

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

**April 24, 2018**

The quarterly meeting of the NC Code Officials Qualification Board was held at 1:00 P.M. on Tuesday, April 24, 2018 in the Albemarle Building Training Room 240 at 325 N Salisbury St, Raleigh, NC 27603.

The following members of the NC Code Officials Qualification Board were present:

Richard Ducker	Stephen Terry	Cliff Isaac	Lance Olive
Ken Stafford	Jeff Griffin	Ray Rice	(teleconference)
Chris Raynor	James Steele	Brenda Lyerly	
Allen Kelly	Bill Thunberg		

Members absent:

Taher Abu-Lebdeh	Mark Smith	Dan Brummitt
Andy Matthews	Mack Summey	

Others in attendance were as follows:

<u>Name</u>	<u>Affiliation</u>	<u>Location</u>
Mike Hejduk	Department of Insurance	Raleigh, NC
Kathy Williams	Department of Insurance	Raleigh, NC
Terri Tart	Department of Insurance	Raleigh, NC
Sam Whittington	Department of Insurance	Raleigh, NC
Denise Stanford	Department of Justice	Raleigh, NC
Tom Felling	Department of Justice	Raleigh, NC
Don Sheffield	Greensboro Insp. Dept.	Greensboro, NC
James Frawley	Wake Technical Community College	Raleigh, NC
Colin Triming	Charlotte Fire Dept.	Charlotte, NC
Tracy McPherson	Dept. of Community Colleges	Raleigh, NC
Rob Roegner	Department of Insurance	Raleigh, NC
Braxton Tanner	Wake Co. Fire Dept.	Raleigh, NC
Beth Williams	Department of Insurance	Raleigh, NC

**Preliminary Matters**

Chairman Bill Thunberg convened the meeting and welcomed guests.

**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. No potential conflicts of interest were announced.

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 Board conflicts of interest were stated.

### **Item 2: Approval of Minutes**

#### **January 23, 2018 Minutes**

Chris Raynor made a motion to approve the minutes of the January 23, 2018 regular quarterly Board meeting. Richard Ducker seconded the motion. The motion was voted on and approved unanimously.

#### **March 19, 2018 Minutes of the Joint Committee Meeting (Policies & Procedures and Education & Research Committees)**

Cliff Isaac made a motion to approve the minutes of the March 19, 2018 Joint Committee meeting. Stephen Terry seconded the motion. The motion was voted on and approved unanimously.

#### **March 20, 2018 Minutes (Special Board Meeting)**

Chris Raynor stated a correction was needed. The minutes should end where Isaac made a motion to adjourn the meeting. Chris Raynor made a motion to approve the minutes of the March 20, 2018 Special Board meeting as amended. Ray Rice seconded the motion. The motion was voted on and approved unanimously.

### **Item 3: Recognition of Fifth Level III Standard Inspection Certificate**

Chairman Thunberg reported there was one CEO receiving his fifth Level III certificate. Brian Dillon is with the Cherokee County Inspection Department and was unable to attend today's meeting but would like to attend the July meeting.

### **Item 4: Report on Member Activities**

Cliff Isaac reported that the next meeting of the Legislative Select Committee Meeting on Building Reform is on May 1, 2017. Two bills have been proposed. The first bill is for 10 chief code official positions for the NC Department of Insurance. The positions will be used to provide more consistency throughout the state and help train builders and inspectors. They will also help develop procedures to assist code enforcement across the state.

The second bill concerns comity and changing the number of CE hours needed for reactivation. Other parts of the bill include a mandatory two-day turn-around time for inspections and the use of the marketplace to assist jurisdictions in fulfilling the two-day turn-around time.

The next Legislative Select House Committee meeting date was confirmed as May 1, 2018.

Thunberg questioned the next move of the Committee. Isaac confirmed that the public will be able to make comments regarding the Bill content. Isaac also confirmed that this would be the last committee meeting of the Legislative Select House Committee.

### **Item 5: Public Comment/ Stakeholder Presentations**

Chairman Thunberg asked if there were any public comments for the Board. No public comments were made.

## **Item 6: Committee Reports:**

### **Executive Committee:**

Chairman Thunberg stated that the Committee has not met and had no report.

### **Policies & Procedures**

Ken Stafford reported that the Committee had not met other than the Joint Committee meeting previously discussed.

### **Education and Research Committee:**

Chris Raynor stated that the Committee has not met and has no report.

### **Qualification and Evaluation Committee:**

Ray Rice stated that the Committee has not met and had no report.

## **Item 7: Unfinished Business**

Mike Hejduk addressed the Board regarding re-adoption of existing rules. The Board has four rules that need to be re-adopted by September 30, 2019. The following rules were selected for re-adoption by the Rules Review Commission:

- 11 NCAC 08.0602 – Nature of Probationary Certificate
- 11 NCAC 08.0707 – Special Circumstances
- 11 NCAC 08.0708 – Certificate
- 11 NCAC 08.0714 – Inactive Code Enforcement Officials

11 NCAC 08.0602 has already been changed due to previous rule changes. Changes to 11 NCAC 08.0707 and 11 NCAC 08.0714 may be made by the Legislative Select House Committee.

## **Item 8: Staff Reports**

### **Director**

Kathy Williams reported that Kevin Durigon is the Board's newest investigator. He was previously employed with the Engineering Division in private plan review. Staff held interviews for the Education Coordinator position. Five people were interviewed. The top three people will be asked to make presentations. Thomas Felling is now working with the NC Department of Justice and will be the Board's attorney.

Williams reported that six managers from the Wake County Inspections Department came to the Board's office for certification training. The managers wanted some updated information on our new system. Their department has experienced a lot of turnover and retirements. They stated it was very beneficial.

## **Proposed Legislative Changes**

### **Comity**

Williams reported on the proposed draft legislation from the Legislative House Select Committee. The Board submitted recommendations which were forwarded to the Committee in March. There were differences between the submitted Board recommendations and the proposed Committee legislation. The main differences centered around comity. The Committee draft proposal grants a standard certificate to an individual without any courses and gives the individual three years to complete the courses. The standard certificate expires if the individual doesn't complete the required courses within the three-year period. This is a large deviation from current practice. There are no provisions in the current rules to accommodate this statute change.

Chairman Thunberg asked Stafford to remark on the draft proposal. Stafford stated there are just a couple of words that are a substantive difference. The first difference is granting a standard certificate instead of a probationary certificate within three years. Administratively speaking, staff isn't set up to expire a standard certificate. Secondly, the proposed legislation states the Board "may" grant the certification whereas the Board's recommendation stated "shall". This does allow the Board some flexibility when dealing with out-of-state applicants. Stafford stated that having "may" in the general statute is preferable to "shall". The Board needs some power to disqualify an applicant.

Thunberg asks if the Board would like him to make a presentation to the Legislative Select Committee on behalf of the Board to address these concerns. Ducker stated he thought it would be helpful to do so. Jeff Griffin stated he thought it would be desirable to convince them to use probationary instead of standard. Cliff Isaac states issuance of the standard certificate is more of a market driver.

Griffin stated they still must take continuing education. Isaac says the Board can determine the wording in the administrative rules as needed based on the legislation passed.

Other members commented on the option of the Board issuing a standard or a probationary certificate. If the out-of-state applicant receives a probationary certificate rather than a standard, it could impact the pay grade received. Ducker would like to know which jurisdictions might be supportive of this draft? Members surmised that it would be larger jurisdictions and state bordering jurisdictions.

Dr. Terry feels there is a good incentive to issue the probationary certificate first until they receive their education. Ms. Lyerly stated she can see the advantage of both sides. It is tough to make a total determination.

Thunberg wants to hear from all members of the Board if they would like him to address the Legislative Select House Committee. He stated marketing is not a concern of the Board. The Board is concerned about competency.

Thunberg asked Williams what her thoughts were on comity. She stated that comity was needed but should be done in a way that is fair to all and needs to assure that the individual is competent. If we can do it within the existing system that we have then that would be the appropriate way to go. Isaac stated that the use of the word "may" will allow some subjective action. Ducker stated that "may" gives the Board discretion to grant or not grant the standard certificate but should be applied in accordance with the Board rules. Williams stated that when referring to fairness, she was referring to fairness among all inspectors within the State.

Thunberg opened the conversation to audience. Colin Triming, City of Charlotte, addressed the Board and stated he agreed with Williams that a probationary certificate should be issued first based on fairness to other inspectors. They can achieve the standard certificate as quickly or slowly as they complete the courses. Don Sheffield, City of Greensboro, addressed the Board next to say that when hiring, his personnel office asked for the technical code questions used during the interview. He told his personnel office he doesn't need to ask them technical questions since they have a standard certificate. They have been tested. He contended that if a standard is issued based on comity first, then he will need to change his interview process.

Jeff Griffin asked Williams to identify what a "short course" is. She stated that it is the technical standard course and/or could be a bridging course if accepted by the Board.

Rob Roegner, NC Dept. of Insurance, addressed the Board. He asked does the language give the Board the option to give a challenge exam to expediate the process of certification? The individual can take a shorter North Carolina specific exam that would give the Board the discretion to accept this as an alternative, with meeting all other requirements. The Chairman stated the Board wants the most qualified code enforcement officials and do not want to dilute the pool of certification code officials.

### **Professional Development Program**

Williams covered the changes submitted for the professional development program. This issue occurs when someone leaves the inspections workforce and then returns. The current General Statute has three parts regarding reactivation. The Board's recommendation deleted the second option and reduced the number of hours for CEOs who have been out of inspections for more than two years from 12 to 6 for the first option and the left the third option of 4 hours. The Board recommended changing one year to two years to complete the extra hours. The recommendation from the Legislature left all three categories but reduced each one by half. If an inspector is out for more than two years and doesn't work for a jurisdiction in another capacity, the number of reactivation hours changed from 12 to 6; if an inspector is out of inspections for more than two years but still works for a jurisdiction, the number of reactivation hours dropped from 6 to 3; and if an inspection is out of inspections for less than 2 years, the number of hours required dropped from 4 to 2. The length of time given to complete the extra reactivation hours remained as one hour.

The Board felt that this was not a significant change.

Chairman Thunberg asks the Board for approval to address the Legislative Select Committee regarding the issuance of a probationary certificate instead of a standard certificate for comity. The Board approved the request but advised against pushing the Committee too hard.

### **Examination**

Kathy Williams gave the examination report. 201 exams taken within the last quarter. Williams stated the passing rate for EI is 26.7% and BI is 30.1% which is still low. 30 exams were reviewed. Staff noticed a significant increase in those taking electrical exams. The electrical code changes on June 12, 2018. Reviews are available for those who fail and are free. Williams went over the review percentages. PSI began exam administration on July 1, 2014. The FI passing rate is 36%. Chairman Thunberg asked about the low fire passing rate. Williams responded that there are a lot of fire suppression individuals that keep the passing rates low. It does skew the data.

Williams discussed that the PSI contract will be up next year. The contract is for five years. A new contract will be needed for next year. The NC Department of Insurance and the Board will need to begin work on the RFP. A new RFB will need to be submitted and hopes to have this document ready by the next meeting for review by the Board.

The Electrical Exam Development Committee has already met. They reviewed the current exam questions based on psychometric evaluation. The Committee completed the review, but didn't complete the review of all other electrical questions. The final corrections will be forwarded to PSI by the end of April, 2018.

Williams reported the Building and Fire Exam Development Committee has already met. 10-12 members participated. The committees completed the review of all questions and were able to write new questions.

Williams stated there were few comments/complaints regarding exams. The comments occur when a candidate is absent for the exam, he/she needs to get another exam eligibility and PSI must be contacted to get another exam eligibility entered.

Williams stated that tabs will probably come up again due to the new code books. Isaac stated that all codes, with exception of the 2017 NEC, will be 3-ring binders. The department hopes to have code books in by July, 2018.

### **Certification**

Terri Tart noted the following quarterly variances: -21% for probationary certificate applications; +50% for standard applications; and +36.3% for pre-qualification applications. Tart attributed the influx of standard applications to the upcoming code changes. Also, jurisdictions are hiring to meet the inspection demand and to

replace those retiring. Tart covered the Year-End Review variances: +27.2% for probationary certificate applications; +9.2% for standard applications; and -5.6% for pre-qualification applications. 171 standard certificates were earned this quarter. 1 individual met requirements through pre-qualification. There are 2,122 active probationary certificates, 6,353 active standard certificates and 25 active limited certificates. There is a total of 8,500 active certificates. Tart also reported that no probationary certificates that expired within the last quarter. This is due to the 3-year issuance for probationary certificates. Tart presented the names of those CEOs receiving a standard certificate within the quarter.

### **Education**

Mike Hejduk gave the education report based on data from July 1, 2017 through March 31, 2018. Hejduk reported that 20 courses canceled out of 142 scheduled. Hejduk presented a map showing the frequency and proximity of standard courses throughout the state. He concluded that people are traveling to go to standard courses. The northeast corner of the state shows a lower number of courses than other parts of the state. The probationary certificate extension to 3-years has helped the number complaints regarding canceled courses. Wake Technical Community College has increased their participation in our program.

Hejduk presented data on continuing education courses regarding the location of training opportunities for all 5 trades. He is concerned about what kind of partners are providing what kind of services. Hejduk reported that 80% of CE requirements were met for FY 2017-2018. Hejduk stated that the Education Section will focus on improving the quality and quantity of inspections.

Hejduk stated that at least 3 Board members took the Moodle course. At this time, there are no mandated courses required for code officials. He asked if there were any comments regarding the Moodle course. Lance Olive stated the format was clunky due to the requirement to use the browser Internet Explorer, which is going away. Mr. Stafford stated he could use Firefox for the course. Stafford also noted that the question calculation was incorrect. Hejduk explained the calculation process used by Moodle. It is a huge challenge to put the Moodle course into the inspector login account.

Hejduk reported that they will be developing some basics courses to augment the current standard courses. These courses won't be requirement but be available for those who need it.

Hejduk also discussed an ICC leadership and management continuing education course. Ducker stated he questioned whether courses like this would qualify and be applicable to our existing rules. Cliff Isaac mentioned in his presentation about working on procedures and standard practices to achieve more consistency. Hejduk refers to Section 107 in the NC Administration and Procedures Code and discusses the only inspections allowed. He states there may be some discussions that will need to go through committees. Mr. Ducker followed up with a question regarding how much illustrative examples will need to be incorporated into Moodle to help. Hejduk states that future courses will have more pictures, etc. than the examples provided. Isaac stated that the NC Code Official's Qualification Board needs to work with the Building Code Council to develop what needs to be inspected and clarify what an inspector must do in his job. He would like to see a joint committee developed to work on Section 107 of the NC Administration and Procedures Code. He also stated that contractors need to do a better job to prepare for the inspections. Continuing education would help with this issue. Jeff Griffin offered further comment to support the conclusion to work with the Building Code Council. Chairman Thunberg stated that perhaps a committee of the Board should work on this topic first and present it to the Building Code Council but further conversation discussed that the topic should be taken up at the July, 2018 Board meeting.

Chairman Thunberg asks how long it will be before we have an online example of the training for the inspector. Hejduk states that he probably won't meet the May deadline, but it should be sometime this summer and create some type of regular production schedule. Thunberg asked who is accountable for the online training and tracking of the training? Hejduk replied that the Moodle system tracks itself. Thunberg asked if the director of inspections gets a report showing which inspector takes a specific course. Hejduk stated that it would be a while

before the reporting portion of the processes would be fully functional.

**Investigations**

Sam Whittington stated staff had two active investigation reports but work has not begun yet.

#476 Charlotte MHC (Howell) was not presented, Ms. Howell requested to address the Board and was not present, the case will be presented at the July Board Meeting.

#481 Morrison (Corso) Inspections were passed and a CO Issued, when Ms. Corso moved in she found that she had no hot water. This was as a result of the water heater not been connected electrically. The contractor made the connection and hot water was supplied to the residence. This is common practice to prevent the tank from being energized prior to being filled with water and blowing the elements, and was likely simply forgotten. GFCI outlets on the front of the house had been tripped prior to being energized. They needed to reset in order to provide power. Based on the single violation regarding the water heater staff recommended a finding of no-basis. Mr. Kelly made a motion to accept the recommendation of no-basis and Mr. Raynor seconded the motion. The motion was voted on and approved unanimously.

**Item 9: New Business:**

No new business was discussed.

Respectfully submitted,

A handwritten signature in black ink that reads "Cliff Isaac". The signature is written in a cursive, slightly slanted style.

Cliff Isaac,  
Secretary, NC Code Officials Qualification Board