Occupancy Classification	Level I	Level II	Level III
Assembly	1 story/7,500 sf	1 story/20,000 sf	Unlimited
Business	1 story/20,000 sf	1 story/60,000 sf Multi-story: 4 stories max/20,000 sf per floor	Unlimited
Education	1 story/7,500 sf	1 story/20,000 sf Multi-story: 2 stories max/20,000 sf per floor	Unlimited
Hazardous	1 story/3,000 sf (See Note)	1 story/20,000 sf Multi-story: 2 stories max/20,000 sf per floor	Unlimited
Factory Industrial	1 story/20,000 sf	1 story/60,000 sf Multi-story: 4 stories max/20,000 sf per floor	Unlimited
Institutional	1 story/7,500 sf	1 story/10,000 sf Multi-story: 3 stories max/10,000 sf per floor	Unlimited
Mercantile	1 story/20,000 sf	1 story/60,000 sf Multi-story: 4 stories max/20,000 sf per floor	Unlimited
Residential Multi-unit	1 story /7,500 sf	3 stories max/no restriction on floor area	Unlimited
1 & 2 family dwellings, townhouses	Unlimited	Unlimited	Unlimited
Storage	1 story/20,000 sf	1 story/60,000 sf per floor Multi-story: 4 stories max/20,000 sf per floor	Unlimited
Utility and Miscellaneous	Unlimited	Unlimited	Unlimited

Note: \*Electrical Inspector, Level I shall not be authorized to inspect wiring or equipment in hazardous locations as defined by Article 500 of the National Electrical Code with the exception of service stations and service pumps.

- (3) Limitation on occupancy classifications of buildings for Fire Inspectors, Levels I, II and III:

CERTIFICATION LEVELS FOR FIRE INSPECTORS

LEVEL I: - OCCUPANCY:

Business  
Assembly - 1 story, 20,000 sf  
Mercantile  
Residential  
Storage S-2  
Factory Industrial F-2  
Utility and Miscellaneous  
Excluding Highrise \*

Note: A Level I fire inspector shall not conduct any plan review on any building, highrise or other.

LEVEL II: - OCCUPANCY:

Everything in Level I  
Assembly - unlimited  
Educational  
Factory Industrial F-1  
Storage S-1  
Excluding Highrise \*

Note: A level II fire inspector is authorized to conduct Plan Review of all occupancies in Level I and II.

LEVEL III: - OCCUPANCY:

Everything in Levels I and II  
Hazardous  
Institutional  
Highrise  
(Unlimited Occupancies)

Note: A Level III fire inspector is authorized to conduct Plan Review of all occupancies in Levels I, II and III.

\* The term "excluding highrise" is listed because some of the acceptable occupancies for the levels could be located in a highrise building (defined in the Building Code).

(b) Whenever a provision of the Rules in this Section requires a supporting letter (maximum of two per level) from a supervisor, the letter(s) shall be notarized, shall state the supervisor's qualifications (i.e., what type and level of certificate or license the supervisor holds), shall state that the applicant has worked under the supervisor's direct supervision for a specified period of time, and shall recommend certification of the applicant as a specified type and level of inspector upon satisfaction of other required qualifications. The supervisor shall describe the name, floor area, and number of stories of the buildings worked on by the applicant and shall describe the work performed by the applicant.

(c) References in the rules in this Section to professional engineer or licensed engineer means engineers licensed by the North Carolina State Board of Examiners for Engineers and Surveyors pursuant to G.S. 89C. References in the rules in this Section to registered architect means architects licensed by the Board of Architecture pursuant to Chapter 83A of the North Carolina General Statutes. References to licensed building, residential, electrical, heating, plumbing, and fire sprinkler contractors means contractors licensed by the State Licensing Board for General Contractors, the N.C. State Board of Examiners of Electrical Contractors, or the N.C. State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors pursuant to Chapter 87 of the North Carolina General Statutes. References to licensed "building" contractors do not include licensed "residential" contractors. Specialty licenses issued by these occupational licensing boards are not acceptable. Applicants with licenses from other states or countries must provide a copy of their license and documentation that the requirements of the other state are at least equivalent to the statewide licensing requirements of North Carolina occupational licensing boards.

(d) Whenever a provision of the rules in this Section requires the possession of an occupational license other than those certificates that are issued by the Board, if that license is inactive, the applicant must provide documentation from the

appropriate occupational licensing board that the applicant previously held the license and that the license is currently inactive.

(e) Whenever a provision of the rules in this Section requires inspector experience on a minimum number of buildings or systems, the experience must include all the inspections typically performed by an inspector during construction of the building or system. Inspections do not have to be performed on the same building.

(f) Whenever a provision of the rules in this Section requires a high school education or other education and experience qualifications, the Board may approve equivalent qualifications. Whenever a provision of the Rules in this Section requires the possession of a diploma or degree from an accredited college, university, or trade school, accredited shall mean accreditation from a regional accrediting association, for example, Southern Association of Colleges and Schools.

(g) Every applicant shall:

- (1) provide documentation that the applicant possesses a minimum of a high school education or a high school equivalency certificate (GED); and
- (2) provide notarized certification by a city or county manager, clerk, or director of inspection department that the applicant will be performing "code enforcement", as defined in G.S. 143-151.8(a)(3), as an employee of that city or county; or provide certification by the head of the Engineering and Building Codes Division of the North Carolina Department of Insurance that the applicant will be performing "code enforcement", as defined in G.S. 143-151.8(a)(3), for a state department or agency; and
- (3) make a grade of at least 70 on courses developed by the Board. Successful completion is defined as attendance of a minimum of 80 percent of the hours taught and achieving a minimum score of 70 percent on the course exam. All applicants must successfully complete a law and administration course. Applicants for certification in building, electrical, fire prevention, mechanical, or plumbing inspection at levels I, II, or III must successfully complete a course in that area and level (or a higher level). For the purpose of entry into the state examination, courses must be completed within five years of the exam in Subparagraph (g)(4) of this Rule. These courses shall be administered and taught in the N.C. Community College System or other educational agencies accredited by a regional accrediting association; for example, Southern Association of Colleges and Schools; and
- (4) achieve a passing grade of 70 percent on the written examination administered by the Board in each level of certification unless exempt by 11 NCAC 08.0707.

(h) Building Inspector, Level I. A standard certificate, building inspector, Level I, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a one year diploma in building construction from an accredited college or an equivalent apprenticeship or trade school program in building construction;
- (2) a four-year degree from an accredited college or university;
- (3) at least six months of building inspection experience with a probationary Level I building inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified building inspector I, II, or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (4) at least one year of building design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed engineer, registered architect, or licensed building contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (5) a license as a building contractor;
- (6) at least two years of building construction or inspection experience while working under a licensed building contractor;
- (7) at least two years of experience with a probationary Level I building inspection certificate inspecting building construction on a minimum of two Level I buildings;
- (8) at least two years of experience as an owner, manager or supervisor of a residential construction company and who has a license as a residential contractor and who has construction experience on a minimum of two Level I buildings (this does not include a business partner providing monetary backing for the company); or
- (9) at least two years of construction experience as a subcontractor or employee of a residential contractor in the building trades or work in building construction on a minimum of two Level I buildings and under the direct supervision of a licensed residential contractor who at that time had at least three years of experience.

(i) Building Inspector, Level II. A standard certificate, building inspector, Level II, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a license as a professional engineer or registered architect;
- (2) a four year degree from an accredited college or university in architecture, civil or architectural engineering, or building construction;
- (3) a four-year degree from an accredited college or university and at least two years of design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, licensed engineer, registered architect, or intermediate or unlimited licensed building contractor;
- (4) a two year degree from an accredited college or university in architecture, civil or architectural engineering, or building construction and at least two years of building design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, licensed engineer, registered architect, or intermediate or unlimited licensed building contractor;
- (5) an intermediate or unlimited license as a building contractor with building construction experience on a minimum of two Level II buildings;
- (6) at least three years of building inspection experience including one year of inspection experience with a probationary Level II building inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (7) at least three years of building design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed engineer, registered architect, or licensed intermediate or unlimited building contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or
- (8) at least two years of experience with a probationary Level II building inspection certificate inspecting construction of a minimum of two Level II buildings.

(j) Building Inspector, Level III. A standard certificate, building inspector, Level III, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a license as a professional engineer or registered architect with design, construction, or inspection experience on Level III buildings and specialization in architecture, civil or architectural engineering, or fire protection engineering;
- (2) a four-year degree from an accredited college or university in architecture, civil or architectural engineering, or building construction and at least one year of building design, construction, or inspection experience while working under the direct supervision of a certified building inspector III, licensed engineer, registered architect, or licensed unlimited building contractor, at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (3) a two-year degree from an accredited college or university in architecture, civil or architectural engineering or building construction and at least three years of building design, construction, or inspection experience while working under the direct supervision of a certified building inspector III, licensed engineer, registered architect, or licensed unlimited building contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (4) an unlimited license as a building contractor with experience on a minimum of two Level III buildings;
- (5) at least four years of inspection experience including one year of building inspection experience with a probationary Level III building inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified building inspector III, with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (6) at least four years of building design, construction, or inspection experience while working under the direct supervision of a licensed engineer, registered architect, or licensed unlimited building contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or
- (7) at least one year of experience with a probationary Level III building inspection certificate inspecting the construction of a minimum of two Level III buildings.

(k) Electrical Inspector, Level I. A standard certificate, electrical inspector, Level I, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a one-year diploma in electrical construction from an accredited college or an equivalent apprenticeship or trade school program in electrical construction;
- (2) a four-year degree from an accredited college or university;
- (3) at least six months of electrical inspection experience with a probationary Level I electrical inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified electrical inspector I, II, or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (4) at least one year of electrical design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed engineer or licensed electrical contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (5) a restricted (one family dwelling) license or license as an electrical contractor;
- (6) at least two years of electrical installation or inspection experience while working under a licensed electrical contractor; or
- (7) at least two years of experience with a probationary Level I electrical inspection certificate inspecting electrical installations on a minimum of two Level I buildings.

(l) Electrical Inspector, Level II. A standard certificate, electrical inspector, Level II, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a license as a professional engineer;
- (2) a four-year degree from an accredited college or university in electrical engineering or electrical construction;
- (3) a four-year degree from an accredited college or university and at least two years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III, licensed engineer, or intermediate or unlimited licensed electrical contractor;
- (4) a two-year degree from an accredited college or university in electrical engineering or electrical construction and at least two years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III, licensed engineer, or intermediate or unlimited licensed electrical contractor;
- (5) an intermediate or unlimited license as an electrical contractor with experience on a minimum of two Level II buildings;
- (6) at least three years of electrical inspection experience including one year of inspection experience with a probationary Level II electrical inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (7) at least three years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed engineer or licensed intermediate or unlimited electrical contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or
- (8) at least two years of experience with a probationary Level II electrical inspection certificate inspecting electrical installations on a minimum of two Level II buildings.

(m) Electrical Inspector, Level III. A standard certificate, electrical inspector, Level III, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a license as a professional engineer with design, construction, or inspection experience on Level III buildings and specialization in electrical engineering;
- (2) a four year degree from an accredited university in electrical engineering or electrical construction and at least one year of electrical design, installation, or inspection experience while working under the direct supervision of a certified electrical inspector III, licensed engineer, or licensed unlimited electrical contractor at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (3) a two-year degree from an accredited college or university in electrical engineering or electrical construction and at least three years of electrical design, installation, or inspection experience while working under the direct supervision of a certified electrical inspector III, licensed engineer, or licensed unlimited electrical contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (4) an unlimited license as an electrical contractor with experience on a minimum of two Level III buildings;

- (5) at least four years of electrical inspection experience including one year of inspection experience with a probationary Level III electrical inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified electrical inspector III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
  - (6) at least four years of electrical design, construction, or inspection experience while working under the direct supervision of a licensed engineer or licensed unlimited electrical contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or
  - (7) at least one year of experience with a probationary Level III electrical inspection certificate inspecting the electrical installations of a minimum of two Level III buildings.
- (n) Mechanical Inspector, Level I. A standard certificate, mechanical inspector, Level I, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:
- (1) a one-year diploma in mechanical construction from an accredited college or an equivalent apprenticeship or trade school program in mechanical construction;
  - (2) a four-year degree from an accredited college or university;
  - (3) at least six months of mechanical inspection experience with a probationary Level I mechanical inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified mechanical inspector I, II, or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
  - (4) at least one year of mechanical design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed engineer or licensed Class I mechanical contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
  - (5) an H-1, H-2, or H-3 Class I license as a mechanical contractor;
  - (6) at least two years of mechanical installation or inspection experience while working under a Class I H-1, H-2, or H-3 licensed mechanical contractor; or
  - (7) at least two years of experience with a probationary Level I mechanical inspection certificate inspecting mechanical installations a minimum of two Level I buildings.
- (o) Mechanical Inspector, Level II. A standard certificate, mechanical inspector, Level II, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:
- (1) a license as a professional engineer;
  - (2) a four-year degree from an accredited college or university in mechanical engineering or mechanical construction;
  - (3) a four-year degree from an accredited college or university and at least two years of mechanical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified mechanical inspector II or III, licensed engineer, or licensed Class I mechanical contractor;
  - (4) a two-year degree from an accredited college or university in mechanical engineering or mechanical construction and at least two years of mechanical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified mechanical inspector II or III, licensed engineer, or licensed Class I mechanical contractor;
  - (5) an H-1, H-2, or H-3 Class I license as a mechanical contractor with experience on a minimum of two Level II buildings;
  - (6) at least three years of mechanical inspection experience including one year of inspection experience with a probationary Level II mechanical inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified mechanical inspector II or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
  - (7) at least three years of mechanical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed engineer or licensed Class I H-1, H-2, or H-3 mechanical contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or
  - (8) at least two years of experience with a probationary Level II mechanical inspection certificate inspecting mechanical installations on a minimum of two Level II buildings.



(p) Mechanical Inspector, Level III. A standard certificate, mechanical inspector, Level III shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a license as a professional engineer, with design, construction, or inspection experience on Level III buildings and specialization in mechanical engineering;
- (2) a four-year degree from an accredited university in mechanical engineering or mechanical construction and at least one year of mechanical design, installation, or inspection experience while working under the direct supervision of a certified mechanical inspector III, licensed engineer, or licensed Class I H-1, H-2, and H-3 mechanical contractor at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (3) a two-year degree from an accredited college or university in mechanical engineering or mechanical construction and at least three years of mechanical design, installation, or inspection experience while working under the direct supervision of a certified mechanical inspector III, licensed engineer, or licensed Class I H-1, H-2, and H-3 mechanical contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (4) H-1, H-2, and H-3 Class I licenses as a mechanical contractor with experience on a minimum of two Level III buildings;
- (5) at least four years of mechanical inspection experience including one year of inspection experience with a probationary Level III mechanical inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified mechanical inspector III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (6) at least four years of mechanical design, construction, or inspection experience while working under the direct supervision of a licensed engineer or licensed Class I H-1, H-2, and H-3 mechanical contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or
- (7) at least one year of experience with a probationary Level III mechanical inspection certificate inspecting the mechanical installations of a minimum of two Level III buildings.

(q) Plumbing Inspector, Level I. A standard certificate, plumbing inspector, Level I, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a one-year diploma in plumbing construction from an accredited college or an equivalent apprenticeship or trade school program in plumbing construction;
- (2) a four-year degree from an accredited college or university;
- (3) at least six months of plumbing inspection experience with a probationary Level I plumbing inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified plumbing inspector I, II, or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (4) at least one year of plumbing design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed engineer or licensed Class I plumbing contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (5) a Class I license as a plumbing contractor;
- (6) at least two years of plumbing installation or inspection experience while working under a licensed Class I plumbing contractor; or
- (7) at least two years of experience with a probationary Level I plumbing inspection certificate inspecting plumbing installations a minimum of two Level I buildings.

(r) Plumbing Inspector, Level II. A standard certificate, plumbing inspector, Level II, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a license as a professional engineer;
- (2) a four-year degree from an accredited college or university in mechanical engineering or mechanical or plumbing construction;
- (3) a four-year degree from an accredited college or university and at least two years of plumbing design, construction, or inspection experience on a minimum of two Level II buildings while working under the

direct supervision of a certified plumbing inspector II or III, licensed engineer, or licensed Class I plumbing contractor;

- (4) a two year degree from an accredited college or university in mechanical engineering or mechanical or plumbing construction and at least two years of plumbing design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified plumbing inspector II or III, licensed engineer, or licensed Class I plumbing contractor;
- (5) a Class I license as a plumbing contractor with experience on a minimum of two Level II buildings;
- (6) at least three years of plumbing inspection experience including one year of inspection experience with a probationary Level II plumbing inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified plumbing inspector II or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (7) at least three years of plumbing design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed engineer or licensed Class I plumbing contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or
- (8) at least two years of experience with a probationary Level II plumbing inspection certificate inspecting plumbing installations on a minimum of two Level II buildings.

(s) Plumbing Inspector, Level III. A standard certificate, plumbing inspector, Level III shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a license as a professional engineer with design, construction, or inspection experience on Level III buildings and specialization in mechanical engineering;
- (2) a four-year degree from an accredited university in mechanical engineering or mechanical or plumbing construction and at least one year of plumbing design, installation, or inspection experience while working under the direct supervision of a certified plumbing inspector III, licensed engineer, or licensed Class I plumbing contractor at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (3) a two-year degree from an accredited college or university in mechanical engineering or plumbing construction and at least three years of plumbing design, installation, or inspection experience while working under the direct supervision of a certified plumbing inspector III, licensed engineer, or licensed Class I plumbing contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (4) a Class I license as a plumbing contractor with experience on a minimum of two Level III buildings;
- (5) at least four years of plumbing inspection experience including one year of inspection experience with a probationary Level III plumbing inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified plumbing inspector III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (6) at least four years of plumbing design, construction, or inspection experience while working under the direct supervision of a licensed engineer or licensed Class I plumbing contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or
- (7) at least one year of experience with a probationary Level III plumbing inspection certificate inspecting the plumbing installations of a minimum of two Level III buildings.

(t) Fire Inspector, Level I. A standard certificate, fire inspector, Level I, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a one year diploma in fire science from an accredited college or an equivalent apprenticeship or trade school program in fire science;
- (2) a four-year degree from an accredited college or university;
- (3) at least six months of fire inspection experience with a probationary Level I fire inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified fire inspector I, II, or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (4) at least one year of fire protection design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed engineer, registered architect, or

licensed building, electrical, or fire sprinkler contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;

- (5) a license as a fire sprinkler contractor;
- (6) at least two years of construction or inspection experience in fire protection systems while working under a licensed building, electrical, or fire sprinkler contractor;
- (7) at least two years of experience with a probationary Level I fire inspection certificate conducting fire inspections on a minimum of two Level I buildings;
- (8) at least four years of experience in fire suppression activities for a city, county, volunteer, or other governmental fire department; or
- (9) Firefighter Level II certification under the North Carolina State Fire and Rescue Commission with at least one year of fire inspection experience in Level I buildings.

(u) Fire Inspector, Level II. A standard certificate, fire inspector, Level II, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a license as a professional engineer or registered architect;
- (2) a four year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or fire science;
- (3) a four-year degree from an accredited college or university and at least two years of fire protection design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified fire inspector II or III, licensed engineer, registered architect, intermediate or unlimited licensed building contractor, or licensed fire sprinkler contractor;
- (4) a two-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or fire science and at least two years of fire protection design, construction, or inspection experience on a minimum of two Level II building fire protection systems while working under the direct supervision of a certified fire inspector II or III, licensed engineer, registered architect, intermediate or unlimited licensed building contractor, or licensed fire sprinkler contractor;
- (5) a license as a fire sprinkler contractor with experience on a minimum of two Level II buildings;
- (6) at least three years of fire inspection experience including one year of inspection experience with a probationary Level II fire inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified fire inspector II or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (7) at least three years of fire protection system design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed engineer, registered architect, licensed intermediate or unlimited building contractor, or licensed fire sprinkler contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (8) at least two years of experience with a probationary Level II fire inspection certificate conducting fire inspections on a minimum of two Level II buildings; or
- (9) completion of the basic, intermediate, and advanced classes of the North Carolina Fire Prevention School with at least three years of fire inspection experience in Level II buildings.

(v) Fire Inspector, Level III. A standard certificate, fire inspector, Level III, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a license as a professional engineer or registered architect with design, construction, or inspection experience on Level III buildings and specialization in architecture, civil or architectural engineering, or fire protection engineering;
- (2) a four-year degree from an accredited college or university in civil, architectural, or fire protection engineering and at least one year of fire inspection experience while working under a certified fire inspector III, licensed engineer, registered architect, or licensed fire sprinkler contractor on a minimum of two Level III buildings;
- (3) a two-year degree from an accredited college or university in civil, architectural, or fire protection engineering and at least three years of fire protection design, installation, or inspection experience while working under the direct supervision of a certified fire inspector III, licensed engineer, registered architect, licensed unlimited building contractor, or licensed fire sprinkler contractor with at least one year in responsible charge of a minimum of two Level III buildings;
- (4) a license as a fire sprinkler contractor with experience on a minimum of two Level III buildings;

- (5) at least four years of fire inspection experience in fire protection systems including one year of inspection experience with a probationary Level III fire inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified fire inspector III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (6) at least four years of fire protection system design, construction, or inspection experience while working under the direct supervision of a licensed engineer, registered architect, licensed intermediate or unlimited building contractor, or licensed fire sprinkler contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or
- (7) at least one year of experience with a probationary Level III fire inspection certificate conducting fire inspections on a minimum of two Level III buildings.

*History Note: Authority G.S. 143-151.12(1); 143-151.13;  
Eff. January 15, 1980;  
Amended Eff. August 1, 2004; July 18, 2002; February 1, 1991; August 1, 1990; July 1, 1983;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

#### **11 NCAC 08 .0707 SPECIAL CIRCUMSTANCES**

- (a) Licensed County Electrical Inspector. Certificates issued pursuant to G.S. 143-151.13(e) shall be for the electrical inspector level corresponding to the level at which the applicant is currently certified.
- (b) Registered Architect, Licensed General Contractor, Licensed Plumbing or Heating Contractor, Licensed Electrical Contractor, Registered Professional Engineer. Applicants for certification under G.S. 143-151.13(f) shall successfully complete the Board's prescribed short course, as set out in 11 NCAC 08 .0706(g)(3), concerning State Building Code rules and code enforcement administration prior to being certified. Applicants under this Paragraph shall be currently registered or licensed (as of June 13, 1977) by the State of North Carolina as an architect, a general contractor, a plumbing or heating contractor, an electrical contractor, or a professional engineer to receive certification. The standard certificate shall authorize the person to practice as a qualified code enforcement official of the type and at the performance level determined by the Board to be appropriate, in accordance with 11 NCAC 08 .0706, in light of the applicant's education, training, and experience.
- (c) Certified Code Enforcement Official From Another State. Pursuant to G.S. 143-151.14(a), the Board may, without requiring an examination, issue a standard certificate to any person who successfully completes the Board's prescribed short course concerning State Building Code rules and code enforcement administration and who holds a currently valid certificate as a qualified code enforcement official from another state or territory whose standards are acceptable to the Board and not lower than those required of North Carolina applicants, under Article 9C of the North Carolina General Statutes and all applicable administrative rules governing Code Enforcement Officials.
- (d) Certified Code Enforcement Official with International Code Council Certification. Applicants for certification pursuant to G.S. 143-151.14(b) shall successfully complete the short course required by G.S. 143-151.14(c) as set out in 11 NCAC 08 .0706(g)(3).
- (e) Comity Applicants. Comity applicants as set out in Paragraphs (c) and (d) of this Rule shall meet the experience requirements specified in 11 NCAC 08 .0706 to be eligible for comity consideration. The successful completion of a law and administration course and a standard technical course, as set out in 11 NCAC 08 .0706(g)(3), in the area and level of the standard certificate must be completed within three years to maintain any standard certificate issued due to comity. Standard certificates issued under comity shall expire if required courses are not completed within the three-year period.

*History Note: Authority G.S. 143-151.13; 143-151.14;  
Eff. January 15, 1980;  
Amended Eff. July 1, 1983;  
Readopted Eff. July 1, 2019.*

#### **11 NCAC 08 .0708 CERTIFICATE**

- (a) If an application meets the requirements of Rules .0704 and .0706 of this Section, the application fee has been paid, and the applicant qualified for a particular type and level of certificate, the Board's staff shall mail a standard certificate of that type and level to the applicant at the address specified on the application. The certificate shall be effective until the renewal date specified in G.S. 143-151.16(b).
- (b) If the applicant does not meet the criteria for the certificate for which he or she applied, the applicant shall be given written notice of the criterion that the applicant fails to meet and offered a choice of:

- (1) accepting a certificate for a lower level for which the applicant is qualified;
- (2) submitting additional evidence in support of the application;
- (3) withdrawing the application; or
- (4) appealing the decision to the Board.

If an appeal is filed, the Board shall conduct a hearing and render a decision in accordance with Article 3A of G.S. 150B.

*History Note: Authority G.S. 143-151.12; 143-151.13; 143-151.14; 143-151.17; 143-151.19;  
Eff. January 15, 1980;  
Amended Eff. December 1, 2017; July 18, 2002; January 1, 1991;  
Readopted Eff. July 1, 2019.*

#### **11 NCAC 08 .0709 RENEWAL**

To remain effective, a standard certificate must be renewed in accordance with G.S. 143-151.16(b). Applications for renewal shall be made on forms furnished by the Division of Engineering and Building Codes of the Department of Insurance. A ten dollar (\$10.00) renewal fee shall accompany each such application. In the event that an application for renewal is not received by July 1, an additional late-renewal fee of two dollars (\$2.00) shall be charged. Any person who fails to renew a certificate for a period of two consecutive years shall take and pass the same examination as unlicensed applicants for that type and level of certificate before that person shall be allowed to renew the certificate. In accordance with 11 NCAC 08 .0712, continuing education requirements must be completed by June 30 for renewal of the standard certificate.

*History Note: Authority G.S. 143-151.13A(b); 143-151.16;  
Eff. January 15, 1980;  
Amended Eff. February 1, 2006; July 18, 2002; August 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

#### **11 NCAC 08 .0710 RETURN OF CERTIFICATE WHEN LEAVE EMPLOYMENT**

A standard certificate issued by the Board shall remain valid only so long as the person certified is employed by the State of North Carolina or any political subdivision thereof as a code enforcement official. When the person certified leaves such employment for any reason, he shall return the certificate to the Board. If the person subsequently obtains employment as a code enforcement official in any of such governmental jurisdictions, the Board shall re-issue the certificate to him, subject to the provisions of Rule .0709, provided, however, that if there is time remaining on the re-issued certificate, no additional fee will be charged.

*History Note: Authority G.S. 143-151.15;  
Eff. January 15, 1980;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

#### **11 NCAC 08 .0711 PRE-QUALIFICATION PROGRAM**

The Board may prequalify, as an inspector, an applicant who is not an employee of a city, county, or state inspection department. The Board shall accept applicants who meet the same education, experience, and other requirements listed in Rules .0702 through .0707 of this Section. The Board shall prequalify the applicant at the area and level of certification when the applicant completes these requirements. The Board shall issue a standard inspection certificate when the prequalified applicant is employed by a city, county, or state inspection department.

*History Note: Authority G.S. 143-151.12;  
Eff. July 18, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

#### **11 NCAC 08 .0712 CONTINUING EDUCATION - GENERAL**

As a condition of certificate renewal, holders of active standard and limited certificates must meet continuing education (CE) requirements in accordance with 11 NCAC 08 .0713 through 08 .0733. Courses and sponsors must meet the requirements in 11 NCAC 08 .0713 through 08 .0733.

*History Note: Authority G.S. 143-151.13A(b);  
Eff. February 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0713 CONTINUING EDUCATION REQUIREMENTS**

- (a) To be eligible to renew a certificate, whether active standard or active limited, a Code Enforcement Official (CEO) shall have completed the requisite number of credit hours by June 30, 2007, and each June 30 thereafter.
- (b) A credit hour is 50 minutes of class contact course instruction or 50 minutes of distance learning time.
- (c) A CEO with an active limited certificate shall complete six hours of continuing education courses per renewal year in each technical area for which the limited certificate is valid. A CEO with an active standard certificate shall complete six hours of continuing education courses per renewal year for each standard certificate. A CEO with a limited and a standard certificate valid for the same technical area shall complete only six hours for that technical area.
- (d) A CEO with only a probationary certificate and no standard or limited certificate is not required to complete any continuing education courses.
- (e) If a course exceeds the number of credit hours specified for renewal of a technical area certificate, the excess credit hours may be carried forward into the following renewal year of that technical area certificate. The number of carry-forward credit hours shall not exceed six.

*History Note: Authority G.S. 143-151.13A(b); 143-151.13A(f)(1); 143-151.13A(f)(4); 143-151.13A(f)(5); 143-151.16(b); Eff. March 1, 2006;  
Amended Eff. April 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0714 INACTIVE CODE ENFORCEMENT OFFICIALS**

- (a) A CEO either who is no longer employed by a local inspection department or who remains employed by a local inspection department but no longer has Code enforcement responsibility shall be inactive. Inactive CEOs shall not be subject to certificate renewal requirements nor continuing education requirements.
- (b) When an inactive CEO wishes to become reemployed as an active CEO, the CEO shall complete continuing education courses within one year after reemployment to re-activate certificates in addition to completing the courses required for renewal of certificates as follows:
- (1) A CEO who has been on inactive status for more than two years and who has not been continuously employed by a local inspection department during the period of inactive status shall complete continuing education courses of six hours for each technical area in which the CEO is certified.
  - (2) A CEO who has been on inactive status for more than two years and who has been continuously employed by a local inspection department during the period of inactive status shall complete continuing education courses of three hours for each technical area in which the CEO is certified.
  - (3) A CEO who has been on inactive status for two years or less shall complete CE courses of two hours for each technical area in which the CEO is certified.

*History Note: Authority G.S. 143-151.13A(b); 143-151.13A(d); 143-151.15;  
Eff. February 1, 2006;  
Readopted Eff. July 1, 2019.*

**11 NCAC 08 .0715 FAILURE TO COMPLETE CONTINUING EDUCATION**

Any active CEO who fails to complete the required continuing education courses by June 30 of the current renewal year shall have his or her certificates suspended until the CE requirement is met. A CEO without a currently valid certificate shall not perform Code enforcement.

*History Note: Authority G.S. 143-151.13A(f)(7);  
Eff. February 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0716 COMPLIANCE**

- (a) General CEO compliance with annual CE requirements may be determined through an audit process conducted by the Board's staff. Determination of individuals to be audited shall be accomplished either through a random selection process or based on information available to the Board's staff. Individuals selected for auditing shall provide the Board's staff with documentation of the CE activities claimed for the renewal period, including attendance verification records in the form of transcripts, completion certificates, and any other documents supporting evidence of attendance.

(b) Attendance records shall be maintained by CEOs for a period of three years following the applicable certificate renewal date for audit verification purposes.

*History Note: Authority G.S. 143-151.13A(f);  
Eff. February 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

#### **11 NCAC 08 .0717 EXTENSIONS OF TIME**

Upon petition to the Board staff, extensions of time to complete continuing education courses shall be granted to CEOs for good cause only, such as military service, physical disability, illness, and similar hardship if the period of hardship exceeded 90 consecutive days. Supporting documentation such as military orders or a letter from a physician must be furnished to the Board's staff. The Board staff shall determine whether the extension shall be granted within 10 calendar days of receipt of the petition and shall notify the CEO of its determination.

*History Note: Authority G.S. 143-151.13A (e);  
Eff. February 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

#### **11 NCAC 08 .0718 COURSE SPONSORS**

(a) A course sponsor is an organization or individual that has submitted an application and has been approved by the Board to provide courses and instructors for continuing education. No retroactive approval of a sponsor shall be granted by the Board for any reason.

(b) A prospective sponsor of a CE course shall obtain written approval from the Board to conduct the course before offering or conducting the course and before advertising or otherwise representing that the course is or may be approved for continuing education credit.

(c) Sponsors may include community colleges; colleges and universities; CEO associations; trade associations; providers of self-paced or internet based training programs; city, county, and state inspection departments or other agencies; and private instructors. A prospective sponsor shall be approved by the Board as a course sponsor if, upon submission of a completed application under Paragraph (d) of this Rule, the Board determines that at least one course proposed to be offered by the prospective sponsor meets the criteria for course approval under 11 NCAC 08 .0720, each instructor that is to offer course instruction for the prospective sponsor satisfies the requirements of Paragraph (e) of this Rule, and there are no other grounds under the laws of North Carolina on the basis of which approval should not be granted to the sponsor.

(d) Each course sponsor shall submit an application for continuing education course sponsor approval to the Board on a form provided by the Board. The application shall include:

- (1) The name of the sponsor;
- (2) The sponsor contact person, address and telephone number;
- (3) The course contact hours;
- (4) A description of the courses or types of courses the sponsor proposes to offer and the schedule of courses, if established, including dates, time and locations; and
- (5) The identity and qualifications and experience of each instructor.

(e) Instructors shall have a minimum of one year of experience in architecture; engineering; construction; inspection; installation of equipment, building materials, or components; or other Code-related areas which shall be pertinent to the nature and purpose of the course(s) for which they will provide instruction. Instructors shall possess the ability to:

- (1) Communicate through speech, with the ability to speak clearly, and with voice inflection, using proper grammar and vocabulary;
- (2) Present instruction in a thorough, accurate, logical, orderly and understandable manner;
- (3) Use varied instructional techniques in addition to straight lecture, such as class discussion, role-playing, or other techniques; and
- (4) Use instructional aids, such as projectors and computers to enhance learning.

Instructors shall assure that class sessions are started on time and are conducted for the full amount of time that is scheduled. Instructors shall also assure that each CE course is taught according to the course outline and plan that was approved by the Board, including the furnishing of approved student materials.

*History Note: Authority G.S. 143-151.13A(f)(2);  
Eff. March 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0719 CONTINUING EDUCATION COORDINATOR**

Each sponsor of a CE course shall designate one person to serve as the Continuing Education Coordinator for all Board-approved continuing education courses offered by the sponsor. The designated Coordinator shall serve as the official contact person for the sponsor and shall be responsible for signing the course completion certificates provided by the sponsor to CEOs completing courses and submitting to the Board's staff all required rosters, sign-in sheets, reports, and other information.

*History Note: Authority G.S. 143-151.13A(f);  
Eff. February 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0720 APPROVED COURSES**

(a) To be approved for credit in the continuing education program, a course shall be directly related to State Building Codes, inspection, administration, or enforcement of State Building Codes; construction or design of buildings or electrical, mechanical, plumbing, or fire prevention systems; or certification courses approved for CEOs.

(b) Credit shall be given only for courses that have been approved by the Board. Continuing education courses for other State occupational licenses must be specifically approved to satisfy the Board's continuing education requirements. Courses from approved sponsors must be specifically approved before being offered.

(c) Some courses shall be approved for credit in more than one area of certification. A CEO with multiple certificates may apply the credit to any certificate for which the course is approved. If the course hours are greater than required for one certificate, the remaining hours may be applied to other certificates for which the course is approved or the remaining hours may be carried over in accordance with 11 NCAC 08 .0713(e).

(d) A CEO shall only receive credit for the same course once within any three-year period.

(e) A course shall contain a minimum of one credit hour.

(f) A CEO may select a course other than one offered by an approved sponsor. In order to obtain approval for the course, the CEO shall, upon completion of the course, submit an application for approval on a form provided by the Board. The application shall include:

- (1) the topic;
- (2) content of lecture material;
- (3) date, time, and location of the course;
- (4) name and qualifications of the instructor; and
- (5) the number of course contact hours received upon completion of the course.

In lieu of the form, the CEO may submit a course brochure that contains all of the information required by the form. The CEO shall also provide verification of attendance from the course instructor. The Board shall not accept any applications for course approval under this paragraph after April 30 of each year.

(g) Instructors shall receive twice the number of course credit hours for each instructional hour in an approved course. An instructor shall only receive twice the number of course credit hours for the same course once within any two-year period.

*History Note: Authority G.S. 143-151.13A(f)(1); 143-151.13A(f)(4);  
Eff. February 1, 2006;  
Amended Eff. April 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0721 COURSE ACCREDITATION REQUIREMENTS**

(a) Sponsors of prospective CE courses shall apply for approval from the Board by submitting the following information to the Board's staff for consideration:

- (1) course title and outline;
- (2) nature and purpose of the course;
- (3) outline of the course, including the number of training hours for each segment; and
- (4) copies of handouts and materials to be furnished to students.

(b) To determine if a course is approved, the Board's staff shall review the course to determine if the course meets the requirements of 11 NCAC 08 .0720 and its stated objectives. The Board's staff shall issue written approval to the course sponsor for all courses deemed to be acceptable. The Board's staff shall notify the course sponsor of any course found not to be acceptable, providing specific reasons for the disapproval. A course sponsor may appeal the Board's staff's disapproval of a course to the Board, and such appeal shall be heard at the next scheduled meeting of the Board.



*History Note: Authority G.S. 143-151.13A(f)(2);  
Eff. February 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0722 DISTANCE EDUCATION COURSES**

A distance education course is a continuing education course in which instruction is accomplished through the use of media and methods whereby instructor and student are separated by distance and sometimes by time. In addition to fulfilling all course accrediting requirements, a sponsor requesting approval of a distance education course must demonstrate that the proposed distance education course satisfies the following criteria:

- (1) The course shall be designed to assure that students have defined learning objectives. If the nature of the subject matter is such that the learning objectives cannot be reasonably accomplished without some direct interaction between the instructor and students, then the course must be designed to provide for such interaction.
- (2) A course that does not provide the opportunity for continuous audio and visual communication between instructor and all students during the course presentation shall utilize testing processes to assure student understanding of the subject material.
- (3) A course that involves students completing the course on a self-paced study basis shall be designed so that the time required for a student of average ability to complete the course will be equivalent to a similar course taught in a classroom setting. The sponsor shall utilize a system that assures that students have actually performed all tasks required for completion and understanding of the subject material.
- (4) The sponsor shall provide technical support to enable students to satisfactorily complete the course.
- (5) The course instructors shall be available to respond in a timely manner to student questions about the subject matter of the course. Instructors shall have training in the proper use of the instructional delivery method utilized in the course, including the use of computer hardware and software or other applicable equipment and systems.
- (6) The sponsor shall provide students with an information package containing all pertinent information regarding requirements unique to completing a distance education course, including any special requirements with regard to computer hardware and software or other equipment, and outlining in detail the instructor and technical support that will be available when taking the course.
- (7) The sponsor shall use procedures that provide reasonable assurance that the student receiving continuing education credit for completing the course actually performed all the work required to complete the course. For courses that involve independent study by students, certification that the student personally completed all required course work shall be provided by the student to the sponsor, either by a signed statement (on a form provided by the sponsor) or, in the case of internet or computer based courses, by electronic means that are indicated in the software or on the website. Signed course completion statements or records of electronic certification shall be retained by the sponsor together with any other course records required by the rules in this Section.
- (8) Sponsors seeking approval of distance education courses must submit to the Board's staff a complete copy of the course in the medium that is to be used, including all computer software that will be used in presenting the course and administering tests. If the course is to be internet based, the Board's staff must be provided access to the course via the internet and shall not be charged a fee for such access.
- (9) Distance education courses shall comply with requirements for course completion reporting. Students shall not be reported for continuing education credit for distance education courses until the signed form from the student or electronic certification as described in Item (7) of this Rule has been received by the sponsor.

*History Note: Authority G.S. 143-151.13A(f)(2); 143-151.13A(f)(3);  
Eff. February 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0723 DENIAL OR WITHDRAWAL OF APPROVAL OF SPONSOR OR COURSE**

The Board may deny, suspend or terminate approval of sponsors or courses offered by a sponsor if the Board finds a failure to comply with the Board's rules or the course outline, or for misstatements as to content or participation.

*History Note: Authority G.S. 143-151.13A(f)(7);  
Eff. February 1, 2006;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0724 SPONSOR AND COURSE CHANGES**

(a) Course sponsors shall obtain prior approval from the Board's staff for any proposed changes in the content or number of hours for approved CE courses. Requests for approval of changes shall be in writing. The Board's staff shall approve the changes if they satisfy the accreditation requirements as provided in 11 NCAC 08 .0721. Changes in course content that are solely for the purpose of assuring that information provided in a course is current, such as updating to address code amendments or changes in regulations, need not be submitted for approval.

(b) Course sponsors shall give prior written notice to the Board's staff in writing of any change in business name, Continuing Education Coordinator, address, or business telephone number.

*History Note: Authority G.S. 143-151.13A(f);  
Eff. February 1, 2006;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0725 NOTICE OF SCHEDULED COURSES**

(a) A sponsor shall provide the Board's staff with written notice of each scheduled course offering no later than 20 calendar days before a scheduled course date. The notice shall include the name and assigned number for the sponsor, the name and assigned number for the course, and the scheduled date, time, and location of the course.

(b) A sponsor shall notify any registered CEOs and the Board's staff of any schedule changes or course cancellations at least five calendar days before the original scheduled course date. If a change or cancellation becomes necessary after the five-day deadline, the sponsor shall notify the Board's staff and any registered CEOs as soon as the sponsor effects the change or cancellation.

*History Note: Authority G.S. 143-151.13A(f);  
Eff. February 1, 2006;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0726 ADVERTISING AND PROVIDING COURSE INFORMATION**

(a) Course sponsors shall not use false or misleading advertising.

(b) Any flyers, brochures, or other medium used to promote a CE course shall describe the fee to be charged and the sponsor's cancellation and fee refund policies.

(c) A sponsor of a CE course shall provide a description of the course content to the CEO.

*History Note: Authority G.S. 143-151.13A(f);  
Eff. February 1, 2006;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0727 FEE FOR CE COURSES**

The sponsor of an approved CE course shall establish the amount of any fee to be charged to CEOs taking the course. The fee shall be all-inclusive. No separate or additional fee shall be charged to CEOs for providing course materials, providing course completion certificates, reporting course completion to the Board's staff, or for recouping administrative expenses. The total amount of any fees to be charged shall be included in any advertising or promotional materials for the course.

*History Note: Authority G.S. 143-151.13A(f);  
Eff. February 1, 2006;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0728 CANCELLATION AND REFUND POLICIES**

If a scheduled course is canceled, a sponsor shall immediately notify preregistered CEOs of the cancellation. All prepaid fees received from preregistered CEOs shall be refunded within 30 days after the date of cancellation. Failure to provide a refund shall result in revocation of sponsor approval.

*History Note: Authority G.S. 143-151.13A(f);  
Eff. February 1, 2006;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0729 COURSE ATTENDANCE**

- (a) Course instructors shall monitor attendance to assure that all CEOs have completed the course. A CEO shall not be reported to the Board's staff as having completed a course unless the CEO satisfies the attendance requirement.
- (b) Any CEO providing false information to a course sponsor shall not receive CE credits for the course, shall not be entitled to a refund of course fees, and may be subject to disciplinary action by the Board.

*History Note: Authority G.S. 143-151.13A(f);  
Eff. February 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0730 ACCOMMODATIONS FOR PERSONS WITH DISABILITIES**

Course sponsors and instructors shall comply with the Americans with Disabilities Act or other laws requiring accommodation of persons with disabilities.

*History Note: Authority G.S. 143-151.13A(f);  
Eff. February 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0731 COURSE COMPLETION REPORTING**

- (a) Each sponsor shall submit to the Board's staff a report verifying completion of a CE course for each CEO who completes the course. A sponsor shall submit this report to the Board's staff within 15 calendar days following the course completion. Reports shall be submitted electronically on forms provided by the Board. Reports shall include the sponsor name and the sponsor identifying number, the name and the identifying number of the CEO who completed the course, the date of course completion, the course name and course identifying number, the trade area to which the course applies, the instructor name, the standard or limited certificate number to which to credit the course, and the number of credit hours, and the renewal year to apply the course credit.
- (b) Course sponsors shall provide CEOs enrolled in each CE course an opportunity to complete an evaluation on a form provided by the Board of each approved CE course. Sponsors shall submit the completed evaluation forms to the Board's staff. The evaluation form may be provided on the internet at the option of the provider.
- (c) Course sponsors shall provide each CEO who completes an approved CE course with a course completion certificate. Sponsors shall provide the certificates to CEOs within 15 calendar days following the course completion. The certificate shall be retained for three years by the CEO as proof of having completed the course.

*History Note: Authority G.S. 143-151.13A(f);  
Eff. February 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0732 RETENTION OF COURSE RECORDS**

All course sponsors shall retain records of student registration, attendance, and course completion for CE courses for at least three years. All course sponsors shall make these records available to the Board's staff upon request.

*History Note: Authority G.S. 143-151.13A(f);  
Eff. February 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0733 BOARD MONITORS**

A course sponsor shall admit representatives of the Board to monitor any CE class without prior notice. Board representatives shall not be required to register or pay any fee and shall not be reported as having completed the course.

*History Note: Authority G.S. 143-151.13A(f);  
Eff. February 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0734 RESIDENTIAL CHANGEOUT INSPECTOR**

- (a) Qualifications and types:

- (1) A residential changeout inspector shall be authorized to inspect the replacement of a residential appliance as described in Subparagraph (2) of this Paragraph for one-and-two family dwellings, and individual residential units of condominiums and apartments provided the individual residential appliance serves only that residential dwelling unit.
  - (2) A residential changeout inspector may inspect the replacement of heating and air conditioning appliances and water heaters, provided that all of the following apply:
    - (A) the new appliance requires no alterations to the existing ducting, fuel type, venting, or piping systems other than that required for transitioning to the new appliance;
    - (B) the new appliance does not require relocation, excluding minor adjustments in the same general vicinity;
    - (C) the installation of the new appliance does not require the relocation or addition to the existing electrical system, except the replacement of the appliance's branch circuit overcurrent device, or the replacement of the appliance's branch circuit where such circuit does not pass through a rated assembly shall be allowed; and
    - (D) the electrical branch circuit serving the appliance is single phase.
- (b) The inspection performance log referenced in this Rule is available on the Office of State Fire Marshal website. The inspection performance log shall describe the criteria for authenticating the applicant and supervisors' qualifications, and the inspections performed.
- (c) Every applicant shall:
- (1) provide documentation that the applicant possesses a minimum of a high school education or a high school equivalency certificate;
  - (2) provide notarized certification by a city or county manager, clerk, or director of inspection department that the applicant will be performing "code enforcement," as defined in G.S. 143-151.8(a)(3), as an employee of that city or county; or provide certification by the head of the Engineering and Building Codes Division of the North Carolina Department of Insurance that the applicant will be performing "code enforcement," as defined in G.S. 143-151.8(a)(3), for a State department or agency;
  - (3) successfully complete courses developed by the Board. All applicants must successfully complete a law and administration course and a residential changeout inspections course. For the purpose of entry into the written examination administered by the Board, courses must be completed within five years of the exam in Subparagraph (4) of this Paragraph. These courses shall be administered and taught in the N.C. Community College System or other educational agencies accredited by a regional accrediting association. The North Carolina Department of Insurance, Office of State Fire Marshal may administer and teach certification courses for the purposes of developing program content and professional development. For the purposes of this Rule, "successful completion" is defined as attendance of a minimum of 80 percent of the hours taught and achieving a minimum score of 70 percent on the course exam; and
  - (4) achieve a passing grade of 70 percent on the written examination administered by the Board.
- (d) Residential Changeout Inspector. A standard certificate, residential changeout inspector, shall be issued to any applicant who possesses a probationary residential changeout inspection certificate pursuant to Rule 11 NCAC 08 .0602, complies with Paragraph (c) of this Rule, and one of the following education and experience qualifications:
- (1) possess any level standard certificate as an electrical inspector, mechanical inspector, or plumbing inspector; or
  - (2) all the following:
    - (A) at least six months of conducting residential changeout inspections with a probationary residential changeout inspection certificate; and
    - (B) completion and submission of an inspection performance log as administered by the North Carolina Department of Insurance, Office of State Fire Marshal.

*History Note: Authority G.S. 143-151.12; 143-151.13;  
Eff. August 1, 2020.*

#### **11 NCAC 08 .0735 TEMPORARY CERTIFICATE**

(a) A temporary certificate shall be issued without examination or additional application to any code enforcement official (CEO) who currently possesses a probationary certificate that expires between March 12, 2020 and December 31, 2020. The application the CEO initially submitted to obtain the probationary certificate shall provide the basis for issuing the temporary certificate.

(b) A temporary certificate shall authorize the CEO, during the effective period of the certificate, to hold the position of the type, level, and location that corresponds to the probationary certificate the applicant previously received. The certificate shall specify the type and level of code enforcement in which the CEO may engage and may be conditioned upon his or her having supervision from an official with the specified certification or qualifications included on the CEO's probationary certificate application.

(c) The temporary certificate shall be effective for one year only for the period of March 12, 2020 through March 12, 2021 and shall not be renewed. During the one-year period, the official shall complete the requirements set forth in 11 NCAC 08 .0706 to qualify for the appropriate standard certificate.

(d) A CEO who is issued a temporary certificate that the CEO no longer needs or wants shall return the temporary certificate, within 30 days, to the Engineering and Codes Division of Department of Insurance for cancellation.

(e) A temporary certificate shall remain valid only so long as the person certified is employed by the State or a local government as a code enforcement official of the type and level indicated on the certificate. If the person certified leaves such employment for any reason, he or she shall return the certificate to the Board.

(f) A CEO with only a temporary certificate and no standard or limited certificate is not required to complete any continuing education courses.

*History Note: Authority G.S. 143-151.12; 143-151.13;  
Emergency Adoption Eff. April 20, 2020;  
Temporary Adoption Eff. July 1, 2020.*

## **SECTION .0800 - DISCIPLINARY ACTIONS: OTHER CONTESTED MATTERS**

### **11 NCAC 08 .0801 DISCIPLINARY POWERS**

(a) As used in this Section "Board" and "Code" have the same meanings as those terms are defined in G.S. 143-151.8(a); and "official" means a qualified Code-enforcement official as defined in G.S. 143-151.8(5).

(b) Any person who believes that an official is or has been in violation of G.S. 143-151.17(a) may file a complaint against that official. Copies of this Section and G.S. 143-151.17 shall be mailed to any person requesting complaint information from the Board.

(c) The complaint must specifically refer to one or more of the grounds in G.S. 143-151.17(a). The name of the official, if known, and the name of the local inspection department must be listed. If the official is unknown, the complaint must refer to "the inspector who performed the building (or electrical, mechanical, plumbing, or fire prevention) inspection."

(d) Supporting information must be included to justify the complaint. If the complaint involves violations of the Code that the official did not discover, a list of those violations must be submitted with the complaint. Such information may be provided by the complainant, an architect, professional engineer, licensed contractor, certified inspector, or other person with knowledge of the Code. Supporting information must refer to specific violations of the Code or of the General Statutes.

(e) The complaint must be in writing, signed by the complainant, and dated. The complaint must include the complainant's mailing address and a daytime phone number at which the complainant may be reached. The street address of the structure must be included. There must be a notarized verification at the end of the complaint.

*History Note: Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Eff. January 15, 1980;  
Amended Eff. September 1, 1991;  
Temporary Amendment Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Amended Eff. June 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

### **11 NCAC 08 .0802 PRELIMINARY INVESTIGATION**

*History Note: Filed as a Temporary Amendment Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Authority G.S. 143-151.12(1); 143-151.17(b); 150B-38(h);  
Eff. January 15, 1980;  
Amended Eff. June 1, 1992; September 1, 1991;  
Repealed Eff. July 18, 2002.*

### **11 NCAC 08 .0803 NOTICE TO PARTIES**

**11 NCAC 08 .0804            EMERGENCY SUSPENSION**

*History Note:*     *Authority G.S. 150A-3(b); 150A-3(c); 150A-23(b)(c)(d);  
Eff. January 15, 1980;  
Repealed Eff. September 1, 1991.*

**11 NCAC 08 .0805            HEARING OFFICER**

In all contested case hearings before the Board, the Chairman of the Board shall serve as presiding officer. In the absence of the Chairman, the Vice-Chairman shall serve as presiding officer, or a presiding officer shall be elected by the Board.

*History Note:*     *Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Eff. January 15, 1980;  
Amended Eff. September 1, 1991;  
Temporary Amendment Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Amended Eff. June 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0806            CONSOLIDATION OF SEVERAL CASES**

**11 NCAC 08 .0807            VENUE OF HEARING**

**11 NCAC 08 .0808            POWERS OF HEARING OFFICER: HEARING COMMITTEE: CHAIRMAN**

**11 NCAC 08 .0809            ACTIONS PRIOR TO HEARING**

**11 NCAC 08 .0810            CONDUCT OF HEARING**

**11 NCAC 08 .0811            RULES OF EVIDENCE**

**11 NCAC 08 .0812            DISPOSITION OF CASE BY STIPULATION; ETC: OF PARTIES**

**11 NCAC 08 .0813            PROPOSAL FOR DECISION**

**11 NCAC 08 .0814            OFFICIAL RECORD**

*History Note:*     *Authority G.S. 150A-23(e); 150A-24; 150A-25; 150A-25(b); 150A-26;  
150A-27; 150A-28(a); 150A-28(b); 150A-29; 150A-30; 150A-31(a); 150A-31(b);  
150A-33; 150A-34; 150A-37; 150A-37(b);  
Eff. January 15, 1980;  
Repealed Eff. September 1, 1991.*

**11 NCAC 08 .0815            FINAL BOARD ORDER**

(a) If after the close of a contested case hearing the Board decides that an official's conduct does not justify the suspension or revocation of his certificate but that his conduct does fail to conform to the standards of good code enforcement practice, the Board may issue a letter of reprimand or a letter of caution to the official in which the Board may summarize those deficiencies and make appropriate recommendations.

(b) If a final board order is to suspend, revoke, or refuse to issue a certificate, the order shall set forth the conditions, if any, that must be met in order to remove the suspension, to re-issue the certificate, or to issue the certificate.

*History Note:*     *Authority G.S. 143-151.12(1); 143-151.17(c); 150B-38(h);  
Eff. January 15, 1980;  
Amended Eff. October 1, 1991;  
Temporary Amendment Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0816            JUDICIAL REVIEW**

**11 NCAC 08 .0817            APPEALS FROM ADMINISTRATIVE DECISIONS**

**11 NCAC 08 .0818            PROHIBITION AGAINST EX PARTE COMMUNICATIONS**

*History Note:*     *Authority G.S. 143-151.12; 150A, Article 3; 150A, Article 4; 150A-35;  
Eff. January 15, 1980;  
Repealed Eff. September 1, 1991.*

**11 NCAC 08 .0819            GENERAL**

Governed by the principles of fairness, uniformity, and punctuality, the following general rules apply:

- (1) The Rules of Civil Procedure as contained in G.S. 1A-1, the General Rules of Practice for the Superior and District Courts as authorized by G.S. 7A-34 and found in the Rules Volume of the North Carolina General Statutes apply in contested cases before the Board unless another specific statute or rule of the Board provides otherwise.
- (2) The Board may supply, at the cost of reproduction, forms for use in contested cases.
- (3) Every document filed with the hearing officer or the Board shall be signed by the author of the document, and shall contain his name, address, telephone number, and North Carolina State Bar number if the author is an attorney. An original and one copy of each document shall be filed.
- (4) Except as otherwise provided by statute, the rules contained in this Section govern the conduct of contested case hearings under G.S. 143-151.17.
- (5) The content and the manner of service of the notice of hearing shall be as specified in G.S. 150B-38(b) and (c).
- (6) Venue in a contested case shall be determined in accordance with G.S. 150B-38(e).
- (7) Hearings shall be conducted, as nearly as practical, in accordance with the practice in the Trial Division of the General Court of Justice.
- (8) Ex parte communications in a contested case are governed by G.S. 150B-40(d).
- (9) This Section and copies of all matter adopted by reference herein are available from the Board at the cost established in 11 NCAC 1 .0103.
- (10) The rules of statutory construction contained in Chapter 12 of the General Statutes apply in the construction of this Section.
- (11) Unless otherwise provided in the rules of the Board or in a specific statute, time computations in contested cases before the Board are governed by G.S. 1A-1, Rule 6.

*History Note: Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Eff. June 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

#### **11 NCAC 08 .0820 DEFINITIONS**

The definitions contained in G.S. 150B-2, including subsequent amendments, are incorporated herein by reference. In addition to the definitions in 11 NCAC 8 .0801(a), the following definitions apply to this Section:

- (1) "File or filing" means to place the paper or item to be filed into the care and custody of the hearing officer, and acceptance thereof by him, except that the Board may permit the papers to be filed with the Board, in which event the Board shall note thereon the filing date. All documents filed with the hearing officer or the Board, except exhibits, shall be duplicate in letter size 8" by 11".
- (2) "Hearing officer" means the presiding officer specified in 11 NCAC 8 .0805.
- (3) "Party" means the Board, the official, or an intervenor who qualifies under 11 NCAC 8 .0831. "Party" does not include a complainant unless the complainant is allowed to intervene under 11 NCAC 8 .0831.
- (4) "Service or serve" means personal delivery or, unless otherwise provided by law or rule, delivery by first class United States Postal Service mail or a licensed overnight express mail service, addressed to the person to be served at his or her last known address. A Certificate of Service by the person making the service shall be appended to every document requiring service under these Rules. Service by mail or licensed overnight express mail is complete upon addressing, enveloping, and placing the item to be served, in an official depository of the United State Postal Service or delivering the item to an agent of an overnight express mail service.

*History Note: Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to expire on August 21, 1992;  
Eff. June 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

#### **11 NCAC 08 .0821 ORDER FOR PREHEARING STATEMENTS**

The hearing officer may serve all parties with an order for prehearing statements together with, or after service of, the notice of hearing. Every party thus served shall, within 30 days after service, file the requested statements setting out the party's present position on the following:

- (1) The nature of the proceeding and the issues to be resolved;
- (2) A brief statement of the facts and reasons supporting the party's position on each matter in dispute;
- (3) A list of proposed witnesses with a brief description of his or her proposed testimony;
- (4) A description of what discovery, if any, the party will seek to conduct prior to the contested case hearing and an estimate of the time needed to complete discovery;
- (5) Venue considerations;
- (6) Estimation of length of the hearing;
- (7) The name, address, and telephone number of the party's attorney, if any; and
- (8) Other special matters.

*History Note:* Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Eff. June 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

#### **11 NCAC 08 .0822 DUTIES OF THE HEARING OFFICER**

In conjunction with the powers in this Section and in G.S. 143-151.17, the hearing officer shall perform the following duties, consistent with law:

- (1) Hear and rule on motions;
- (2) Grant or deny continuances;
- (3) Issue orders regarding prehearing matters, including directing the appearance of the parties at a prehearing conference;
- (4) Examine witnesses when deemed to be necessary to make a complete record and to aid in the full development of material facts in the case;
- (5) Make preliminary, interlocutory, or other orders as deemed to be appropriate;
- (6) Recommended a summary disposition of the case or any part thereof when there is no genuine issue as to any material fact or recommend dismissal when the case or any part thereof has become moot or for other reasons; and
- (7) Apply sanctions in accordance with 11 NCAC 8 .0829.

*History Note:* Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Eff. June 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

#### **11 NCAC 08 .0823 CONSENT ORDER; SETTLEMENT; STIPULATION**

Informal disposition may be made of a contested case or an issue in a contested case by stipulation, agreement, or consent order at any time during the proceedings. Parties may enter into such agreements on their own or may ask for a settlement conference with the hearing officer to promote consensual disposition of the case.

*History Note:* Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Eff. June 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

#### **11 NCAC 08 .0824 SETTLEMENT CONFERENCE**

- (a) A settlement conference is for the primary purpose of assisting the parties in resolving disputes and for the secondary purpose of narrowing the issues and preparing for hearing.
- (b) Upon the request of any party, the hearing officer shall assign the case to another Board member for the purpose of conducting a settlement conference. Unless the parties and the other Board member agree, a unilateral request for a settlement conference does not constitute good cause for a continuance. The conference shall be conducted at a time and place agreeable to all parties and the hearing officer. It shall be conducted by telephone if any party would be required to travel more than 50 miles to attend, unless that party agrees to travel to the location set for the conference. If a telephone conference is scheduled, the parties must be available by telephone at the time of the conference.
- (c) All parties shall attend or be represented at a settlement conference. Parties or their representatives shall be prepared to participate in settlement discussions.



- (d) The parties shall discuss the possibility of settlement before a settlement conference if they believe that a reasonable basis for settlement exists.
- (e) At the settlement conference, the parties shall be prepared to provide information and to discuss all matters required in 11 NCAC 8 .0821.
- (f) If, following a settlement conference, a settlement has not been reached but the parties have reached an agreement on any facts or other issues, the Board member presiding over the settlement conference shall issue an order confirming and approving, if necessary, those matters agreed upon. The order is binding on the hearing officer who is assigned to hear the case.

*History Note: Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Eff. June 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

#### **11 NCAC 08 .0825 PREHEARING CONFERENCE**

- (a) The purpose of the prehearing conference is to simplify the issues to be determined; to obtain stipulations in regard to foundations for testimony or exhibits; to obtain stipulations of agreement on nondisputed facts or the application of particular laws; to consider the proposed witnesses for each party; to identify and exchange documentary evidence intended to be introduced at the hearing; to determine deadlines for the completion of any discovery; to establish hearing dates and locations if not previously set; to consider such other matters that may be necessary or advisable; and, if possible, to reach a settlement without the necessity for further hearing. Any final settlement shall be set forth in a settlement agreement or consent order and made a part of the record.
- (b) Upon the request of any party or upon the hearing officer's own motion, the hearing officer may hold a prehearing conference before a contested case hearing. The hearing officer may require the parties to file prehearing statements in accordance with 11 NCAC 8 .0821. A prehearing conference on the simplification of issues, amendments, stipulations, or other matters may be entered on the record or may be made the subject of an order by the hearing officer. Venue for purposes of a prehearing conference shall be determined in accordance with G.S. 150B-38(e).

*History Note: Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Eff. June 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

#### **11 NCAC 08 .0826 CONSOLIDATION OF CASES**

- (a) The hearing officer may order a joint hearing of any matters at issue in contested cases involving common questions of law or fact or multiple proceedings involving the same or related parties, or may order the cases consolidated or make other orders to reduce costs or delay in the proceedings.
- (b) A party requesting consolidation shall serve a petition for consolidation on all parties to the cases to be consolidated and shall file the original with the hearing officer, together with a certificate of service showing service on all parties as herein required. Any party objecting to the petition shall serve and file his objections within 10 days after service of the petition for consolidation.
- (c) Upon determining whether cases should be consolidated, the hearing officer shall serve a written order on all parties that contains a description of the cases for consolidation and the reasons for the decision.
- (d) Nothing contained in this Rule prohibits the parties from stipulating and agreeing to a consolidation, which shall be granted upon submittal of a written stipulation, signed by every party, to the hearing officer.
- (e) Following receipt of a notice of order for consolidation, any party may petition for severance by serving it on all other parties and filing with the hearing officer at least seven days before the first scheduled hearing date. If the hearing officer finds that the consolidation will prejudice any party, he shall order the severance or other relief that will prevent the prejudice from occurring.

*History Note: Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Eff. June 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

#### **11 NCAC 08 .0827 DISCOVERY**

- (a) Discovery methods are means designed to assist parties in preparing to meet their responsibilities and protect their rights during hearings without unduly delaying, burdening or complicating the hearings process and with due regard to the rights and responsibilities of other parties and persons affected. Accordingly, parties are obligated to exhaust all less formal opportunities to obtain discoverable material before utilizing this Rule.
- (b) Any means of discovery available pursuant to the North Carolina Rules of Civil Procedure, G.S. 1A-1, is allowed. If the party from whom discovery is sought objects to the discovery, the party seeking the discovery may file a motion with the hearing officer to obtain an order compelling discovery. In the disposition of the motion, the party seeking discovery shall have the burden of showing that the discovery is needed for the proper presentation of the party's case, is not for purposes of delay, and that the issues in controversy are significant enough to warrant the discovery. In ruling on a motion for discovery, the hearing officer shall recognize all privileges recognized at law.
- (c) When a party serves another party with a request for discovery, that request need not be filed with the hearing officer but shall be served upon all parties.
- (d) The parties shall immediately commence to exchange information voluntarily, to seek access as provided by law to public documents, and to exhaust other informal means of obtaining discoverable material.
- (e) All discovery shall be completed no later than the first day of the hearing. The hearing officer may shorten or lengthen the period for discovery and adjust hearing dates accordingly and, when necessary, allow discovery during the pendency of the hearing.
- (f) No later than 15 days after receipt of a notice requesting discovery, the receiving party shall:
- (1) move for relief from the request;
  - (2) provide the requested information, material or access; or
  - (3) offer a schedule for reasonable compliance with the request.
- (g) Sanctions for failure of a party to comply with an order of the hearing officer made pursuant to this Rule shall be as provided for by G.S. 1A-1, Rule 37, to the extent that a hearing officer may impose such sanctions, and 11 NCAC 8 .0829.

*History Note: Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Eff. June 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

#### **11 NCAC 08 .0828 SUBPOENAS**

- (a) Subpoenas for the attendance and testimony of witnesses or for the production of documents, either at a hearing or for the purposes of discovery, shall be issued in accordance with G.S. 150B-39(c) and G.S. 1A-1 Rule 45.
- (b) A subpoena shall be served in the manner provided by G.S. 150B-39(c) and G.S. 1A-1, Rule 45. The cost of service, fees, and expenses of any witnesses subpoenaed shall be paid by the party at whose request the witness appears. A party seeking an order imposing sanctions for failure to comply with any subpoena issued under this Rule must prove proper service of the subpoena.
- (c) Objections to subpoenas shall be heard in accordance with G.S. 150B-39(c) and G.S. 1A-1, Rule 45.

*History Note: Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Eff. June 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

#### **11 NCAC 08 .0829 SANCTIONS**

- (a) If a party fails to appear at a hearing or fails to comply with an interlocutory order of the hearing officer, the hearing officer may:
- (1) Find that the allegations of or the issues set out in the notice of hearing or other pleading may be taken as true or deemed to be proved without further evidence;
  - (2) Dismiss or grant the motion or petition;
  - (3) Suppress a claim or defense; or
  - (4) Exclude evidence.
- (b) In the event that any party, attorney at law, or other representative of a party engages in behavior that obstructs the orderly conduct of proceedings or would constitute contempt if done in the General Court of Justice, the hearing officer may enter a show cause order returnable in Superior Court for contempt proceedings in accordance with G.S. 150B-40(c)(6).

*History Note: Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);*

*Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Eff. June 1, 1992;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

#### **11 NCAC 08 .0830 MOTIONS**

(a) Any application to the hearing officer for an order shall be by motion, which shall be in writing unless made during a hearing, and must be filed and served upon all parties not less than 10 days before the hearing, if any, is to be held either on the motion or the merits of the case. The nonmoving party has 10 days after the date of service of the motion to file a response, which must be in writing. Motions practice in contested cases before the Board are governed by Rule 6 of the General Rules of Practice for the Superior and District Court.

(b) If any party desires a hearing on the motion, he shall make a request for a hearing at the time of the filing of his motion or response. A response shall set forth the nonmoving party's objections. All motions in writing shall be decided without oral argument unless an oral argument is directed by the hearing officer. When oral argument is directed by the hearing officer, a motion shall be considered submitted for disposition at the close of the argument. A hearing on a motion will be directed by the hearing officer only if it is determined that a hearing is necessary to the development of a full and complete record on which a proper decision can be made. All orders on such motions, other than those made during the course of a hearing, shall be in writing and shall be served upon all parties of record not less than five days before a hearing, if any, is held.

*History Note: Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);*

*Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Eff. June 1, 1992;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

#### **11 NCAC 08 .0831 INTERVENTION**

(a) Any person not named in the notice of hearing who desires to intervene in a contested case as a party shall file a timely motion to intervene and shall serve the motion upon all existing parties. Timeliness will be determined by the hearing officer in each case based on circumstances at the time of filing. The motion shall show how the movant's rights, duties, or privileges may be determined or affected by the contested case; shall show how the movant may be directly affected by the outcome or show that the movant's participation is authorized by statute, rule, or court decision; shall set forth the grounds and purposes for which intervention is sought; and shall indicate movant's statutory right to intervene if one exists.

(b) Any party may object to the motion for intervention by filing a written notice of objections with the hearing officer within five days after service of the motion if there is sufficient time before the hearing. The notice of objection shall state the party's reasons for objection and shall be served upon all parties. If there is insufficient time before the hearing for a written objection, the objection may be made at the hearing.

(c) When the hearing officer deems it to be necessary to develop a full record on the question of intervention, he may conduct a hearing on the motion to determine specific standards that will apply to each intervenor and to define the extent of allowed intervention.

(d) The hearing officer shall allow intervention upon a proper showing under this Rule, unless he finds that the movant's interest is adequately represented by one or more parties participating in the case or unless intervention is mandated by statute, rule, or court decision. An order allowing intervention shall specify the extent of participation permitted the intervenor and shall state the hearing officer's reason. An intervenor may be allowed to:

- (1) File a written brief without acquiring the status of a party;
- (2) Intervene as a party with all the rights of a party; or
- (3) Intervene as a party with all the rights of a party but limited to specific issues and to the means necessary to present and develop those issues.

*History Note: Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);*

*Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Eff. June 1, 1992;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

#### **11 NCAC 08 .0832 CONTINUANCES**

(a) A request for a continuance of a hearing shall be granted upon a showing of good cause. Unless time does not permit, a request for a continuance of a hearing shall be made in writing to the hearing officer and shall be served upon all parties of record. In determining whether good cause exists, due regard shall be given to the ability of the party requesting a

continuance to proceed effectively without a continuance. A request for a continuance filed within five days before a hearing shall be denied unless the reason for the request could not have been ascertained earlier.

(b) "Good cause" includes death or incapacitating illness of a party, representative, or attorney of a party; a court order requiring a continuance; lack of proper notice of the hearing; a substitution of the representative or attorney of a party if the substitution is shown to be required; a change in the parties or pleadings requiring postponement; and agreement for a continuance by all parties if either more time is clearly necessary to complete mandatory preparation for the case, such as authorized discovery, and the parties and the hearing officer have agreed to a new hearing date or the parties have agreed to a settlement of the case that had been or is likely to be approved by the final decision maker.

(c) "Good cause" does not include: intentional delay; unavailability of counsel or other representative because of engagement in another judicial or administrative proceeding unless all other members of the attorney's or representative's firm familiar with the case are similarly engaged, or if the notice of the other proceeding was received subsequent to the notice of the hearing for which the continuance is sought; unavailability of a witness if the witness' testimony can be taken by deposition; or failure of the attorney or representative to properly utilize the statutory notice period to prepare for the hearing.

(d) During a hearing, if it appears in the interest of justice that further testimony should be received and sufficient time does not remain to conclude the testimony, the hearing officer shall either order the additional testimony taken by deposition or continue the hearing to a future date for which oral notice on the record is sufficient.

(e) A continuance shall not be granted if granting it would prevent the case from being concluded within any statutory or regulatory deadline.

*History Note: Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Eff. June 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

#### **11 NCAC 08 .0833 RIGHTS AND RESPONSIBILITIES OF PARTIES**

(a) A party has the right to present evidence, rebuttal testimony, and argument with respect to the issues of law and policy, and to cross-examine witnesses, including the author of a document prepared by, on behalf of, or for use of the Board and offered in evidence.

(b) A party shall have all evidence to be presented, both oral and written, available on the date for hearing. Requests for subpoenas, depositions, or continuances shall be made within a reasonable time after their needs become evident to the requesting party. In cases when the hearing time is expected to exceed one day, the parties shall be prepared to present their evidence at the date and time ordered by the hearing officer or agreed upon at a prehearing conference.

(c) The hearing officer shall send copies of all orders or decisions to all parties simultaneously. Any party sending a letter, exhibit, brief, memorandum, or other document to the hearing officer shall simultaneously send a copy to all other parties.

(d) All parties have the continuing responsibility to notify the hearing officer of their current address and telephone number.

(e) A party need not be represented by an attorney. If a party has notified other parties of that party's representation by an attorney, all communications shall be directed to that attorney.

(f) With the approval of the hearing officer, any person may offer testimony or other evidence relevant to the case. Any nonparty offering testimony or other evidence may be questioned by parties to the case and by the hearing officer.

(g) Before issuing a recommended decision, the hearing officer may order any party to submit proposed findings of fact and written arguments.

*History Note: Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Eff. June 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

#### **11 NCAC 08 .0834 WITNESSES**

Any party may be a witness and may present witnesses on the party's behalf at the hearing. All oral testimony at the hearing shall be under oath or affirmation and shall be recorded. At the request of a party or upon the hearing officer's own motion, the hearing officer may exclude witnesses from the hearing room so that they cannot hear the testimony of other witnesses.

*History Note: Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Eff. June 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0835 EVIDENCE**

- (a) The North Carolina Rules of Evidence as found in Chapter 8C of the General Statutes govern in all contested case proceedings, except as provided otherwise in this Section and G.S. 150B-41.
- (b) The hearing officer may admit all evidence that has probative value. Irrelevant, incompetent, immaterial, or unduly repetitious evidence shall be excluded. The hearing officer may, in his discretion, exclude any evidence if its probative value is substantially outweighed by the risk that its admission will require undue consumption of time or create substantial danger of undue prejudice or confusion.
- (c) Contemporaneous objections by a party or a party's attorney are not required in the course of a hearing to preserve the right to object to the consideration of evidence by the hearing officer in reaching a decision or by the court upon judicial review.
- (d) All evidence to be considered in the case, including all records and documents or true and accurate photocopies thereof, shall be offered and made a part of the record in the case. Except as provided in Paragraph (f) of this Rule, factual information or evidence that is not offered shall not be considered in the determination of the case. Documentary evidence incorporated by reference may be admitted only if the materials so incorporated are available for examination by the parties.
- (e) Documentary evidence in the form of copies or excerpts may be received in the discretion of the hearing officer or upon agreement of the parties. Copies of a document shall be received to the same extent as the original document unless a genuine question is raised about the accuracy or authenticity of the copy or, under the circumstances, it would be unfair to admit the copy instead of the original.
- (f) The hearing officer may take notice of judicially cognizable facts by entering a statement of the noticed fact and its source into the record. Upon a timely request, any party shall be given the opportunity to contest the facts so noticed through submission of evidence and argument.
- (g) A party may call an adverse party; or an officer, director, managing agent, or employee of the State or any local government, of a public or private corporation, or of a partnership or association or body politic that is an adverse party; and may interrogate that party by leading questions and may contradict and impeach that party on material matters in all respects as if that party had been called by the adverse party. The adverse party may be examined by that party's counsel upon the subject matter of that party's examination in chief under the rules applicable to direct examination, and may be cross-examined, contradicted, and impeached by any other party adversely affected by the testimony.

*History Note: Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);  
Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Eff. June 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

**11 NCAC 08 .0836 OFFICIAL RECORD**

- (a) The official record of a contested case is available for public inspection upon reasonable request. The hearing officer may, upon good cause shown and consistent with law, order part or all of an official record sealed.
- (b) The official record shall be prepared in accordance with G.S. 150B-42.
- (c) Contested case hearings shall be recorded either by a recording system or a professional court reporter using stenomask or stenotype.
- (d) Transcript costs incurred by the Board shall be apportioned equally among the party(ies) requesting a transcript.
- (e) Any other costs incurred by the Board when using a professional court reporter shall be apportioned equally among the requesting party(ies).
- (f) A 24-hour cancellation notice is required in all cases. The party(ies) responsible for the cancellation shall be liable for any cancellation fees.
- (g) Transcripts of proceedings during which oral evidence is presented will be made only upon request of a party. Transcript costs shall include the cost of an original for the Board. An attorney requesting a transcript on behalf of a party is a guarantor of payment of the cost. Cost shall be determined under supervision of the hearing officer who, in cases deemed to be appropriate by him, may require an advance security deposit to cover the prospective cost. The security deposit shall be applied to the actual cost and any excess shall be returned to the party that submitted it.
- (h) Copies of tapes are available upon written request at a cost of five dollars (\$5.00) per tape.
- (i) Copies of Board hearings tapes or Non-Board certified transcripts therefrom are not part of the official record.

Note: Rule 5.3(B) of the Rules of Professional Conduct permits an attorney to advance or guarantee expenses of litigation provided the client remains ultimately liable for such expenses.

*History Note: Authority G.S. 143-151.12(1); 143-151.17; 150B-38(h);*

*Temporary Adoption Eff. March 3, 1992 For a Period of 169 Days to Expire on August 21, 1992;  
Eff. June 1, 1992;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.*

## **BY-LAWS FOR INTERNAL ORGANIZATIONS AND MANAGEMENT**

### **NORTH CAROLINA CODE OFFICIALS QUALIFICATION BOARD**

**Adopted July 27, 1978**  
**Revised October 24, 1995**  
**Revised October 27, 2015**

#### **I. GENERAL RULES**

The North Carolina Code Officials Qualification Board (hereinafter referred to as "the Board") shall be governed by the terms of Article 9C of Chapter 143 of the General Statutes of North Carolina and by such other state laws as shall relate to its activities. In addition, it shall comply with these by-laws for its internal management, which it has adopted pursuant to G.S. 143-151.12(7).

#### **II. OFFICERS AND DUTIES**

A. **Chairman.** The Board shall elect a chairman from among its members at its first regular meeting after July 1 each year. The Chairman shall serve until his successor is elected and installed. The chairman shall be eligible for re-election. The chairman shall preside over all Board and executive committee meetings, shall appoint all committees of the Board, shall generally oversee the operations of the Board's staff, and shall officially represent the Board. While presiding at meetings, the chairman shall decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time.

B. **Vice Chairman.** The Board shall elect a vice-chairman from among its members in the same manner and for the same terms as the Chairman. The vice-chairman shall be eligible for re-election. The vice-chairman shall serve as acting chairman in the absence or disability of the chairman, and at such times the vice-chairman shall have the same powers and duties as the chairman.

C. **Secretary.** The Board shall elect a secretary from its membership, in the same manner and for the same term as the chairman. The secretary shall be eligible for re-election. The secretary, subject to the direction of the chairman and the Board, shall be responsible for keeping all records, and for generally supervising the clerical work of the Board. The secretary shall be responsible for keeping the minutes of every meeting of the Board, which minutes shall be a public record. The minutes shall show the record of all important facts pertaining to each meeting and hearing, every resolution acted upon by the Board, and all votes of Board members upon any resolution or the final determination of any question, indicating the names of members absent or failing to vote.

D. **Staff.** The staff of the Board shall consist of the Division of Engineering and Building Codes in the N. C. Department of Insurance, as provided by GS 143-151.19. The staff shall provide clerical and other services required by the Board and shall administer and enforce all provisions of Article 9C of Chapter 143 of the General Statutes and rules and regulations promulgated by the Board, subject to the direction of the Board.

### III. COMMITTEES

A. General. The board may create and assign duties to whatever committees it deems necessary to carry out its functions most expeditiously. These may be standing committees, special committees, subcommittees for special purposes or advisory committees.

The chairman of the Board shall appoint members of all Board committees. From these appointees the Board shall elect chairmen of such committees, other than the Executive Committee.

The chairman of any standing committee creating subcommittees or advisory committees shall appoint the members of those subcommittees or advisory committees and may designate their chairmen.

B. Standing Committees. Standing committees are permanent committees, which continue in existence until formally abolished. Standing committees of the Board shall include an Education and Research Committee, a Policies and Procedures Committee, a Qualification and Evaluation Committee, and an Executive Committee.

1. The Education and Research Committee shall be 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.
2. The Policies and Procedures Committee shall be 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.
3. The Qualifications and Evaluation Committee shall be 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.
4. The Executive Committee shall consist of the Board's chairman, vice-chairman, and secretary, and the chairman of each of the Board's other standing committees. It shall have 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.

C. Special Committees. Special committees are created to exercise the particular, limited functions for a specified period of time. Unless otherwise provided by the Board, no special committee shall remain in existence for more than two years.

D. Advisory Committees. Advisory Committees are committees whose membership consists partially or totally of persons who are not members of the Board. They shall give the Board or its committees such advice and assistance as may be requested by the Board or standing committee which creates them.



#### IV. MEETINGS

A. Regular Meetings. The Board shall hold regular meetings at 1:00 pm on the fourth Tuesday of July, October, January and April. The chairman shall give written notice of the exact meeting place to each member no later than two weeks prior to the meeting. The chairman may reschedule a regular meeting by giving written notice to all members no later than two weeks prior to when the scheduled meeting would normally be held.

B. Special Meetings. Special meetings of the Board may be called at any time by the chairman, the vice-chairman, or any four members of the Board. Written notice of any special meetings shall be given to all members of the Board at least two weeks prior to the time of the meeting, setting forth the detailed time, date, and place of the meeting and the purpose for which it will be held. In the event of an emergency, the period of such notice may be shortened, provided that the feasible efforts are made to notify every member sufficiently in advance of the meeting that his attendance will not be precluded.

C. Quorum. A quorum shall consist of a majority of the members of the Board. A quorum of any committee shall consist of a majority of all the members of the committee.

D. Conduct of Meetings. All meetings of the Board shall be open to the public. The order of business at regular meetings shall be as follows: (1) roll call; (2) minutes of previous meeting; (3) reports of committees; (4) unfinished business; (5) new business.

E. Voting. The vote of a majority of those members present shall be sufficient to decide matters before the Board, provided a quorum is present. The chairman shall not be required to vote unless his vote is necessary to break a tie, but he may vote on any matter; he may not vote twice, creating a tie and then breaking it. No Board member shall participate in the decision of any matter in which he has a personal financial interest sufficient to influence his vote.

#### V. AMENDMENTS

These by-laws may be amended at any time by an affirmative vote of not less than two-thirds of the members of the Board, provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken. If two-thirds of the members are not present at the meeting at which the vote is to be taken, a mail election shall be held on the proposed amendment.