

NORTH CAROLINA CODE OFFICIALS QUALIFICATION BOARD DRAFT MINUTES - ATTACHMENT A



JULY 25, 2023 - 1:00 PM

The quarterly meeting of the N.C. Code Officials Qualification Board (“Board”) was held by teleconference at 1:00 PM on July 25, 2023.

ITEM 1 – INTRODUCTIONS, ROLL CALL and CONFLICT OF INTEREST STATEMENT

Chairman Thunberg called for a roll call. 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	Danny Couch	Stephen Terry, PE, PhD
Montrena Hadley	Rob Roegner	Allen Kelly
Jeff Griffin	Jeff Tracey	Michael Crotts
Mack Summey, PE	Mark Patterson	Fleming El-Amin
Kenny Weatherington	Russell Fox	Joshua Robbins

<u>Name</u>	<u>Affiliation</u>	<u>Location</u>
Todd Neal	Department of Justice	Raleigh, NC
Mike Hejduk	Department of Insurance	Raleigh, NC
Beth Williams	Department of Insurance	Raleigh, NC
Sam Whittington	Department of Insurance	Raleigh, NC
Jeff Johnson	Department of Insurance	Raleigh, NC
Jennifer Hollyfield	Department of Insurance	Raleigh, NC
Terri Tart	Department of Insurance	Raleigh, NC
Rich Hall	Department of Insurance	Raleigh, NC
Renita Denton	Department of Insurance	Raleigh, NC
Charlie Johnson	Department of Insurance	Raleigh, NC
David Rittlinger	Department of Insurance	Raleigh, NC
Joe Starling	Department of Insurance	Raleigh, NC

Attendees:

Town of Garner Inspections
Shandy Padgett
George Lee

ITEM 2 – APPROVAL OF MINUTES

Michael Crotts made a motion to approve the minutes of the April 25, 2023, Board meeting. Montrena Hadley seconded the motion. Motion carried.

ITEM 3 - FIFTH LEVEL III CERTIFICATE

The number of active code enforcement officials who have five level III certificates is 190. The Board recognized the following code officials in receiving their fifth Level III certificate this quarter.

- Joseph Lloyd Allen, Fire, Macon
- Zachary Aaron Batson, Fire, Brunswick
- Jacob Aaron Parente, Fire, Garner
- John Michael Roper, Fire, Gaston

ITEM 4 - PUBLIC COMMENT

ITEM 5 - COMMITTEE REPORTS

Executive Committee - Chair Bill Thunberg reported no committee meeting was held.

Policies and Procedures (P&P) Committee -- Chairman Richard White reported no committee meeting was held.

Qualifications and Evaluation (Q&E) Committee – No committee meeting was held.

Education and Research (E&R) – Danny Couch reported a committee meeting was held on June 27, 2023, via WebEx.

Topics discussed:

- 2024 Board Course updates
- N.C. General Assembly updates
- Third party educational updates
- CE Completion – 96% CE completion

Couch thanked Jennifer Hollyfield for the minutes. Couch motioned to approve the June 27, 2023 committee minutes. Seconded by Fleming El-Amin – motion carried.

Investigation Review Committee (IRC) -- Chairman Jeff Griffin held committee meetings June 6 and July 18 via video teleconference. Griffin made a motion to approve recommended disposition of complaint investigations.

Case recommendation(s) made to the Board:

- 599 Russell (Glass) – Black Mountain -- Basis, Flag File and Dismiss – Griffin motioned/Couch seconded.
- 601 Briggs (Giese) – Onslow Co. -- No-Basis, dismiss – Griffin motioned/El-Amin seconded.
- 607 Webb (Shepherd) – Durham Co. -- Basis, VSA – Griffin motioned/Crotts seconded.
- 609 Nelms (Hooper) – Graham Co -- No-Basis, dismiss – Griffin motioned/Crotts seconded.

Rules Review Special Committee

Chair Rob Roegner reported a committee meeting was held July 6, 2023, via WebEx.

Topics discussed:

- Proposed rule changes
- Existing rules and realignment
- Public comment

Proposed changes may affect Level I, II, III with some variants of Residential and Commercial. Staff has heard from several jurisdictions and inspector associations.

Roegner motioned to approve the July 6, 2023, committee minutes, seconded by El-Amin – motion approved.

ITEM 6- ON-GOING BUSINESS

Chair Thunberg asked Roegner to provide a status of legislative initiatives:

- H488 was ratified June 28, 2023, and approved as Session Law 2023-108 then vetoed by the Governor. This bill separates the Building Code Council and Residential Code Council to include 3 to 4 dwelling units as residential buildings, elimination of sheathing inspections, zoning and planning department changes. Problematic issues for NCDOI staff were the schedule of code changes that would need to be effective January 1, 2025, regarding the effective date of the Residential Code Council. Delays in the code could impact FEMA grant funding. Thunberg asked if NCDOI opposed H488 and gave guidance to legislators with regard to the issues expressed. Roegner stated NCDOI spoke with the N.C. Home Builders Association, House and Senate leadership and adverse impacts to the safety of citizens and State financial situation. Roegner stated the Commissioner of Insurance has opposed the bill publicly. Thunberg requested Roegner provide a summary of the points made by NCDOI so that Thunberg could contact the Senate on behalf of the Board and reinforce those concerns. El-Amin asked Roegner to summarize the Governor's objections. Roegner stated that is was a State constitutional power issue, 3 and 4 dwelling unit residential and the split of the Building Code Council and grant funding. Thunberg requested Beth Williams distribute the objections to the Board.
- S463, H850 G.S. 143-151.13 requires licensed professionals and contractors to pass the State exam for Standard Certificates..
- S463, H850 G.S 143-151.13A Establishes fees for the review and approval of Board courses.
- H850 G.S. 143-151.13 Voluntary apprenticeship program.
- S463 G.S. 143-138.1 Voluntary apprenticeship program.
- H893 Private commercial inspections, creates another section within OSFM. Fiscal note for NCDOI (staff will be needed).
- H332 Private plan review added to H893.

El-Amin asked if there was a cost estimate. Roegner stated over \$500,000 dollars per year for NCDOI staff for Fiscal Note. Roegner stated that Board staff would need to be recreated for private commercial

inspectors, eight (8) positions including certification, education and investigation. What's important is the positions.

Hejduk shared Legislative Fiscal Note for H.B. 893 V.2, June 14, 2023, that did not show significant funding. Roegner said that NCDOI had a fiscal note with several years of funding and quite exhaustive to fund positions and provided to Karen Ammons Banks June 9, 2023.

ITEM 7 – NEW BUSINESS

Todd Neal discussed two letters that were received from George Lee and Dennis Tyndall to make their case as to why they should be allotted more time to earn their probationary certificate. George Lee was present during the Board meeting and requested additional time. Dennis Tyndall was not present during the Board meeting.

Todd Neal suggested that policy allow the following inspectors to void the original probationary action and start over with a new probationary period. Thunberg believed that it is warranted.

- George Lee, probationary certificate request

Jeff Griffin recused himself since George Lee is an employee within the Mecklenburg County jurisdiction. Motion was made by Kenny Weatherington to void the probationary certificate and Mike Crotts seconded the motion. Jeff Tracey is concerned that this motion will set precedence for others to start their probationary certificate process over. Thunberg stated that he felt the Board had the authority. Voted in opposition. Motion carried.

- Dennis Tyndall, probationary certificate request

Kenny Weatherington recused himself from the vote. Motion made by Crotts to void the probationary certificate, Couch seconded the motion, Tracey voted in opposition. The motion carried.

Thunberg discussed the upcoming regular meeting, October 24, 2023, will be held in person and will be an all-day meeting. Thunberg noted the Board office has been relocated. The committees will be developing ongoing workplans and discussing action items. Thunberg asked Williams and Hejduk to share local accommodations to the board members for those who will need to stay overnight to attend the meeting in person.

ITEM 8 – STAFF REPORT -ATTACHMENT B

Hejduk gave the staff report and reviewed the 4th quarter Fiscal Year 22/23 dashboard. Ten percent increase of code officials for current ending fiscal year. It is evident the money being paid for testing, over \$200,000.00, is not being put back into course development. This raises concern due to the Board course revisions needing to be done by 2024 updated material.

Terri Tart discussed an option of having a grace period for those inspectors receiving their certifications during the annual May 1 to June 30 certificate renewal period. Tart requested that inspectors be exempt from having to pay the \$10.00 renewal fee and meeting the six hour continuing education (CE) requirement when the standard certificates are issued during the renewal period May 1 to June 30. Todd Neal will determine if a Board policy can be put in place to accommodate inspector's needs in regard to the renewal period.

Thunberg asked if this could be done by rule or policy. Neal will examine what conditions would apply for a rule/policy as Griffin suggested. Roegner explained to Hadley that this would only apply to those inspectors who are applying for a higher level of certification within the same trade. Hejduk cited the prior practice of the Board approving and issuing standard certificates quarterly at the Board meeting in July and illustrated with two scenarios. Hejduk noted that the N.C. Home Inspector Licensure Board does not require CE if license is issued June 1 with an annual license expiration date of September 30. Tart stated that about 20 inspectors called about suspensions.

Jeff Griffin suggested delaying newly issued standard certificates during the renewal period until July 1 of the following fiscal year since the probationary certificates would still be in effect. Weatherington asked what the fiscal impacts would be, Crotts agreed that delaying new standard certificates would be acceptable and El-Amin asked if it could result in potential hardship.

Hejduk and Jeff Johnson discussed two initiatives currently being examined across the State.

- Fire Inspections Program Survey (FIPS) – 1, 2, and 3 year reported inspections by jurisdictions and statewide.
- Building Inspections Program Survey (BIPS)

ITEM 9 – ELECTION OF OFFICERS

Nominating Committee Board Officer recommendations:

Chair, Bill Thunberg
Vice-Chair, Fleming El-Amin
Secretary, Rob Roegner

Nominating Committee Chair recommendations:

Executive, Bill Thunberg
Education and Research, Danny Couch
Investigative Review Committee, Jeff Griffin
Qualification and Evaluation, Mike Crotts
Policies and Procedures, Richard White

Thunberg asked for a motion to accept his suggestions. Weatherington made a motion to accept the nominations by acclamation. Montrena Hadley seconded the motion. Motion carried. Kenny Weatherington moved to close the nominations from the floor. Jeff Griffin seconded the motion and the motion carried.

Thunberg asked Fleming El-Amin to open up nominations for election of the Board Chair. Danny Couch motioned that the nominations be closed for the Chair. Kenny Weatherington seconded the motion. El-Amin stated the nomination was made by acclamation and congratulated Thunberg. Thunberg appreciated the support of being selected and stated he wanted to work on the code update.

ITEM 10 -- ADJOURNMENT

Thunberg adjourned meeting by acclamation.