

NORTH CAROLINA CODE OFFICIALS QUALIFICATION BOARD MINUTES



JULY 26, 2022 - 1:00 PM

The quarterly meeting of the NC Code Officials Qualification Board (“Board”) was held by teleconference at 1:00 P.M. on Tuesday, July 26, 2022.

ITEM 1 - Introduction, Roll Call and Conflict of Interest Statement

Williams conducted roll call as requested by Chairman Thunberg. Thunberg 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.

The following members of the Board participated in the meeting by teleconference and provided a quorum:

Bill Thunberg
Fleming El-Amin
Jeff Griffin
James Steele
Danny Couch
Andy Matthews

Danny Couch
Rob Roegner
Thomas Bender
Richard White
Mark Smith

Stephen Terry, PE, PhD
Allen Kelly
Michael Crotts
Karen Tikkanen
Mack Summey, PE

<u>Name</u>	<u>Affiliation</u>	<u>Location</u>
Tom Felling	Department of Justice	Raleigh, NC
Beth Williams	Department of Insurance	Raleigh, NC
Sam Whittington	Department of Insurance	Raleigh, NC
Chris McLamb	Department of Insurance	Raleigh, NC
Jeff Johnson	Department of Insurance	Raleigh, NC
Tommy Green	Department of Insurance	Raleigh, NC
Jennifer Hollyfield	Department of Insurance	Raleigh, NC
Terri Tart	Department of Insurance	Raleigh, NC

ITEM 2 - Approval of Minutes

Roegner made a motion to approve the minutes of the April 26, 2022, Board meeting. White seconded the motion, and the motion was approved by a vote of Board members.

ITEM 3 - FIFTH LEVEL III CERTIFICATE

The number of active code enforcement officials who have five level III certificates is 301. The Board recognized that Ray Harrell and Wesley Keith received their fifth level three certificate this quarter. They were not on the teleconference call.

Terri Tart requested that at the next in-person Board meeting all Level 3's inspectors be invited to be recognized.

ITEM 4 - PUBLIC COMMENT

No public comments were made.

ITEM 5 - COMMITTEE REPORTS

Executive

Strategic Plans for FY 2022-2023 were discussed. Topics included how to identify a pool of qualified applicants that should include veterans and inmates. Roegner discussed goals that were needing to be addressed included Rules Review progress. Thunberg and Hejduk discussed developing Key Performance Indicators (KPIs). Chairman Thunberg directed Hejduk to schedule a joint meeting with the Building Code Council (BCC) to discuss remote inspections and marketplace.

Richard White asked that his comments be amended to state that he is representing as a Town Manager within North Carolina not as the Town Manager of Carborro.

White made a motion to approve the minutes of the May 20, 2022, committee meeting. Roegner seconded the motion, and the motion was approved by a vote of the committee members.

Policies and Procedures (P&P) – Richard White reported the Committee did not meet.

Qualifications and Evaluation (Q&E) - Tom Bender reported a committee meeting was held on July 21 and will provide a recommendation on two applicants with a criminal history. Committee voted and agreed to move the applicants forward for approval. Bender made a motion to approve the two applications. Crotts seconded the motion and the motion carried.

Education and Research (E&R)- Tikkanen reported the Committee did not meet.

Investigation Review Committee (IRC)

The IRC met on June 22 and July 14. IRC conducted an in-depth review of complaint investigations completed by staff for recommendations to the Board. There were no conflicts of interest of committee members related to the cases being present today.

565 Evans (Cohen) – Holden Beach

Staff recommended a finding of No-Basis. Griffin made a motion to dismiss and Roegner seconded

the motion, and the motion was approved by a vote of the committee members.

569 Lee (Thompson) – Whiteville

Staff negotiated a Voluntary Settlement Agreement (VSA) as directed by the committee. IRC recommends the VSA be accepted by the Board and the case be closed. *VSA: take Standard Electrical Level I Course within 12 months, require supervision for remainder of probationary time.* Griffin made a motion to dismiss and Roegner seconded the motion, and the motion was approved by a vote of the committee members.

574 Reeves – Tatum (Robinson) – Hope Mills

Staff recommended a finding of No-Basis. Griffin made a motion to dismiss and Roegner seconded the motion, and the motion was approved by a vote of the committee members.

576 Halifax (Johnson) – Roanoke Rapids

Staff recommended a finding of Basis *against Myrick, as Myrick retired July 2021*, and recommended his file be flagged to block re-issuance of his certificates. Griffin made a motion to dismiss and Roegner seconded the motion, and the motion was approved by a vote of the committee members.

578 Gaskins (Chambers) – Anson Co.

Staff recommended a finding of No-Basis. Griffin made a motion to dismiss and Roegner seconded the motion, and the motion was approved by a vote of the committee members.

Griffin recommended the following change to the Board Bylaws to make the IRC a standing committee.

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

Tom Felling advised to place this as an item on the next regular meeting agenda. Chairman Thunberg will add an agenda item for the next regular Board meeting to recommend the IRC be moved from a special committee to a standing committee.

Rules Review and Update

Rob Roegner held committee meetings on May 4 and June 7 via video teleconference.

Roegner made a motion to approve the minutes of the May 4, 2022, committee meeting. Crotts seconded the motion, and the motion was approved by a vote of the committee members.

Roegner made a motion to approve the minutes of the June 7, 2022, committee meeting. Crotts seconded the motion, and the motion was approved by a vote of the committee members.

Roegner requested that Richard Ducker's replacement should be added to this committee.

The [COQB Statutes and Rules](#) web page includes a link to the [Special Committee on Rules Review](#) online "course" that features scanned copies of more than 40 years of Board minutes from 1978 to 2021.

Roegner discussed 11 NCAC 08.0706 and 11 NCAC 08.0707 and forthcoming changes. Felling shared insight of the process involved to modify rules.

ITEM 6- ON-GOING BUSINESS

Roegner stated the FY 2021-2022 legislative session saw several bills become Session Law (SL) that impact CEOs. Roegner shared additional information regarding the following session laws:

Legislative – complaints have been coming up regarding the 2-business day requirement for permits/inspections being performed. Numerous complaints regarding Chatham County not performing inspections within the two-day requirement.

SL 2022-11 (S372) NCDOI has been given authority to create and pursue a contract with a 3rd party vendor to provide inspectors to satisfy jurisdictions who cannot meet the two-day turn around in performing inspections.

North Carolina Office of Recovery and Resiliency (NCORR) inspectors assisted with inspections for Building, Electrical, Mechanical, and Plumbing (B, E, M, P). This resulted in an 8-day wait time reduced to 4-day wait time for inspections to be performed.

SL 2021-180 Assigned a new position, Engineer II, Jeff Johnson to OSFM/Engineering Division

SL 2021-192 (S329) Architect / Engineer seal \$200K to \$300K, < \$20K no permit required commercial building.

SL 2021-117 (H366) NCGS §143-139(b) remote inspection, §160D-1104.1 Effective 1/1/22.

ITEM 7 – NEW BUSINESS

Nothing to report.

ITEM 8 – STAFF REPORT -ATTACHMENT A

Mike Hejduk, Executive Director, introduced a new report format as a result of informal discussions with Chairman Thunberg and due to recent staff organizational changes. The intent is to provide the bulk of routine statistics to Board members in advance of the regular quarterly meetings to make better use of time. Quarterly counts of activities are provided for staff activities, initiatives and trends were highlighted. Modifications to this format may be on-going.

Several initiatives are underway by staff and various entities attempting to meet the need for timely inspection and plan review outcomes.

- NCDOI Inspector Marketplace contract with inspection businesses
- Remote Inspections
- Board Rule Changes to Education and Experience requirements
- Board course and State exam changes – Level 1 Fire, Building, Electrical
- NCDOI Office of Recovery and Resiliency – Trainers/Trainees
- Veterans and applicants with criminal history outreach and recruitment
- Data analytics, visualization, and dashboards

Staff gave individual reports. See ATTACHMENT A.

ITEM 9 -- ELECTION OF OFFICERS

The Board Bylaws require election from its members of a Chairman, Vice-Chairman and Secretary at its first regular meeting after July 1 each year.

Chairman –Bill Thunberg

Griffin made a motion to approve the nomination of Thunberg as Chairman. Couch seconded the motion, and the motion was approved by a vote of the Board members.

Roegner made a motion to approve the nomination of El-Amin as Vice Chair. Griffin seconded the motion, and the motion was approved by a vote of the Board members.

Couch made a motion to approve the nomination of Roegner as Secretary. Crofts seconded the motion, and the motion was approved by a vote of the Board members.

Roegner made a motion to approve the nominations for committee chairs. Couch seconded the motion, and the motion was approved by a vote of the Board members.

- P&P –Richard White
- Q&E –Tom Bender
- E&R –Karen Tikkanen

ITEM 10 ADJOURNMENT