

**MINUTES OF THE
NORTH CAROLINA CODE OFFICIALS QUALIFICATION BOARD**

October 27, 2020

The quarterly meeting of the NC Code Officials Qualification Board (“Board”) was held at 1:00 P.M. on Tuesday, October 27, 2020 by teleconference.

Tom Felling explained those making motions and seconds need to announce their name and that all votes need to be roll call votes.

Chairman Thunberg announced that Bettie Parker has been appointed and he himself has been reappointed to the Board.

Item 1.A.: Roll Call/Conflict of Interest Reminder

Chairman Thunberg asked each member of the Board to introduce themselves for the roll call and asked each member of the Board to state whether they had actual or potential conflicts of interest for any items on the agenda.

The State Ethics Commission has cited the potential for a conflict of interest for members of the Board who are serving in the following appointments.

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

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

Jeff Griffin asked to be recused in Case #541. Chairman Thunberg accepted Mr. Griffin's recusal.

The following members of the Board participated by teleconference (*or in person):

Bill Thunberg	Ken Stafford, AIA	Thomas Bender
Danny Couch	Michael Crofts	Richard Ducker
Fleming El-Amin	Jeff Griffin	Allen Kelly
Dr. Stephanie Luster-Teasley	Helen McIntosh	Bettie Parker
Rob Roegner*	James Steele	Mack Summey, PE
Dr. Stephen Terry	Karen Tikkanen	Richard White

The following members of the Board were not present:

Andy Matthews	Mark Smith
---------------	------------

Others in attendance by teleconference (*or in person) were as follows:

<u>Name</u>	<u>Affiliation</u>
Sam Whittington	Department of Insurance
Terri Tart	Department of Insurance
Charlie Johnson	Department of Insurance
Mike Hejduk	Department of Insurance

Beth Williams	Department of Insurance
Tom Cooney	Department of Insurance
Joe Starling	Department of Insurance
Tom Felling	Department of Justice
Pat Rose	Greensboro Inspections Department/Electrical Inspectors Association
Mark Griffin	Union County Building Code Enforcement
Roger Montague	Citizen

Item 2- Approval of Minutes

El-Amin made a motion to approve the minutes of the July 28, 2020 Board meeting. Griffin seconded the motion and the motion carried as approved by a roll call vote.

Item 3 – Recognition of Fifth Level III Standard Inspection Certificate Recipient

Chairman Thunberg recognized Randal Lee Gray of New Hanover County for achieving his fifth level III certificate.

Item 4 – Public Comment

Chairman Thunberg opened the public comment portion of the meeting.

Mark Griffin, Union County Inspections, addressed the Board in reference to the Continuing Education requirement for renewal of certificates. He requested that the 6-hour annual requirement be waived for the 2021 renewal. He further asked the Board not to go to on-line education as in person is the more effective method of delivery. He noted that this is a non-code change year.

Pat Rose, City of Greensboro Inspections, addressed the Board in reference to the Continuing Education requirement for renewal of certificates. On-line learning has a place, but not in the trades. Law and Admin could be done on-line, but that is not true for the trades.

Item 5 – Committee Reports

Executive Committee – Thunberg reported the Committee has not met and has no report.

Policies and Procedures Committee – Stafford reported the Committee has not met and has no report.

Education and Research Committee – Griffin reported the Committee has not met and has no report.

Qualification and Evaluation Committee – Bender reported that the Committee met on October 22, 2020, with 5 members present, to consider two applicants with prior felony/misdemeanor convictions. The Committee recommended to the Board that both applicants be approved. Roegner made a motion to approve the committee's recommendation. Crofts seconded the motion and the motion carried by a roll call vote.

Item 6 – New Business

- A. Temporary Certificates expiring - Roegner, we are hearing about issues with testing and getting certificates. It has been board policy that you had to wait 60 days after failing a test to retest and that you could only test twice before you had to retake the class. This is long standing Board policy and is not in any rule. The Board discussed extending the expiration of temporary certificates. Extensions of six months and one year were discussed. Roegner made a motion to extend temporary certificates from March 2021 to December 31, 2021. McIntosh seconded the motion and the motion carried by a roll call vote.

The Board discussed the 60-day waiting period and two attempts per course policy. This has been long standing Board Policy. Board did not want to permanently do away with the 60-day waiting period. Discussion to forego the 60-day wait due to the pandemic. Will want to put in permanent rule after the pandemic is over. Test review was discussed. Roegner made a motion to allow people to retest as soon as practical unless requesting a test review. Bender seconded the motion and the motion carried by a roll call vote.

- B. Continuing Education - Roegner brought to the board the concern of availability of CE and the hardship this is putting on inspectors and departments. Roegner recommended to the board to put forth a rule to allow inspectors to take a one-hour online course on changes to the statutes, specifically 160D. The one-hour course would cover the CE requirement for one year, up to 30 hours. This course could be applied to 2020 or 2021 renewal requirements. El-Amin made a motion to approve the course and direct Board Counsel to work with Mr. Stafford on the rule. Crofts seconded the motion and the motion carried by a roll call vote.

Item 7 – On-Going Business

Beth Williams reported on the following information.

- A. Residential Changeout Inspector Update - Work on the Residential Changeout Inspector program continues. Beth Williams is running point on this committee and has completed a large amount of work. Beta and pilot course dates have been established and a tentative schedule has been established. Hejduk is currently working with Karen Tikkanen to promote the upcoming RCI Standard Certificate beta and pilot courses. In addition, Hejduk is currently working with IT to ensure updates are being made to the North Carolina Code Officials Qualification Board online system. Rich Hall and Mike Hejduk is currently working with subject matter experts to develop the standard course and state exam questions. Hejduk is currently working with Karen Tikkanen to promote the upcoming RCI Standard Certificate beta and pilot courses. The course will be a hybrid which includes online and classroom sections. The course will cover mechanical, plumbing and electrical aspects of the change out of like-for-like appliances. Discussion continues on the number of hours that will be awarded for each trade (Mechanical, Electrical, Plumbing, and possibly Building).

Item 8 – Staff Report

Sam Whittington made the Director's Report, which contained the following items:

State Exam Administration RFP

Rich Hall will draft and issue the RFP working with Wendy Holland, Purchasing Officer. Below is the schedule previously announced. The draft RFP should be presented and discussed with the Qualifications and Evaluation Committee via virtual meeting to discuss contract provisions.

. 2.3 → RFP SCHEDULE ¶

The table below shows the *intended* schedule for this RFP. The State will make every effort to adhere to this schedule. ¶

Dates need to be reviewed and adjusted. ¶

Event	Responsibility	Date and Time
Issue RFP	State	11/15/2020 at 11:00 AM
Hold Pre-Proposal Meeting/Site Visit	State	NA
Submit Written Questions	Vendor	December 15, 2020
Provide Response to Questions	State	January 1, 2020
Submit Proposals	Vendor	January 24, 2021
Contract Award	State	February 17, 2021
Contract Effective Date	State	April 1, 2021

¶

Updating Website

The entire NCDOI website has been reconstructed and has a new look. Each division has been redesigned and OSFM is currently under reconstruction.

Training of Other NCDOI Staff

Kathy Williams has retired; Sam Whittington has taken over coordinating and hosting the Board Meetings. Terri Tart continues to train an additional NCDOI staff member to assist in the processing of standard and probationary applications.

Staff of the NC Code Officials Qualification Board Section

Tom Cooney has agreed to postpone his retirement until after the January 26, 2021 Board Meeting.

Examination Report

Hejduk made the examination report on Rich Hall's behalf.

**Examination Grade Summary
July 1, 2020 – September 30, 2020**

The Board offers 15 different State certification exams, one for each of five technical areas (F, B, M, E, P) and three levels (1,2,3). These are administered on computers at testing centers through a contracted vendor. Each exam contains 150 multiple choice questions and has a 3-½ hour time period. All exams include Law and Administration questions. Exams are open book. Examinees use their own code books with inscribed notes, highlighting and permanent tabs but are not allowed to bring in any supplemental materials such as indexes, etc.

Exam Taken Counts between 07/01/2020 and 09/30/2020

Exam Taken

Area/Level	Number Taking	Number Passing	% Passing	High Score	Low Score	Average Score
Building Inspector I	29	11	37.93	83.00	53.00	67.45
Building Inspector II	9	8	88.89	87.00	64.00	76.67
Building Inspector III	4	1	25.00	74.00	38.00	59.00
Electrical Inspector I	21	3	14.29	78.00	51.00	63.05
Electrical Inspector II	12	5	41.67	86.00	57.00	69.75
Electrical Inspector III	3	3	100.00	83.00	72.00	76.00
Fire Inspector I	44	21	47.73	91.00	51.00	69.36
Fire Inspector II	26	19	73.08	87.00	63.00	74.58
Fire Inspector III	10	10	100.00	94.00	73.00	82.10
Mechanical Inspector I	27	18	66.67	92.00	52.00	72.15
Mechanical Inspector II	12	9	75.00	85.00	68.00	75.17
Mechanical Inspector III	5	4	80.00	98.00	68.00	84.20
Plumbing Inspector I	27	21	77.78	89.00	46.00	74.59
Plumbing Inspector II	12	12	100.00	91.00	81.00	85.75
Plumbing Inspector III	6	6	100.00	90.00	80.00	85.67

Exam Taken Totals

Total Taking	Total Passing	Total % Passing
247	151	61.13

Exam Reviews (July 1 – September 30)

N.C.G.S. 93B-8(c) “Each applicant who takes an examination given by any occupational licensing board, and does not pass such examination, shall have the privilege to review his examination in the presence of the board or a representative of the board. Except as provided in this subsection, an occupational licensing board shall not be required to disclose the contents of any examination or of any questions which have appeared thereon, or which may appear thereon in the future.”

PSI Services, LLC **Candidate Information Bulletin** states:

“In order to schedule a review, you must call PSI at 800-733-9267 to make an appointment. You must schedule the review within 30 days from the failed test date. There is no separate fee for the review. It is included in the exam fee.

During the review candidates will be presented with the questions the candidate incorrectly answered during the examination on a desktop computer. The candidate will not be given the correct answer to the question. The purpose of the review is to allow the candidate to self-research the question to determine why the answer they selected was incorrect. **If the candidate feels that there is an error in the question, the candidate may comment about the question during the review by using the provided Examination Review Sheet.** If a candidate chooses to challenge a question, all supporting documentation, such as the reference section and an explanation, must be given regarding the chosen response. **The Exam Review Sheet and a copy of the challenged test questions will be submitted directly to the Board.**

You will not be permitted to take any notes out of the review session. There is no charge for the examination review. You will have 1 ½ hours for the entire review.”

PSI Services LLC sends an email with **Exam Review Sheet** challenges for the week to COQB staff.

- Exam Review Sheets received during this quarter **33**.

Certification Report – Terri Tart

Tart reported on the number and type of applications received this quarter. Tart stated due to COVID-19 there were fewer classes back in April, however the class availability has increased this quarter. Also, jurisdictions continue to hire to meet the inspection demand and to replace those retiring or transferring to different jurisdictions.

Currently, there are 2,526 active probationary certificates, 6,495 active standard certificates. There is a total of 9,039 active certificates.

Tart reported that 362 Temporary Certificates have been issued and will expire as of March 12, 2021. The certificate is not renewable or extended.

Tart reported that 85 probationary certificates expired during the last quarter.

Education Report – Beth Williams

Williams reported, Standard Online Instructor Course started on 9/2/20 and was completed on 10/1/20. Course was taught entirely online via Moodle and required live chats and students’ end-of-course presentations were performed using MS Teams.

Those who successfully completed the course are as follows:

Geoff Woolard (F), John Lavery (B, F, M, P), Ronnie Privette (F), Adam Stanley (F), Josh West (E), Shane Hite (F), Mike McGowan (B, E, M, P), and Michael Marshburn (F).

Williams continues to oversee the RCI course and continues to work directly with SMEs, administrators, key stakeholders, and leadership team to ensure benchmarks continue to stay on target. Team is progressing towards beta and pilot course roll-out beginning in November. RCI course development continues.

Since last report, additional Standard Certificate courses are being offered online in addition to the seated enrollment option. Travel from jurisdiction to community colleges remains an issue as many AHJs are still not permitting travel. Online offerings have increased opportunities for CEOs to attend these courses.

CONTINUING EDUCATION COURSES		
Status Periods:	3/1/20-6/30/20	7/1/20 - 9/30/20
Courses Submitted Denied	3	2
Courses Approved	24	2
Course Rosters Submitted	82	10
New Con. Ed. Sponsors Approved	0	1
New Con. Ed. Instructors Approved	0	0

Currently standard certificates 3,055 out of 6,469 have met CE requirements for 2021 (47%)

STANDARD EDUCATION COURSES			
Trade	Course Count	Total # Students (avr. class) (Q)	Total # Students (Total) (Q)

Law and Admin	6		
Building	9	9	87
Electrical	8	3	26
Fire	14	7	95
Mechanical	8	7	54
Plumbing	10	6	62
Total Courses Held	55		
Courses Canceled	6		
Standard Courses Scheduled	48		
Standard Course Grades Pending	3		

Investigations – Whittington and Cooney

Due to the requirement for a roll call vote Tom Felling advised the board to hear all cases with a No-Basis recommendation and vote of them together, but to vote on Basis cases separately.

Sam Whittington presented Cases 538 and 541.

Case #538 Kernodle (Clark)

Electrical contractor did not match contractor listed on permit. The mismatch is likely an error in issuing the permit. Inspector declined to make inspector until it was resolved. Inspectors should catch situations like this, and he acted appropriately. Staff recommended a finding of No-Basis.

Case #541 Priddy (Kolodziej)

Mrs. Koldziej and her husband bought the house with a zoned HVAC system. They are having health issues with mold. The original contractor had installed a dehumidifier without permits. A complaint had been filed with the Plumbing, Heating, and Fire Sprinkler Contractors Board and had been through their process. After this had taken place Mr. Priddy was asked to inspect the system. He didn't identify any code violations. When staff went out the only code violation that was identified was the Flex duct was not taped correctly. It could not be definitively determined if this was the condition at the time of Mr. Priddy's inspection and if it was the case it would not rise to gross incompetence, gross negligence, or willful misconduct. Staff recommended a finding of No-Basis.

Tom Cooney presented cases 511, 515, 522, and 528.

Case #511 Gaskin (Hueske)

Personality issue alleging that Mr. Gaskin was unprofessional. Hueske acting as own contractor building his own home. Not an issue with violation of the code but a personnel matter for Brunswick County Inspections Department. Staff recommended a finding of No-Basis.

Case #515 Spencer (Thompson)

Mr. Thompson bought two mobile homes damaged by hurricanes as salvage. NCDOT Manufactured Housing Section removed the labels from the homes as requested by the manufacturer. Therefore, they must be inspected against the NC Residential Code as the manufactured housing standards are performance based. Mr. Spencer followed the requirements of the Code and recommendations of the Manufactured Housing Section. Staff recommended a finding of No-Basis.

Case #522 Stipe (Raman)

Pizza place plans submitted were approved by the Swansboro Inspections Department but lacked hood system required by NC Fire Code. Exhaust Hood system was never submitted nor installed. Final Inspection was denied due to the missing hood. Staff recommended a finding of No-Basis.

Case #528 Canady (Greene)

Property owner gutting interior of his property and rebuilding the deck. Mr. Cooney inspected the property and found no violations in the interior. The deck piers were questioned as to whether they went down to the required depth of eight feet. Staff did not verify this depth but in consideration of the concrete and reinforcement in place at the time of the inspection by the Town of North Topsail Beach Inspections Department was considered to be acceptable. This possible violation would not rise to the level to justify a hearing on the matter. Staff recommended a finding of No-Basis.

Roegner made a motion to accept the recommendations of staff of findings of No-Basis in cases 511, 515, 522, 528, 538, and 541. Crofts seconded the motion, and the motion carried by a roll call vote, with Griffin being recused.

Case #523 Walsh (Ollis)

Walsh is chief inspector for Wilkes County. Mr. Ollis bought a gas log fireplace insert from Lowes. The installer of the underground tank and piping/plumbing to home was done by an unlicensed individual at the recommendation of the Gas provider. Mr. Walsh knew the installer was unlicensed and had been working in the county for some time. In an effort to assist the property owner Mr. Walsh advised the Owner to sign a statement stating he had done the work himself knowing this work was done by an unlicensed contractor. Staff recommended a finding of Basis and requested guidance from the Board in negotiating a VSA for this case. Motion by Crofts seconded Couch to follow the recommendation of staff, the motion unanimously carried by a roll call vote.

Case #518 Jones (Montaque)

The Complainant was concerned that a structure had been constructed on a piece of property that was not suitable for construction. There is no public sewer nor land available for a sanitary waste system. There was a permit issued for temporary repairs that resulted in a two-story residential structure. The property owner applied for and received permits from other regulatory agencies after the fact of the construction and was untruthful with the information provided in the applications for approval. There are violations of the NC Building code visible from the exterior that include life safety concerns. The staff requested that this case go directly to hearing. Motion by Roegner seconded by Griffin to support a finding of Basis and proceed directly to a hearing, the motion unanimously carried by a roll call vote.

Chairman Thunberg asked if there was anything else to come before the board. Sam Whittington advised that Bettie Parker had not been assigned to a committee. Whittington recommended that as education and research had less members than the other committees that she be assigned to that committee.

Chairman Thunberg adjourned the meeting by acclamation.