

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

April 27, 2010

The quarterly meeting of the NC Code Officials Qualification Board was held at 1:00 PM on Tuesday, April 27, 2010 at the Board's office at 322 Chapanoke Road in Raleigh, NC.

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

Ronnie Bailey	Hayden Lutterloh, III
Tim Bradley	Tracy McPherson
Jeff Curtis	William Rakatansky
Richard Ducker	Deborah Simpson
Valoree Eikinas	Sherrill Smith
Mark Hicks	Bill Thunberg
Charles Horne	Hiram Williams
James Kennedy, Jr.	

Members absent:

Richard Blackburn
John Kirkland
Kenneth Mullen
Robert Nunez
Victor Shaw

Others in attendance were as follows:

Chris Noles	Department of Insurance	Raleigh, NC
Samantha Ewens	Department of Insurance	Raleigh, NC
Kathy Williams	Department of Insurance	Raleigh, NC
Shane Phelps	Department of Insurance	Raleigh, NC
Celestine Phill	Department of Insurance	Raleigh, NC
Suzanne Taylor	Department of Insurance	Raleigh, NC
Sarah van Doornewaard	Department of Insurance	Raleigh, NC
Bobby Croom	Department of Justice	Raleigh, NC
William Whaley	NCBIA	Mockville, NC
Dean Barbour	Johnston County Insp.	Smithfield, NC
Patrick Johnson	Johnston County Insp.	Smithfield, NC
Amy Clifton	Johnston County Insp.	Smithfield, NC
David Winstead	City of Wilson Insp.	Wilson, NC
Walter Blackman	Johnston County Insp.	Smithfield, NC
W. Russell Reeves	Johnston County Insp.	Smithfield, NC
Ben Tesh	NCDOI Criminal Investigations	Raleigh, NC
Jeffrey Britt	Robeson County	Lumberton, NC

Preliminary Matters

Chairman Hayden Lutterloh presided over the meeting and welcomed guests. He asked the Board members to introduce themselves. Mr. Lutterloh welcomed a new Board Member, Jeff Curtis. He is from the Town of Sunset Beach, a Mechanical Contractor, and a Code Enforcement Official. Mr. Lutterloh asked the Board if there were any conflicts of interest that needed to be made known. None were noted.

Item 1: Approval of January 26, 2010 Minutes

William Rakatansky made a motion to approve the minutes of the January 26, 2010 Board meeting. Charlie Horne seconded the motion. The motion was approved.

Item 2: Approval of New Standard Certificate Applicants

James Kennedy made a motion that the Board grant Standard Inspection Certificates to those applicants who have met the Board's education, experience, and examination requirements. The applicants are listed in an attachment to the minutes. Deborah Simpson seconded the motion. The motion was approved.

Fifth Level III Standard Inspection Certificate

One individual received his fifth level III certificate. It is William Newns of the Currituck County Inspection Department. He was unable to attend. The Board offered their congratulations to Mr. Newns.

Item 3: Committee Reports:

- a) Executive Committee: The committee had not met and had no report.
- b) Policies and Procedures Committee: The committee had not met and had no report.
- c) Education and Research Committee: The committee had not met and had no report.
- d) Qualification and Evaluation Committee: The committee had not met and had no report.

Item 4: Staff Reports

Samantha Ewens made the following Director's Report

BOARD MEMBERSHIP

Mr. Jeff Curtis has been appointed to the Board to replace Malcolm Heyworth, who resigned. Mr. Curtis is a licensed mechanical contractor as well as a building inspector for the Town of Sunset Beach. His oath was administered today. All positions on the Board are currently filled.

HOKE COUNTY

Staff has continual investigations related to inspections being performed in Hoke County, both a Qualification Board investigation as well as a fire investigation under the authority of the Commissioner of Insurance. During the course of these investigations, an inspector at Hoke County, Gerry Thompson, admitted to having misrepresented himself as a fire inspector for several years even though he holds no such certification. The investigation was continued after the acknowledgement and additional concerns were raised. The staff felt in order to protect the public safety and welfare that additional action was needed. Staff forwarded Mr. Thompson's name to the DOI Criminal Investigations Division. Criminal Investigations decided to pursue a criminal complaint and the inspector was arrested and charged with several Class I misdemeanors. Mr. Thompson has left the employ of Hoke County and has not returned his certificates; however, the investigation continues. There will not be an investigative report later on in this meeting.

Mr. Lutterloh wanted to know where this puts Hoke County with what would be problematic with inspections that were done by Mr. Thompson. He wanted to know if Hoke County was conducting re-inspections. Ms. Ewens stated that Staff felt that there was lack of action on Hoke County's part, which is why staff took action. Hoke County has a fire inspector now, and a new fire inspector coming on board shortly to help them get through their maintenance inspections and to get caught up. Staff notified the daycare licensing officials, and public school officials to try and jump start the process. They are in the middle of re-inspections and have not been able to complete the re-inspections at this time. Mr. Lutterloh wanted to know if there were other agencies that needed to be contacted. Ms. Ewens stated that staff notified DHHS and others as needed. Mr. Thompson is aware that he needs to turn in his certificates.

STANDARD COURSE INSTRUCTOR QUALIFICATIONS

Our recent investigations at Hoke County have demonstrated that the requirements for standard course instructors may need additional definition. The requirements for a standard course instructor do not include any requirement to either hold a valid inspection certificate or to be able to hold a valid inspection certificate. The authority of the Board to discipline an inspector to keep him from teaching is limited. Staff questions whether that is what the Board intends or whether some more discussion and review of that approval for standard course instructors needs to be discussed. Mr. Lutterloh asked Mr. Croom if it would require a rule change by the Board if someone who was an instructor commits an egregious act for us not to qualify them as an instructor. Mr. Croom stated that the Board would need to make a Rule change.

FIRE INSPECTIONS RECORD REQUEST

At the last Board meeting there were several jurisdictions that were indicated as out of compliance with their Fire inspections. Staff has followed up, both on those specific instances where there were questions, and also by sending a survey requesting information on fire inspections. The surveys were sent to counties first. We are working on getting the forms signed and sent back to us so that we can compile the information, and get a snapshot of where the problematic areas are, and where we can best assist. Mr. Lutterloh asked what was being done about the multitude of municipalities reporting their information. Ms. Ewens stated that part of the form asks the county jurisdictions what cities and towns within that county are responsible for their own fire inspections, since that may be different than building inspections. We will use this information to update our records and to ensure that we do not miss any jurisdictions.

Kathy Williams made the following report concerning certification to the Board.

EXPIRED PROBATIONARY CERTIFICATES

The probationary certificates for 126 individuals have expired this quarter. Staff will notify the City and County Managers regarding the condition of the certificates by mail.

JURISDICTIONS OUT OF COMPLIANCE

There are no jurisdictions out of compliance as this time.

STANDARD AND LIMITED RENEWALS

Staff will mail renewals notice to all jurisdictions for the renewal of standard and limited certificates during the first or second week in May. The renewals are due by June 30, 2010. The renewal fees are \$10 per certificate. There is a \$4 late fee per certificate if payment is received after July 1, 2010.

EXAM REVIEW COMMITTEES

During the month of April staff had four different exam committees meet to review exam questions to establish cut scores and to review the item analysis survey conducted last year. ICC staff directed the committees. Each committee consisted of approximately 8-10 Subject Matter Experts (SME's) which consist of Code Enforcement Officials within the state who hold level III standard certificates. Each committee was divided into two groups. The first group reviewed the results of the item analysis survey sent out last year. This information determined the content of the exam based on the actual job tasks performed by each inspector. The results of the item analysis became the exam blueprint. The second group reviewed questions to set cut scores which ~~establishes~~establish the level of difficulty rating for each

exam question. Each committee reached its goal and performed a great deal of work during the two-day time period. Any time remaining was spent on writing new exam questions. The Building Exam Review Committee is scheduled for April 29 – 30, 2010. Mr. Lutterloh asked if we had our own staff members present. Ms. Williams stated that she was present at each committee, and that a member from the Department of Insurance (DOI) was also present. Mr. Rakatansky asked who was responsible for ICC's expenses. Ms. Williams stated that ICC was responsible for their own expenses which was part of the contract.

STANDARD CERTIFICATE TESTING – January 27, 2010 – April 27, 2010

Examination Summary

152 exams were taken and 32 exams were reviewed. The results of the State exams given January 23, 2010 – April 19, 2010 are summarized below. We do have to have a cut off point for exam scores, because it takes a couple of days for grades to be sent to staff.

<u>Area/Level</u>	<u>Number Taking</u>	<u>Number Passing</u>	<u>High Score</u>	<u>Low Score</u>	<u>Reviews</u>
Building Inspector I	15	4	80	41	3
Building Inspector II	16	7	83	59	2
Building Inspector III	12	6	82	56	3
Electrical Inspector I	10	6	80	57	3
Electrical Inspector II	10	5	79	53	3
Electrical Inspector III	1	1	70	-	0
Fire Inspector I	24	4	78	35	5
Fire Inspector II	12	6	80	43	4
Fire Inspector III	14	7	79	59	4
Mechanical Inspector I	3	3	81	71	0
Mechanical Inspector II	10	7	87	63	2
Mechanical Inspector III	7	5	81	54	0
Plumbing Inspector I	4	4	83	56	0
Plumbing Inspector II	9	6	82	67	3
Plumbing Inspector III	5	5	85	71	0
Totals	152	76			32

Standard Certificates Earned

The Board has issued 77 certificates this quarter. 75 that were active, 1 pre-qualification and 1 reciprocity through the Department of Defense. Mr. Lutterloh asked if there were complaints coming in from examinees. Ms. Williams stated the main complaint was not being able to use key word indexes.

Exam Complaint Summary

The staff received 19 complaints concerning exams since January 26, 2010. Some complaints were simply comments that did not involve or require any type of action. A summary of complaints is below:

1. Accommodations – We received two complaints concerning desk size. The standard policy for accommodations requires each testing center to provide a minimum desk size for each candidate. If requested or needed, an additional table is provided for exam materials. In each case, an extra table was provided.
2. Power Outage – We received two complaints regarding power outage and loss of time during the exam. In each case the examinee was given an additional free exam attempt.
3. Registration Issues –

- a. Two individuals registered for three wrong examinations. One individual called and we were able to make the exam correction. The other individual did not follow the pre-approval process and we were unable to assist the individual prior to examination.
 - b. Two individuals with very similar names were entered into the registration list. The correction did take a little time to correct, because the other individual had already registered to take an exam. The correction could not be made until his grade was reported. Mr. Lutterloh asked how long it took for this issue to resolve. Ms. Williams stated that it took a week. Mr. Lutterloh stated that that was too long for someone to wait. Mr. Lutterloh stated that there are number of ways to separate a person. Mr. Lutterloh asked if they were working on this issue. Ms. Williams stated she would check on it.
4. Programming issue – Two individuals had issues with an extra programming window during the test. In each case, the individual was given a free exam attempt if needed. The programming was changed in March and this is no longer an issue.

Fifth Level III Standard Inspection Certificate

There was one individual receiving his fifth level III certificate today. He is William James Newns from Currituck County Inspection Department. The number of individuals achieving this level of certification is currently 203.

Celestine Phill made the following report concerning Continuing Education to the Board.

There were some problems with the tallies at the last meeting, so the counting system has been revised. There were 86 Continuing Education courses that were approved for the period. There were 12 instructors that were approved. There were 8 sponsors that were approved. There were 115 Continuing Education courses that were submitted, and there were 31 courses scheduled after April 27, 2010, 23 of the 31 courses were approved in multiple trades. There were a total of 99 Standard code courses scheduled for the period. There were 17 courses that were canceled, zero rescheduled and 18 for which grades have been received. Grades are pending for 64 courses. There are 53 courses that are approved that will be held after April 27, 2010. We are working with the Community College Coordinators to have the grades submitted in a timely manner.

Continuing Education Courses – Statistics: January 27, 2010 – April 27, 2010

New Continuing Education Courses Approved for Period	86
New Continuing Education Instructors Approved for Period	12
New Continuing Education Sponsors Approved for Period	8
Continuing Education Credit Submitted for Period	115
Continuing Education Courses Scheduled for After 4/27/2010	31

Note: There were a total of 23 courses approved in multiple trades.

Standard Code Courses – Statistics: January 27, 2010 – April 27, 2010

Standard Courses Scheduled for Period	99
Building	16
Electrical	20
Fire	20

Mechanical	18
Plumbing	16
Law and Administration	9
Standard Courses Canceled for Period	17
Standard Courses Rescheduled for Period	0
Standard Courses Grades Received for Period	18
Standard Course Grades Pending for Period	64
Standard Courses Scheduled for After 4/27/2010	53

The course notices were published in the Council of Code Officials newsletter, which is available online at the NC Department of Insurance website at www.nc.doi.com/OSFM/Engineering/COQB/engineering_coqb_home.asp.

Database and NCDOI Website Updates

April 14, 2010 there was a website posting of the new Continuing Education Sponsor listing. If someone wants to take Continuing Education Courses, they may contact the sponsor to schedule a course. There is a manual available that has a listing of the available courses. We are in the process of updating the Standard Code instructor listing; once this has been updated it will be available on the website.

Instructor Certification Workshop

We have scheduled our second Instructor Certification Workshop for FY10. The date of the workshop is Thursday May 6, 2010 from 8:00 a.m. until 4:30 p.m. The original Application Deadline was Friday, April 23rd, but due to continued interest, it has been extended to Wednesday, April 28th. The extension will allow the process and approval of additional participants and will provide those participants who are late in submitting their application and registration form an opportunity to do so. Currently, there are 3 confirmed participants who will be new instructors and 1 confirmed participant who is an inactive instructor who has not taught in more than 3 years.

Community College Information Session

On March 31, 2010, Celestine Phill and Kathy Williams presented an Information Session at the offices of the Community College System. The meeting was hosted by Barbara Boyce, Director Continuing Education, Economic and Workforce Development; and Tracy McPherson, Director, Public Safety Programs. The meeting informed community college Education Coordinators and instructors on various elements of the Standard Course and Continuing Education courses/programs. The community colleges Education Coordinators that were unable to attend the on-site session were able to attend via broadcast on Information Highway. They were able to see us, and we were able to see them, we were also able to field questions. There were nine different areas that we provided clarification in. (1) establishing a uniform scheduling system for Standard Code courses; (2) reducing cancellation rates; (3) what NCDOI does and the history of both the NC State Building Code and the Code Officials Qualification Board; (4) GS 143-451.8-21 and why Code courses are mandatory and important in the meeting of the provisions of the General Statute; (5) various types of certificates and the requirements for acquisition; (6) potential student pools to include engineers, architects, contractors, prospective CEOs and CEOs meeting terms of disciplinary actions; (7) certification process of Code instructors; (8) responsibilities of Code instructors and community colleges and (9) computer based testing procedures. The onsite meeting was attended by several community colleges. Overall, there were approximately 30 community colleges in attendance, both at the on-site meeting and via the Information Highway.

Wake Technical Community College and NCDOI Collaborative Meeting

As a result of the aforementioned Information Session, Wake Technical Community College has requested a collaborative meeting with Celestine Phill and Kathy Williams to discuss ways to increase the enrollment and prevent the cancellation of Standard Code courses. The meeting has been set for Wednesday, May 5, 2010 at 2 p.m. In attendance will be Pamela Little (Dean, Evening Division); Larry Buie (Instructor Supervisor) and the Registrar. There may be some instructors involved as well.

Standard Code Course Instructor Evaluations and Instructor Information Update

In response to complaints from several Code Instructors, we developed the Standard Code Course Instructor Evaluation consisting of 48 questions covering various elements of the manuals, timelines, worksheets and PowerPoint presentations. Standard Code Course Instructor Evaluations were forwarded to approximately 64 Standard Code Course instructors on February 10, 2010. It provided an opportunity for them to critique all of the different elements. To date, we have received approximately 30% of the Evaluations. Although there were various comments made regarding the instructor manuals, timelines, worksheets and PowerPoint presentations, it seemed that the majority of the complaints concerned the PowerPoint presentations. The consensus was that the PowerPoint presentations (1) were too wordy, (2) did not have enough visuals/diagrams and (3) there was not enough time within the course to cover all of the information in the PowerPoint's in the time allotted for the course. We are still in the process of reviewing the evaluations and, once completed, will make a full report at the next Board Meeting.

Shane Phelps made the following report concerning investigations to the Board.

INVESTIGATIONS AND HEARINGS

INVESTIGATIONS

Investigations Begun – Not Completed

Johnson vs. Duffy
Benton vs. City of Raleigh
Forbes vs. Vaughn
Lewis vs. Paramore (2nd)
Reynolds vs. Edwards/Satterfield
Cochrane vs. Marks
Cain vs. Thompson
Henage vs. Capehart/Carter

Investigations Completed –No Basis in Fact

Taylor vs. Gaston County
Barnhardt vs. O'Kelly

VOLUNTARY SETTLEMENT AGREEMENTS

Billy Coxe – Hoke (Expired)

The Board approved a Voluntary Settlement Agreement (VSA) for Billy Coxe on April 28, 2009. The expiration date on the VSA is tomorrow April 28, 2010. There were 7 items according to the VSA that Mr. Coxe had 12 months to complete, and he agreed to these items by signing the VSA. As of today Mr. Coxe has not completed 4 out of the 7 items. Mr. Coxe has not met the requirements that were signed by him, and voted on and passed by the Board. Mr. Lutterloh asked a Board member Mr. Horne what he thought about this matter. Mr. Horne then asked Mr. Croom of the Board's options. Mr. Croom stated that if the Board finds that he has not complied with the order, the VSA and Consent Order does have language in it that violation of the order could be considered willful misconduct, and could be grounds for suspension by the Board or revocation whatever disciplinary actions the Board would like to take. Mr. Croom stated that the Board could refer it to Mr. Phelps for an investigation of whether or not he has violated the order. If Mr. Phelps finds that Mr. Coxe has violated the order it can be referred to a hearing to revoke his license for not complying with the order. Mr. Lutterloh stated that it sounded like an investigation into whether or not Mr. Coxe violated the order has already taken place. Mr. Lutterloh asked if we could order a hearing, due to Mr. Phelps already determining that he has not complied with the order. Mr. Croom stated that a written report would need to be done. Technically Mr. Coxe has until

April 28, 2010 to complete the order. Mr. Lutterloh asked if the Board could take action in anticipation of Mr. Coxe not completing the order, or would the Board need to wait a full quarter before deciding on the matter. Mr. Croom stated he would need to look at the Board's rules. Mr. Phelps stated that the reason he presented this information today is because Mr. Coxe would not be able to take or pass a Building Level 1 class, or sit and pass a Building Level 1 Standard exam before the order expired. Mr. Lutterloh stated that Mr. Phelps would need to go forward and investigate the information referencing this matter and provide a report at the next Board Meeting with what has been found.

Mr. Rakatansky asked Mr. Croom if Mr. Coxe does not follow all the provisions of the VSA would it completely void the VSA, or would the Board need to consider some of the provisions he did complete the VSA to consider allowing a partial reinstatement. Mr. Thunberg read item #10, and #12 from the VSA. The Board would need to find that it was "willful misconduct", and Mr. Coxe waived his right to any further proceedings in this matter when he signed the VSA. Mr. Croom stated that a hearing would still need to be held under the General Statute that governs disciplinary hearings. Mr. Lutterloh stated that some of the items cannot be completed by tomorrow April 28, 2010, and wanted to expedite the matter. Mr. Croom stated that there would need to be a written filed complaint by Ms. Suzanne Taylor (who was the original investigator) with the Board alleging that he has violated the terms of this agreement. This would allow Mr. Phelps to do an investigation and create a report, and this would follow our normal procedure in handling violations. The matter at hand would not be the same proceeding; it would be a different proceeding, because the question is whether or not he violated the terms of his consent order which is different allegations of misconduct than what he had before. He has not waived his right to hearing, he has a right to contest whether or not he has violated the terms of this order, which we do not know until we have done a full investigation. Further, he may have some sort of an explanation as to why he has not completed the order.

Mr. Lutterloh asked if it would be appropriate at this point in time because he would normally receive his Level II back, the Board order to hold the certificate until all the requirements of the VSA have been completed. Mr. Croom stated he would need to look at the language of the VSA again, but from what he sees there is no reason for the Board to hold his Level II certificate. If it is determined that there is willful misconduct it is Mr. Croom's opinion that it is not something that must wait until the next Board Meeting.

Ms. Simpson asked if an inspector signs a consent agreement, and they do not fulfill the consent agreement, is the Board not creating an outlet for them to get around the charges. Mr. Croom stated that when you have a signed agreement that says violation of this order is willful misconduct. You may not be addressing the issues that were at heart of the original consent order, but you have other allegations which are much more serious, such as not complying with the order of the Board. Ms. Simpson asked if the Board could pass a resolution that he submit to the Board within in the next seven days showing that he has met the requirements of the VSA, and if he does not comply there could be action that could take place such as a hearing - why is it not up to him to supply us with the information? Mr. Croom has concerns about the Board ordering too much, because the Board will be the individuals to hear this matter, and they will need to be impartial.. Too much involvement by the Board at this time could raise issues with the Board's impartiality when it is time to hear this matter. The Board can request for Mr. Phelps to investigate the issue. Mr. Lutterloh is concerned with Mr. Coxe receiving his Level II certificate, and the situation taking too much time to be brought before the Board, and Mr. Coxe is still out making inspections and doing what he has done previously that brought him to this situation in the first place. We are hearing from Mr. Phelps that it is impossible for Mr. Coxe to complete three of the requirements from the VSA. Instead of waiting a full quarter to having to do something Mr. Lutterloh is asking for something to be in place today. Mr. Croom stated that if Mr. Coxe wants to give up his license he can, but he is entitled to due process. No matter how clear cut the violations are, he is entitled to a hearing. Mr. Lutterloh stated that the desire of the Board is to work this thing out as quickly as possible whichever way we have to go.

Mr. Bradley stated that the simplest thing to do was for Ms. Suzanne Taylor to file a complaint which would prompt an investigation which would also prompt staff that the conditions of the VSA were not met, and withhold the re-issuance of the certificate until the Board determines he has. Staff withholding the certificate under the assumption that the terms of the VSA were not met until the Board makes a

decision on it at a hearing. Mr. Croom stated that is assuming that the staff has the authority to do that. Mr. Bradley stated that Mr. Coxe does not have the certificate, and typically when there is a question about eligibility staff brings it to the Board for a decision. Mr. Croom stated that he would need to take a look at the language of the VSA, there may not be any choice on holding it back. The Board could be violating the terms of the VSA. Mr. Croom stated that if Mr. Phelps finds that there has been a violation of the order we can prepare a notice of hearing, and the Board does not need to request a notice of hearing. Mr. Lutterloh is taking Mr. Bradley's suggestion, and is asking staff to look at this closely, and if it appears from the investigation that he has not met the VSA, then to prepare articles for a hearing, and forward to the chair. Mr. Bradley stated that we will withhold the certification while Mr. Croom takes a look at the violations. Mr. Rakatansky asked since some of the terms were met the VSA where he had to take and pass an Electrical Level I, and a Law Administration class is Mr. Coxe able to inspect Electrical Level I inspections. Mr. Croom stated that yes he is able to do whatever he is certified to do. Mr. Croom stated that he needs to go back to VSA and study the language, and we may be able to go back to the matters for the original issue of the VSA we may not be precluded for going back. Mr. Lutterloh stated that we go forward with the investigation, and withholding the Level II Certificate.

Scott Bullard – Whispering Pines

Mr. Lutterloh wanted to know why the report regarding Mr. Scott Bullard was not being presented today. Mr. Croom stated that there are several issues that staff needs to look at before it is presented to the Board. Mr. Lutterloh stated that the VSA, and a complaint investigation report it will be put on hold until all the information is gathered by staff.

CONSENT AGREEMENTS

None

DISCIPLINARY HEARINGS

None

Suzanne Taylor made the following report concerning the Verification Process to the Board.

Audits

Ms. Taylor stated that staff was invited to Gates County to perform an audit. After previous problems with Gates County there was a Mr. Edgar Mitchell that took over the inspection department. Mr. Mitchell had to retrain everyone in Gates County on what Building Code was. Mr. Mitchell had two problems he needed help with which was condemning a building, and issuance of temporary power. Staff helped him with the proper forms he needed.

It was brought to staff's attention that we had 8 jurisdictions including the counties of Perquimans, Hyde, Graham, Hoke, Yancey, and Vance, and the towns of Red Springs and Manteo that did not have certified personnel to conduct required fire inspections. Mainly what we were finding is that they did not have a Fire Level III Certification to inspect a hospital or nursing home, etc. The best way to deal with this situation was to go to directly County and City Manager send them a copy of the law, and tell them it was mandatory. Most of time they indicated that they were not aware of this, in all 8 cases we have Certificate of Employment for Fire Level III inspectors either by contracting with an inspector, or hiring full time Fire Level III inspectors.

Item 5: Other Items

Item A: Computer Based Testing Comments

Mr. Dean Barbour from Johnston County Inspection Department wanted to give some comments regarding Pearson Vue's computer based testing. Mr. Barbour wanted to comment on the testing fee of \$172, he stated that he has a multi trade department with 18 inspectors and 5 support staff, he has 12 inspectors with Level III certifications, but he still has 6 inspectors that are still testing. There is no money in the budget for the testing fees, so the seminars that were attended by the inspectors are no longer attended, because they use the fees towards testing. Mr. Barbour stated that he is not against the testing sites, he thinks DOI should have a test site where there was more control of the testing, and where changes that needed to be made could be made quicker, and address things in a short time frame. Reduce the fee by half, and test in Raleigh 2 times a year. Mr. Barbour stated that he had a lot of good memories testing in Raleigh and coming to the DOI offices.

Mr. Walter Blackman stated that he understands weighting the questions, but he believe that the original test that was put together that each question is important as the other. Pearson Vue in his opinion is very proficient in one thing, and that is collecting money. Mr. Blackman took an exam last Thursday, and he called 4 hours later for a review, and they stated that their system has not updated, and the review could not be scheduled. In his opinion it took too long, if they could give a pass or fail grade after they took the exam they should be able to schedule the review right away. The testing site is very impersonal. He stated for the \$172 that is being paid the diagrams on the exam should match those that would be in a publication such as a commentary. With the limited time to take the exam the diagrams should be much better. Mr. Blackman stated that he has been to many community college courses, and he has never been to one where someone has failed. Mr. Blackman stated that the courses give a false hope if everyone passes. He feels that the tests that are given after a course should be made harder, given more weight. Passing a community college course test would count more than just an opportunity to take the NC State Exam. He feels that DOI could develop something better than what Person Vue has. Mr. Blackman says reference materials are needed because inspectors need all the help you can get. If someone needs an answer faster using reference materials Mr. Blackman stated that reference materials are used in day to day jobs why not in an exam.

Item B: Probationary Certificates

Mr. William Whaley is here representing North Carolina Building Inspectors Association (NCBIA). At their last Board Meeting they discussed the computer based testing. He wants to address the expiration of Probationary Certificates. There are many jurisdictions that do not have any money in their budgets. Many inspectors have been moved to other departments to hold on to their jobs, or working reduced hours. While they have been moved to other departments they do not have access to training so that has to come out of pocket. Code class costs were raised by 100%. Mr. Whaley stated that computer based testing is one of the best things the Board has done, but testing was free in the past, now it has been raised from \$0 to \$172. The increase in fees for classes, testing, and review fees are fees that jurisdictions have to swallow, all of these fees used to be covered by a \$20 application fee. Mr. Whaley mentioned the information given by Kathy Williams earlier in the staff report regarding 126 Probationary Certificates expiring in this quarter. Mr. Whaley mentioned that the reason why these certificates have expired may not be the inspectors fault. He stated that they might have tried to register for classes, but the class may have been cancelled. Since the inspector may not have money to travel they have to take the class locally. He realizes that the Board and staff are working with the community colleges to address this issue. Mr. Whaley stated that these 126 inspectors will now need to stop working as an inspector at that level, because their certificate has expired. We are wasting training, time, and money that was put into these people, and this may very well cost them their job. Mr. Whaley on behalf of the NCBIA is asking to grant a 12 month extension for all Probationary Certificates based on the economic hardship that is being felt by local governments, and it's Code Enforcement Officials (CEO). We are hoping that this 12 month extension will give the CEO's the time to make an adjustment, find classes and get their testing done. This would be for current certificates only.

If this Board does not have the statutory authority to grant the extension Mr. Whaley would like to be pointed in the direction as to who can help these inspectors. He asks that you support the effort when it is taken to the legislature. Mr. Lutterloh stated that the 126 expiring Probationary Certificates are often granted a Standard Certificate, because they have sat and passed their exam. Mr. Lutterloh stated that not all 126 inspectors are not going to be inspecting. Ms. Williams stated that the expiration of Probationary Certificates does not mean they will not be able to take the exam. Mr. Lutterloh asked Mr. Croom if it would take a rules change to extend the expiration date. Mr. Croom stated that yes it would take a rules change. Mr. Croom stated 11 NCAC 08 06 07 that if a Code Enforcement Official leaves employment as a Code Enforcement Official they are required to turn in their Probationary Certificate. When they come back to work as a Code Enforcement Official they can get their Probationary Certificate re-issued with the time. Mr. Lutterloh asked Kathy Williams if they change jurisdictions they would not be able to get the Probationary Certificate. Kathy Williams stated that they can change jurisdictions the Probationary Certificate can be used statewide. Mr. Lutterloh stated that it would take an action of the Board for a Rule change. The Board can look into and talk about these possibilities. Mr. Lutterloh stated that it could be very time consuming before the change could take place. Mr. Chris Noles stated for full disclosure that he is a Board member on NCBA. As a staff member he is making the statement. The will of the Board in going forward with this, we as staff can draft language for consideration for the next meeting. The time frame if you were to accept a petition for rule change, would put a public hearing at the next meeting after that, and you could vote on the rule change in January.

Mr. Thunberg stated that the legislature extended the validity of building permits. Mr. Thunberg asked if the legislature act in the manner as it did for building permits. Mr. Noles stated that as a tentative yes Mr. Thunberg was right. There was a bill in the long session that gave all licensing authorities in the state an extension until the end of this year. We need to look at that bill in conjunction with the Probationary Certificates. Mr. Tim Bradley stated that this is happening in all forms of government. If the General Assembly looks at one specific area they are going to need to look at all areas to make it fair. Other additional licensing Board's should be pulled in to get some additional help with this. One county employee that loses their job because their Probationary Certificate runs out should be treated the same way as the next employee.

Mr. Lutterloh stated that the \$60 review fee is included in the \$172 examination fee. Mr. Tim Bradley stated we work with almost 22 times more inspectors than we used to 20 years ago. With no funding for course development, no funding for test development, no funding for validation of tests, no funding for delivery of tests - the price of \$172 pays for all of that. Going from \$0-\$172 is a big jump, but someone has to develop 16 classes every three years, and tests every three years. Pearson receives a percentage of \$172. We are looking at some programs to adjust the diagrams on the exams. The total test package is a contract with ICC and they contract with Pearson Vue. If only testing was done it could be done cheaper, but who would do course development, and test development? Mr. Bradley stated that our passing rate to other licensing board's should not be an issue we need to look at what the passing rate is now and compare it to the last past 5 years, and compare the trends. The failure rate is probably pretty consistent.

Mr. Bradley stated that he did not think people knew what the fee paid for and we could have done a better job letting people know. Ms. Simpson stated she did not think people have a good understanding. It would help if we could get the information out there better. Ms. Eikinas asked Kathy Williams if staff used to rate the questions before computer based testing. Ms. Williams stated that the questions were not rated, but questions were randomly pulled.

Item C: Board Resignation

Mr. Lutterloh is in receipt of a resignation letter of Deborah Simpson who has chosen to retire. Congratulations are in order.

Adjournment

Tim Bradley motioned for the meeting to be adjourned. Mr. Rakatansky seconded the motion. There being no further business, the meeting was adjourned by Hayden Lutterloh.

Respectfully submitted,

A handwritten signature in black ink that reads "Tim Bradley". The signature is written in a cursive style with a long horizontal stroke at the end.

Tim Bradley
Secretary
NC Code Officials Qualification Board

NEW STANDARD INSPECTION CERTIFICATE APPLICANTS

Active City, County, and State Code Enforcement Officials

The following inspectors have met the certification requirements of GS 143-151.13(a). These applicants are active inspectors in city, county, or State inspection departments. Their certificates will become valid as of today.

Building Level I

Thomas Kanyu Estes
Joseph Andrew Gates
Shamaruy C. Myrick
Anthony Richard Salas

Building Level II

Philip Ray Anderson
Michael Rand Buffett
Braston Avery Newton
David Michael Prevette
Jared David Salema
Brandon Bruce Weston
Robbie Lee Young, Jr.

Building Level III

John Joseph Batson
Dennis Keith Cook
Patrick Glenn Johnson
Dana Eugene Lapish
Matthew Stephen Sechler
Paul Thonnie Vaughan

Electrical Level I

Bryan Keith Gaskins
Davey Charles Gaston
Kari Lynn Lanning
George Edward Madeja
Bobby R. McLemore, Jr.
Eric Todd Wiseman

Electrical Level II

Michael Rand Buffett
Stanley Wade Dills
Eddie Lynn Garner
Danny Earl Keel
Randy Ray Lovings

Electrical Level III

Ryan Dedrick Cody

Fire Level I

Joshua Nathan Crook
Tyler Craig Hopkins
Marvin Rupert Weathers, Jr.

Fire Level II

Paul Robert Buchanan
Michael Rand Buffett
Earnest Lynwood Davis
Tony Ray Hayes
Michael Edward King
Alvin D'angelo Robinson

Fire Level III

Ricky Kevin Brown
Deborah Koontz Horne
Jerry Wayne Leatherwood
Cindy Goodman Motsko
William James Newns
Brian David Ronie
Michael Joseph Simpson

Mechanical Level I

Thomas Kanyu Estes
Matthew Mirl Swindell
Eric Todd Wiseman

Mechanical Level II

Michael Rand Buffett
Stanley Wade Dills
Anne Forrest Graham
Mark Daniel Matheny
Braston Avery Newton
James Richard Rhodes, Jr.
David Edward Stoudt

Mechanical Level III

Morris Rickman Cline
James Richard Gilmore
Mark Allison Noonkester
Anthony Scott Rabon
Melanie Stogner Sellers

Plumbing Level I

Timothy Lynn Stevenson
Brian Thibideaux Thompson
Keith O'Neal Williams
Perry Eugene Williams

Plumbing Level II

Michael Rand Buffett
Stanley Wade Dills
Lisa June Eames
Mark Webster Fortenberry
Mark Daniel Matheny
Phillip Jackson Sexton, III

Plumbing Level III

Samuel Ralph Beck, II
John Robert Haynes
Steven Ray King
Robert Lee Massagee, II
Melanie Stogner Sellers

Pre-Qualification Applicants Meeting the Standard Certification Requirements

The following applicant have met all the requirements to receive their Standard certificates except being employed by a city, county, or State inspection department and being assigned the responsibility of enforcing the State Building Code. Their certificates will be issued when they are so employed.

Aaron Leonard Wills

Fire I

Reciprocity Granted to Applicants Meeting the Standard Certification Requirements

The following applicants has met all the education and experience requirements to receive a Standard certificate as a code enforcement official based on certification obtained from an approved reciprocal certification agency.

Derrick Chad Houston

Fire I

Department of Defense