

This Decision Has Been Withdrawn by the  
Building Code Council

**BEFORE THE NORTH CAROLINA BUILDING CODE COUNCIL  
RALEIGH, NORTH CAROLINA**

**Docket No. 2018-1**

<b>IN THE MATTER OF AN APPEAL</b>	)	<b>ORDER AND FINAL</b>
<b>BY ISAAC LEE WOODS AND BBUDC, INC.</b>	)	<b>AGENCY DECISION</b>
_____	)	

THIS MATTER was heard on August 1, 2018 by the N.C. Building Code Council (“Council”) in Raleigh, N.C. on the appeal by Petitioners Isaac Lee Woods and BBUDC, Inc. (“Petitioners”) from the March 19, 2018 decision of Respondent Office of State Fire Marshall (“OSFM”) of the N.C. Department of Insurance affirming a February 6, 2018 stop work order issued by the Durham City-County Inspections Department.

The hearing was properly noticed. A quorum of the members of the Council was present and voted. Mr. Woods represented himself and BBUDC. The OSFM was represented at the hearing by N.C. Assistant Attorney General LaShawn Piquant. The Council heard sworn testimony from Wynona P. Jacobs, former Durham City-County Inspections Department Chief Plumbing Inspector Martin Craig, N.C. State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors Investigator Scott Bilsky, N.C. State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors Executive Director Dale Dawson and Deputy N.C. Commissioner of Insurance Cliff Isaac, PE, of the Engineering Division of the OSFM.

Petitioners introduced Petitioners’ Exhibits 1 through 3, and OSFM introduced OSFM’s Exhibits 1 through 15, which the Council has accepted and reviewed in arriving at its decision herein.

Based on the competent evidence in the record, the arguments of the parties and the record as a whole, the Council makes the following:

## **FINDINGS OF FACT**

1. Mr. Woods is an N.C. licensed general contractor. Mr. Woods is the chief executive officer of BBUDC. In or about November 2017, BBUDC, represented by Mr. Woods, contracted with Jacobs Property Investment Group (“Jacobs Property”) to perform certain renovations, including plumbing work, at a house located at 203 S. Briggs Ave., Durham, NC 27701 (“House”). Ms. Jacobs is a member/manager of Jacobs Property, and she negotiated the contract with Mr. Woods and BBUDC and signed the contract on behalf of Jacobs Property.

2. On or about February 5, 2018, Mr. Craig, on behalf of the Durham City-County Inspections Department, visited the House to inspect the plumbing work performed by Mr. Woods and BBUDC. Mr. Craig inspected the plumbing work and issued a stop work order, finding that a plumbing permit was necessary for the plumbing work.

3. On or about February 15, 2018, Mr. Woods timely appealed the stop work order, including its finding that a plumbing permit was required, to the OSFM. On or about March 19, 2018, Mr. Isaac, on behalf of the OSFM, issued a decision affirming the stop work order, including its finding that a plumbing permit was required. Mr. Woods and BBUDC timely appealed Mr. Isaac’s decision to the Council.

4. At the hearing, the OSFM introduced OSFM Exhibits 8A and 8B, which contained photographs taken of the House taken in 2018. Ms. Jacobs testified that the photographs demonstrate plumbing renovations performed by Mr. Woods and BBUDC. The photograph on the third page of Exhibit 8B demonstrates, and testimony at the hearing confirmed, that such renovations included the addition of a reducer that reduced the capacity of the sewer line to the House.

5. N.C. Gen. Stat. § 143-138, which governs the Code, states in pertinent part:
- (b5) Exclusion for Certain Minor Activities in Residential and Farm Structures. – No permit shall be required under the Code or any local variance thereof approved under subsection (e) for any construction, installation, repair, replacement, or alteration performed in accordance with the current edition of the North Carolina State Building Code and costing fifteen thousand dollars (\$15,000) or less in any single family residence or farm building unless the work involves any of the following:
- ...
- (2) The addition or change in the design of plumbing. However, no permit is required for replacements otherwise meeting the requirements of this subsection that do not change size or capacity.
- ...

(Emphasis added).

6. Mr. Woods and BBUDC argue on appeal that no plumbing permit was required for any of the renovation work they performed because the work constituted a replacement which did not change the size or capacity of the plumbing in the House within the meaning of N.C. Gen. Stat. § 143-138(b5)(2). The addition by Mr. Woods and BBUDC of a reducer that reduced the capacity of the sewer line to the House, however, changed the capacity of the House’s plumbing and therefore constituted an addition or change in the design of the plumbing, requiring a permit under N.C. Gen. Stat. § 143-138(b5)(2).

Based on these Findings of Fact, the Council makes the following:

**CONCLUSIONS OF LAW**

1. A plumbing permit was required under N.C. Gen. Stat. § 143-138(b5)(2) for Mr. Woods and BBUDC to install the reducer they installed to the House’s sewer line. Mr. Craig and the OSFM were therefore correct in their conclusions that Mr. Woods and BBUDC failed to obtain a necessary plumbing permit for work they performed at the House.

**ORDER**

Based on the above Findings of Fact and Conclusions of Law, the Council hereby AFFIRMS the February 6, 2018 conclusion of Mr. Craig and the March 19, 2018 conclusion by the OSFM that Mr. Woods and BBUDC failed to obtain a necessary plumbing permit for work they performed at the House.

Additionally, the Council instructs the NCDOI to post this Order prominently on its website(s) within 10 days by following the standards in N.C. Gen. Stat. § 143-138.1(b).

SO ORDERED, this the \_\_\_\_\_ day of August, 2018.

NORTH CAROLINA BUILDING CODE COUNCIL

By: \_\_\_\_\_  
Robbie Davis, Chairman

### **NOTICE OF APPEAL RIGHTS**

This is an Order and Final Agency Decision issued under the authority of N.C. Gen. Stat. § 143-141 and N.C. Gen. Ch. 150B, Article 3A.

Under the provisions of N.C. Gen. Stat. § 143-141, any party wishing to appeal an Order and Final Agency Decision of the North Carolina Building Code Council must file a Petition for Judicial Review in the Superior Court of Wake County or in the Superior Court of the county in which the proposed building is to be situated, in accordance with the provisions of N.C. Gen. 150B, Article 3A. The appealing party must file the Petition for Judicial Review within 30 days after being served with a written copy of the Order and Final Agency Decision. In conformity with N.C. Gen. Stat. §§ 1A-1, Rule 5 and 150B-42(a), this Order and Final Agency Decision was served on the parties on the date it was placed in the mail as indicated by the date on the Certificate of Service attached to this Order and Final Agency Decision. N.C. Gen. Stat. § 150B-46 describes the contents of a Petition for Judicial Review and requires service of the Petition on all parties. The mailing address to be used for service on the North Carolina Building Code Council is Barry Gupton, 1202 Mail Service Center, Raleigh, North Carolina 27699-1202, and the mailing address to be used for service on the North Carolina Department of Insurance, Office of State Fire Marshall is A. John Hoomani, General Counsel, 1201 Mail Service Center, Raleigh, NC 27699-1201.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day served the foregoing ORDER AND FINAL AGENCY DECISION upon Petitioners via email and First Class U.S. Mail addressed as follows:

Isaac Lee Woods  
and BBUDC, Inc.  
PO Box 52552  
Durham, NC 27717

I HEREBY CERTIFY that I have this day served the foregoing ORDER AND FINAL AGENCY DECISION upon counsel for Respondent via email and State interoffice mail, addressed as follows:

LaShawn Piquant  
Assistant Attorney General  
North Carolina Department of Justice  
PO Box 629  
Raleigh, NC 27602-0629

This \_\_\_\_ day of August 2018.

JOSHUA H. STEIN  
ATTORNEY GENERAL

---

Terence D. Friedman  
Assistant Attorney General  
North Carolina Department of Justice  
Post Office Box 629  
Raleigh, North Carolina 27602-0629  
Telephone: (919) 716-6610  
Attorney for the Building Code Council