

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

**April 25, 2017**

The quarterly meeting of the NC Code Officials Qualification Board was held at 1:00 P.M. on Tuesday, April 25, 2017 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:

Bill Thunberg	Mack Summey	Richard Morris	Richard Ducker
Ken Stafford	Dan Brummitt	Ray Rice	James Steele
Chris Raynor	Jerry Myers	Brenda Lyerly	Jeff Griffin
Allen Kelly			

Members absent:

Taher Abu-Lebdeh	Andy Matthews	Mark Smith	Reo Griffith
	Stephen Terry		

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
Jessica Yelverton	Department of Insurance	Raleigh, NC
Sam Whittington	Department of Insurance	Raleigh, NC
Andy Miller	Department of Insurance	Raleigh, NC
Barry Gupton	Department of Insurance	Raleigh, NC
Cliff Isaac	Department of Insurance	Raleigh, NC
Brian Taylor	Department of Insurance	Raleigh, NC
Bobby Croom	Department of Justice	Raleigh, NC
Zonnie Andrews		Lumberton, NC
Kristie Andrews		Lumberton, NC
John Haynes	Buncombe County Inspections	Asheville, NC
Ben Andrews	City of Lumberton	Lumberton, NC
Jason Baker	Goldsboro Inspections	Goldsboro, NC
Timothy Gray	Cabarrus County Inspections	Concord, NC
Rick Frady	Catawba County	Catawba, NC
Tim Gull	Wake County	Raleigh, NC
Greg Vance	Wake County	Raleigh, NC
Jason Ruff	City of Raleigh Inspections	Raleigh, NC
Clint Houser	Rutherford County Inspections	Rutherford, NC
Adam O'Neal	Mayor, Town of Belhaven	Belhaven, NC
Eunice Williams		Scranton, NC
Betty Cox		Belhaven, NC

James Frawley  
Don Sheffield

Wake Technical Community College  
City of Greensboro

Raleigh, NC  
Greensboro, 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. There were no comments on potential conflicts of interest.

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.

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

#### **January 24, 2017 Minutes**

Dan Brummitt made a motion to approve the minutes of the January 24, 2017 regular quarterly Board meeting. Chris Raynor seconded the motion. The motion was voted on and approved unanimously.

#### **February 23, 2017 Minutes**

Chris Raynor made a motion to approve the minutes of the February 23, 2017 Board emergency meeting. Ken Stafford seconded the motion. The motion was voted on and approved unanimously.

#### **May 10, 2017 Minutes**

Dan Brummitt made a motion to approve the minutes of the March 10, 2017 Joint Committee meeting. Chris Raynor seconded the motion. The motion was voted on and approved unanimously.

### **Item 3: Approval of New Standard Certificate Holders**

Richard Ducker made a motion that the Board issue Standard Inspection Certificates to those applicants presented to the Board who have met the education, experience, and examination requirements. Richard Morris seconded the motion. The motion was voted on and approved unanimously.

### **Item 4: Recognition of Fifth Level III Standard Inspection Certificate**

Acting Chairman Thunberg reported there were two code officials receiving their fifth Level III certificate and invited them to meet and receive congratulations from the Board members;

- Ben Andrews of the City of Lumberton Inspections Department
- Jason Baker of the City of Goldsboro Inspections Department.
- Timothy Gray of the Cabarrus County Inspection Department
- Robert Haynes of the Buncombe County Inspections Department
- Clint Houser of the Rutherford County Inspections Department

**Item 5: Committee Reports:**

**Executive Committee:**

Bill Thunberg stated that the committee has not met and had no report.

**Policies and Procedures Committee:**

Ken Stafford stated the committee has not met and had no report.

**Education and Research Committee:**

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

**Qualification and Evaluation Committee:**

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

**Joint Committee:**

Chris Raynor stated that the Joint Committee met March 10, 2017 and discussed proposed changes 5, 9 and 14. The minutes from the meeting were attached for the board members to review and approve. Director Hejduk stated development of the “roadmap” referenced in the joint committee meeting was delayed due to staff’s move to new permanent office space at the Albemarle Building.

**Item 6: Public Comment/ Stakeholder Presentations**

Adam O’Neal, Mayor of the Town of Belhaven, NC stated healthcare conglomerate Vidant Health did not want Vidant Pungo Hospital, the local hospital, to remain open. Mayor O’Neal stated he was at the board meeting to discuss Beaufort County building inspector, Brandon Hayes, who performed an inspection of the hospital. Mayor O’Neal and Beaufort County Commissioner Hood Richardson alleged stated the building inspector wrote an letter citing building defects prior to the demolition of the hospital. that justified the demolition of the hospital.

**Item 7: Unfinished Business:**

Director Mike Hejduk addressed a schedule from the NC Office of Administrative Hearings that requires the current Board rules of Section 08 of the NC Administrative Code be reviewed by November of this year. Hejduk stated that the public comment period ends on May 8 and there has been feedback at the time of the board meeting. Hejduk stated there will be a continued need for additional inspectors and there have been various committee meetings throughout the year on how to increase the pool of qualified applicants to meet this need. The first of the two proposed rule changes is *11 NCAC 08. 0602 Nature of Probationary Certificate* which increases the duration from 2 years to 3 years. The proposed text is as follows: *A probationary certificate shall be issued for three years and shall not be renewed.* Hejduk urged the board vote to approve the proposed changes for *11 NCAC 08. 0602 Nature of Probationary Certificate*. A motion was made by Chris Raynor and seconded by Dan Brummitt. The motion was voted on and approved unanimously.

The second of the proposed rule changes is *11 NCAC 08. 0708 Certificate* which would allow staff to issue standard certificates instead of waiting for the approval of the Board until the regular quarterly meetings. Hejduk proposed the board vote to approve the proposed changes for *11 NCAC 08. 0708 Certificate*. The proposed text is as follows: *If an application is found to be in order and the applicant qualified for a type and level of certificate, the Board's staff shall mail a standard certificate of that type and level to the applicant at the address specified on the application.* A motion was made by Brenda Lyerly and seconded by Ray Rice. The motion was voted on and approved unanimously.

## **Item 8: Staff Reports**

### **Director**

Director Hejduk highlighted the six processes that the Qualification Assurance Section (QAS) staff handles daily: Application, Evaluation, Examination, Certification, Education, and Investigation. Hejduk noted the ration of how active standard certificates versus the number of active CEOs has not fluctuated much over the last 2 years. Hejduk discussed the *7 C's of Code Compliance* pilot course which focuses on the soft skills CEO's need to create a more professional, ethical and informative relationship with contractors and within the inspection community.

### **Certification**

Terri Tart noted the small increase in new probationary certificate applications that were submitted for review over the last quarter and the 126 probationary applications that expired within the same period. The number of new standard certification applications have remained steady while there was a slight increase of the number of new prequalification applications.

### **Examination**

Kathy Williams noted that the passing rates for Building, Fire and Electrical level 1 remain low. Over half of the 43 exam reviews for failed attempts were challenged and 3 resulted in a status change. There were 2 complaints concerning the exam process. One was the inability to schedule the exam during high call volume times at the company. The second complaint involves changes the facilities made in the keyboards used without updating their tutorial. PSI has since corrected the oversight and offered free exams to those who complained or failed during the transition period. Williams noted that the number of exams administered for the first 3 quarters of the 2016-2017 FY matches the total number of exams for the entire previous fiscal year. When questioned about probable failure rate causes, Williams referred to the changing levels of proficiency for entry level and multi-trade inspectors and the amount of content in the level 1 exams and standard course.

### **Education**

Jessica Yelverton noted the number of standard courses held for the quarter and inferred that the increase could be due to the end of the holiday season. Yelverton stated that continuing education courses offered have doubled for each trade due to the approaching end of the CE cycle June 30. There was an additional Law and Administration instructor certified at the February Standard Course Instructor Workshop. Yelverton coordinated a meeting between Wake Technical Community College and Engineering Division staff for the NC Code Officials Qualification Board, NC Home Inspector Licensure Board and Pyrotechnic licensing to discuss possible spaces and logistical needs to administer certification exams.

### **Investigations**

Andy Miller presented case #463 involving Jeffrey Johnson and Granville County Building Inspections with named CEO's Dale Evans, Andrew Adcock (retired), Haywood Faucette and Arthur Harris. The complainants allege that the inspectors listed were guilty of willful misconduct, signing off on inspections that were not performed. After two site visits by Miller, the only verified code violations were a missing

receptacle on the kitchen peninsula and a small amount of deck band flashing under the deck behind a corner board. All other allegations were impossible to determine. The inspections department did not have a copy of the plans as they were destroyed in accordance with their records retention policy. Both violations were attributed to Mr. Adcock whose probationary certificates have since expired. It was noted that included in the complaint packet was a copy of a complaint made by neighbor of the Johnson's against Granville County Building Inspections, although none of the above-named CEO's were part of that lawsuit. It was also noted that there was no nondestructive way to determine a good portion of the allegations made by the complainant. Miller suggested a finding of no basis. Dan Brummitt made the motion to accept the recommendation. The motion was seconded by Allen Kelly. The Board voted in favor unanimously.

Andy Miller presented case #464 involving Robert Blair of the Catawba County Inspections Department and complainant James Ho, homeowner. Although CEO Bruce Roseman was present during the meeting, he had been called to the scene to serve in the capacity of fire investigator. It had been determined that the fire had originated from work related to mechanical installations performed by an unlicensed contractor working under a permit pulled by Mr. Ho. Missing sheetrock was acknowledged by the code officials' attorney. During the on-site investigation performed nearly one year after the fire, it was impossible for DOI staff to determine the extent or location of the missing sheetrock at the time of the fire due to the amount of damage in the area surrounding the annular space beneath the stairs, both during the fire and during suppression efforts. Catawba County and Climate Control Systems had agreed that gypsum board was missing in the mechanical room underneath the stairs at the time of inspection. Miller stated that this code violation by itself was insufficient to warrant a hearing and recommended a finding of no basis. A letter of caution was discussed among board members and Board legal counsel Bobby Croom (NCDOI) suggested the board defer to the decision of the investigator. Dan Brummitt made the motion to accept the recommendation. The motion was seconded by Ken Stafford. The Board voted in favor unanimously.

Bobby Croom noted that concerning case #457, CEO Glen Batten was scheduled for an administrative hearing scheduled for the morning of the 24<sup>th</sup>, the day prior to the Board meeting, but the hearing was canceled after Batten turned in his certificates which satisfied the terms of his Voluntary Settlement Agreement (VSA) and negated the need for the hearing.

Sam Whittington presented case #465 involving Brandon Hayes of Beaufort County Building Inspections and complainant Greg Satterthwaite concerning Vidant Pungo (VP) District Hospital, referenced during the public comment period. During the time of this inspection, the CEO was not appropriately certified to conduct the building, electrical, fire or mechanical inspections on this facility. Hayes, unaware of an existing temporary restraining order, entered the hospital to conduct an inspection. Hayes composed an extremely vague Notice of Defects which was later used to justify demolition of the VP District Hospital. It was noted that the inspector's level 3's had expired 5 years before this inspection and that a Voluntary Settlement Agreement is not an admission of guilt. Whittington stated that there was basis in fact and recommended that the board proceed with a hearing. Dan Brummitt made the motion to accept the recommendation. The motion was seconded by Chris Raynor. The Board voted in favor unanimously. Whittington stated that a VSA had been discussed and the terms included the inspector taking the Law and Administration course within six months and taking the Standard Building level 3 course within 18 months. If the terms of the VSA are not met, the inspector must appear before the board. Ken Stafford made the motion to accept the recommended VSA. The motion was seconded by Allen Kelly. The Board voted in favor unanimously.

Sam Whittington presented case #466 involving David Harrington of Stanly County Building Inspections and complainant DeAnna Burgess. The lakefront single-story house was constructed in the late 1950's and the owners wanted to remove the roof and add a second floor. The inspector needed to be able to verify the existence and type of foundation by either digging up the area to view the foundation or, have a

licensed professional engineer approve the foundation. The complainants submitted two different engineer's letters, neither of which stated that the house met code requirements or were inspected by the engineer. Since neither letter met the requirements of Session Law 2015-145, the inspector initially denied the permit application. Rather than reapply for a permit, the complainants opted to delay the planned renovations. Whittington suggested a finding of no basis. Chris Raynor made the motion to accept the recommendation. The motion was seconded by Dan Brummitt. The Board voted in favor unanimously.

**Item 9: New Business**

Cliff Isaac, the new Deputy Commissioner of the Engineering and Code Division, will become the Commissioners Designee for the board at the July meeting.

**Adjournment**

There being no further business, Chris Raynor made a motion to adjourn the meeting. Ray Rice seconded the motion. The motion was approved unanimously.

Respectfully submitted,

A handwritten signature in blue ink that reads "Brenda Lyerly". The signature is written in a cursive style with a large initial 'B'.

Brenda Lyerly,  
Secretary, NC Code Officials Qualification Board