

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

April 23, 2019

The quarterly meeting of the NC Code Officials Qualification Board (“Board”) was held at 1:00 P.M. on Tuesday, April 23, 2019 in the Albemarle Building Training Room 245 at 325 N Salisbury St, Raleigh, NC 27603. This regular meeting followed the public hearing for readoption of rules.

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.

No actual or potential conflicts of interest were announced. Chairman Thunberg announced that Taber Abu-Lebdah who is an Associate Professor at NC A&T is no longer an active member of the Board. NC A&T has been notified to designate a new appointee to the Board.

The following members of the Board were present (*or by teleconference):

Richard Ducker	Bill Thunberg	Mark Summey
Ken Stafford	Stephen Terry	Lance Olive*
Allen Kelly	Cliff Isaac	
Jeff Griffin	Ray Rice	
James Steele	Thomas Bender	
Tracy McPherson	Danny Couch	
	Fleming El-Amin	

The following members of the Board were not present:

Helen McIntosh	Mark Smith
Andy Matthews	
Richard White	

Others in attendance were as follows:

<u>Name</u>	<u>Affiliation</u>	<u>Location</u>
Kathy Williams	Department of Insurance	Raleigh, NC
Terri Tart	Department of Insurance	Raleigh, NC
Sam Whittington	Department of Insurance	Raleigh, NC
Tom Cooney	Department of Insurance	Raleigh, NC
Rob Roegner	Department of Insurance	Raleigh, NC
Beth Williams	Department of Insurance	Raleigh, NC
Mike Hejduk	Department of Insurance	Raleigh, NC
Rich Hall	Department of Insurance	Raleigh, NC
Charlie Johnson	Department of Insurance	Raleigh, NC
Joseph Starling	Department of Insurance	Raleigh, NC
Tom Felling	Department of Justice	Raleigh, NC
Patrick Granson	Mecklenburg County Insp. Dept.	Charlotte, NC

Item 2- Approval of Minutes

January 22, 2019, Board Minutes

Kelly made a motion to approve the minutes, second by El-Amin and it was approved by the Board.

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

The following recipients attended the Board meeting and received their level three certificates:

- Russell Williams, Orange County Inspections Department, Standard Plumbing III (February 4, 2019),
- Joseph Cunningham, City of Fayetteville Inspections Department, Standard Building III (December 18, 2018),
- John Hyatt from City of High Point Inspections Department, Standard Mechanical III (October 22, 2018),
- Charlie Norris from Johnston County Inspections Department, Standard Fire III (November 5, 2018) and Standard Mechanical III (November 26, 2018)
- William Tate Town of Nags Head, Standard Fire III, (November 26, 2018).

Item 4 – Public Comment

No public comments were offered.

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 - McPherson reported that the Committee has met and has taken no action at this time. Education and Research minutes were approved subject to revisions stating that McPherson and Dr. Terry agreed to work with staff to see if there are

any recommendation s that could be brought back to the committee. Motion to approve the minutes as amended by McPherson and second by Dr. Terry and approved by the Board.

Qualification and Evaluation Committee – Rice stated the Committee has not met and has no report.

Item 6 – On-Going Business

Report on Section 107 Ad Hoc Committee meeting

On March 15, 2019 a teleconference meeting was held. In summary, Kathy Williams sent a memorandum out to all inspectors summarizing the work of the Committee as the following:

- Limitations on inspections
- What is a required/optional/partial inspection?
- OSFM development process training for builders (legislation)
- Inspection form for design professionals
- Develop a form for “Design Professional Inspection Form” see attached agenda item
- Recommendation was made to examine some use of technology for off-site inspections

Additional meeting(s) are scheduled for October 2019. Possible meeting will be scheduled once or twice a year.

Re-adoption of Board Rules update

Four of the rules determined as necessary with public interest were selected for re-adoption. Revisited the language of the rules. The public hearing was held on April 23, 2019.

The Office of Administrative Hearings will have a teleconference on April 24, 2019 to have a formal adoption. Formal review will occur on June 20, 2019. Rules will take effect on July 1, 2019.

Commented [HM1]: check with Cliff and Kathy what they want to say here.

Update on Hayes’ Request for Dismissal

Voluntary Settlement Agreement (“VSA”) Hayes on Belhaven. Staff investigation Recommendation of Basis. Last November Hayes failed the State exam and asked him to appear before the Board. He asked for dismissal. As of April 22, 2019, he has not retaken the exam and/or passed the exam.

Instruction to the Staff by Chairman Thunberg by acclamation.

Item 7 – Staff Reports

Director Report – K. Williams

Williams announced that staff will be working on the Request for Bid (RFB) for third party testing soon. Document will be drafted for discussion and approval at the next Board meeting.

Section 107 Ad Hoc Committee met on March 11, 2019, additional meeting was scheduled for October 22, 2019, to address additional issues for builder and inspector communities.

Examination Report – K. Williams

Williams reported that this last quarter indicated a higher pass rate in Level II and Level III Standard Courses in all trades. Electrical Level I did slip a little in the overall test scores. Williams was noted that Building Level I pass rates did increase.

Fire I, Building I, and Electrical I still have around a 30% pass rate and all others continue to do well.

Comments and complaints have been documented. Mostly around tabs, clarification has been provided online. Acceptable tabs are available for purchase through NCDOI. Additional complaints were filed by candidates against proctors who were disruptive within the testing environment.

Certification Report – T. Tart

Tart reported on the number and type of applications received this quarter. She attributed the rise in applications to the upcoming code changes. Also, jurisdictions are hiring to meet the inspection demand and to replace those retiring. Five (5) people applied for comity and were approved. Number of applications reviewed are below.

Currently, there are 2,380 active probationary certificates, 6,482 active standard certificates and 19 active limited certificates. There are a total of 8,881 active certificates. Tart presented the names of those Code Enforcement Officials “CEOs” who had been issued a standard certificate during the previous quarter.

Quarter/Year	Probationary Applications	Standard Applications	Pre-Qualification Applications	Total
April 2019	363	412	328	1103

Exam Statistical Report - Hall

Hall made a presentation covering state examination scores for the six-year period 2012 – 2018, Board rules for qualifying to take the state test, and test item analysis. The presentation addressed possible reasons for low pass rates on the state Building, Electrical, and Fire Level 1 exams.

Using exam score histograms and a Chi-Square test for each trade, the results showed that the Board rules establishing criteria for applicant qualifications are a factor in the pass/fail rate for the state exams. Hall also identified some recommendations to assist the candidates.

- Conduct further research using a control group to determine if taking a pre-requisite online course or courses prior to either attending the Standard Certificate courses OR prior to taking the State Exam.
- Create additional training materials to assist the student in learning the materials that are commonly missed on the state exams (e.g., Study Guides).

Hall stated staff will continue to discuss with the Education and Research Committee. Hall shared analysis presentation on Test Items and How to Improve Test Results (pass/fail rate on Building/Fire and Electrical (Level I))

Data will be collected cumulatively. First round of data collection was from January to March 2019 for performance on the 2018 codes. Second round of data collection will be from January to June 2019. Thomas Bender requested a copy of Hall's presentation.

Education Report – B. Williams

Williams explained the Online Standard Certificate Instructor Course currently being offered throughout the state to qualified CEOs wanting to teach Standard Courses sponsored by a community college. Williams also identified webinars currently being offered and how it directly impacts cost savings and added work value in jurisdictions.

Statistics Period: January 1, 2019 – March 31, 2019

CONTINUING EDUCATION COURSES		Total CE's
Courses Submitted Denied	21	
Courses Approved	53	
Courses Approved FY	64	
Course Rosters Submitted	156	
New Con. Ed. Sponsors Approved	2	
New Con. Ed. Instructors Approved	2	

STANDARD EDUCATION COURSES			
Area	Course Count	Total # Students (avr. class)	Total # Students (October – December 2018)
Law and Administration	10	87 (9)	72 (8)
Building	18	145 (8)	80 (8)
Electrical	15	92 (6)	49 (4)
Fire	19	249 (13)	106 (8)
Mechanical	10	80 (8)	50 (6)
Plumbing	13	87 (7)	21 (3)
Total Courses Held	96		
Courses Canceled	6		
Standard Courses Scheduled	72		
Standard Course Grades Pending	6		

Additional Educational Updates:

Certificate CE Requirements already met as of March 31, 2019 is 5,342 (82%)
Total Active Certificates (Standard & Limited still needing CE) 1,109 (18%)

Education Dashboard Presentation – M. Hejduk

Hejduk explained that he now manually examines enrolment and completion data from online Continuing Education and Standard Certificate courses but this is time consuming.

He shared possible overarching goals for developing and piloting the Education Dashboard. Performance measures, indicators and benchmarks are what he hopes to capture by this system.

Hejduk is currently working with the NCDOI Application Development Team and staff to develop the dashboard in order to create a user-friendly system for all stakeholders such as Authorities Having Jurisdiction, Sponsors, Instructors, CEOs, and NCDOI staff.

Hejduk made the presentation available to the Board members under the Board Member login web page.

Investigations Report – T. Cooney

Case #492 -Cordell – Town of Black Mountain Building Inspections

Complaint Action Items:

Item 1: Inspector entered private residence without permission to complete final mechanical inspection.

Item 2: Inspector issued a Stop Work Order on October 26th.

Item 3: Inspector made threats during meeting.

Inspector gave a written response to all action items. Staff investigation proved that Mr. Cordell did in fact have the authority to enter and inspect the property due to the open HVAC permit that was obtained by a licensed contractor in accordance with the statutory requirement.

Staff recommendations: Finding of No Basis on which to recommend a hearing on the allegation presented. It is recommended that this case be closed with no further action by the Code Officials Qualifications Board.

Motion by Rice Second by Griffin and approved by the Board

Investigation Updates:

Cooney gave updates on open cases currently under investigation.

Item 8 – New Business

Commented [HM2]: note how to use the ruler paragraph indents for Items list

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No new business.

Chairman Thunberg adjourned the meeting by acclamation.