

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

April 28, 2020

The quarterly meeting of the NC Code Officials Qualification Board (“Board”) was held by teleconference at 1:00 P.M. on Tuesday, April 28, 2020.

Item 1.A. Roll Call/Conflict of Interest Reminder

Williams conducted roll call as requested by Chairman Thunberg. Thunberg asked each member of the Board to state whether they had actual or potential conflicts of interest for any items on the agenda.

The State Ethics Commission has cited the potential for a conflict of interest for members of the Board who are serving in the following appointments.

- Code officials, because they serve on the Board that certifies them.
- Elected officials, because local government entities employ code officials.
- Licensed contractors, because their companies regularly work with code officials.
- UNC School of Government, because the school provides educational services for code officials who are subject to the jurisdiction of the Board.

Board members should exercise appropriate caution in the performance of their public duties should issues involving their certifications or that of any of their employees come before the Board. This would include recusing themselves to the extent that their interests would influence or could reasonably appear to influence their actions.

Stafford asked to be recused from the following investigation complaint #521. Ducker made a motion to recuse Stafford from the complaint. Roegner seconded the motion and the motion carried.

The following members of the Board participated in the meeting by teleconference:

Richard Ducker	Bill Thunberg	Dr. Stephen Terry
Ken Stafford	Rob Roegner	Helen McIntosh
Allen Kelly	Thomas Bender	Michael Crotts
Jeff Griffin	Richard White	Karen Tikkanen
James Steele	Mark Smith	Mack Summey, PE
Dr. Stephanie Luster-Teasley	Danny Couch	

The following members of the Board was not present:

Andy Matthews
Fleming El-Amin

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
Beth Williams	Department of Insurance	Raleigh, NC
Mike Hejduk	Department of Insurance	Raleigh, NC
Tom Felling	Department of Justice	Raleigh, NC
Rich Hall	Department of Insurance	Raleigh, NC
Bill Murchison	Department of Insurance	Raleigh, NC
Renita Denton	Department of Insurance	Raleigh, NC
Patrick Granson	Mecklenburg County Inspection Department	Charlotte, NC

Item 2- Approval of Minutes

McIntosh made a motion to approve the minutes of the January 28, 2020 Board meeting, the March 16, 2020 Emergency meeting, and the April 3, Emergency meeting. Roegner seconded the motion and the motion carried.

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

The Board recognized that Jonathan Morgan, inspector with the Morrisville Inspections Department, received his fifth level three certificate on 2/18/2020. He was not on the teleconference call.

Item 4 – Public Comment

No public comments were made.

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 not met.

Education and Research Committee – Griffin reported the Committee has not met.

Qualification and Evaluation Committee – Bender reported the Committee has not met.

Item 6 – New Business

A. Program changes due to coronavirus

Kathy Williams reported on the changes to the Board’s certification and education programs due to the coronavirus.

1. Staff is now working entirely from home. All staff members have cellphones which receives calls from our desk phones. Every staff member has a laptop and can use a Virtual Private Network (VPN) to gain access to our DOI files. Regular staff meetings

through Microsoft TEAMS are held to connect with each other. All committee meetings, public hearings and board meetings are held by teleconference.

2. Renewal/CE - CE requirements for renewal year 2020 were extended until June 30, 2021. Each CEO will need to complete 12 hours per certificate to renew June 30, 2021. There are no CE renewal requirements this year, but the \$10/certificate fee must be paid by June 30, 2020 to maintain the certificate.

The need to adjust continuing education requirements occurred due to the cancellation of many scheduled workshops and conferences and schools where continuing education would be earned. In March, approximately 28% of all inspectors still needed continuing education. Fire Prevention School, NCBIA winter workshop in Hickory, and the Electrical Institute are all examples of lost training opportunities cancelled this spring.

Staff worked with NCDOI IT to provide the specialized programming needed for this program alteration.

2. PSI closed testing centers as of March 20, 2020. No standard exams were taken between March 20, 2020 and April 16, 2020. The PSI testing center in Winston-Salem, NC reopened on April 13, 2020 to provide testing for essential services which includes code enforcement and inspections. The first state exam taken once PSI reopened for essential services occurred on April 17, 2020. The rest of the PSI testing centers are scheduled to reopen on May 1, 2020, but this may need to change to adjust to any governmental order or policy for public safety.
3. All community colleges are closed. A large part of the Board's program is centered on standard courses. Standard courses are administered through the NC Department of Community Colleges. The last completed standard course ended on March 14, 2020. No standard courses have occurred since this time.

The closure of the community colleges presents a very big challenge for our program. Courses are required to qualify for state exams. The current standard course format is classroom based, with little to no online interaction. This situation does emphasize that the Board may wish to use some type of hybrid or online format option for future course design. The current staff level does not allow the design and conversion of classroom standard courses to online courses.

4. On April 3, 2020, the Board approved new rule language to issue a Temporary Certificate to all CEOs who have or had a Probationary Certificate expiring between March 12, 2020 and December 31, 2020. The Temporary Certificate was issued for the same level and trade as the Probationary Certificate with the applicable expiration date. The Temporary Certificate is not extendable or renewable. With approval from the Office of Administrative Hearings, the rule became effective April 20, 2020 and were the certificates were issued on the 20th.

Staff worked with the NCDOI IT staff who handled the specialized needed programming to make these changes happen.

Chairman Thunberg asked staff to set up a meeting with the Education and Research Committee.

B. 60-Day Waiting Period Waiver Request

K. Williams reported Stephen Roberts requested a waiver of the 60-day waiting period between exams because of the delay in testing due to coronavirus. He is a fire inspector with the Belmont Fire Inspection Department. He was eligible for the exam in March but had to wait until April to take the exam. He took a Fire I exam on 4/17/2020 and didn't pass. He said he didn't have the general statute document and that's why he failed. His next testing date is 6/17/2020. He would like to take the exam earlier than 6/17/2020 to meet the needs for his department. He is also participating in a promotional program within his department and this date is detrimental to his effort. Williams relayed to the Board that this was his third attempt, not his first attempt, so he should be aware of the process and the needed reference materials.

Roegner asked Tom Felling, Board attorney, if the 60-day waiting period is defensible since it isn't a rule. Felling stated that the waiting period was agreed upon by the Board but isn't a rule. There could be an issue legally. Felling suggested the Board may want to pursue rulemaking to formalize the policy.

Roegner stated that perhaps the Education and Research Committee should make this decision. The Board discussed this issue. Williams stated the 60-day policy was employed so that the candidate had 30 days to schedule a review and to prevent a revolving door situation.

Roegner made a motion that the Board approve a waiver to the 60-day waiting period and allow Mr. Roberts to retake his exam after 30 days. If he decides to review the exam, the 30-day period starts from the date of the review. Crofts seconded the motion and the motion carried.

Couch questioned the passing rate of the Fire I exam.

Item 7 – On-Going Business

A. Residential Changeout Inspector Update

Bill Murchison presented an update on the Residential Changeout Inspector certification. The Committee has decided to have two main parts, online and classroom. The online portion will be required before the standard course is taken. The online course will provide some general knowledge information. The classroom course will discuss codes, alternate materials, occupancy types, and other introductory topics. Murchison stated the classroom course is anticipated to be 4 days in length. A draft should be available in October and a prototype available to test in late November. The end of course test is anticipated to contain 80 questions in 2 ½ hours. The state exam is expected to contain 150 questions in 3 ½ hours.

B. Update - Residential Changeout Inspector Rules

Tom Felling presented an update on the Residential Changeout Inspector (RCI) rules. He stated that no comments were received, and the Board held the public hearing earlier just before the Board meeting today. He stated the comment period is open until May 15, 2020.

C. Update - Temporary Rule Filing

Felling reported that Temporary certificates were issued through an emergency rule taken by the Board. Temporary rulemaking is necessary when an emergency rule action is taken. A public hearing is scheduled for May 6th and the public comment period closes May 12, 2020.

The Board will need to meet after May 15, 2020 to formally adopt both sets of rules.

Felling stated that he had worked with staff and the NCDOI legislative staff to craft language to extend probationary certificates for a specific period of time so that a legislative option could be pursued at the same time as the temporary rule adoption. It is possible that the temporary rules on the Temporary Certificate may not be necessary depending on legislature actions.

K. Williams asked Felling if the Temporary certificate emergency rule would be voided if the legislative action taken is for a shorter time? He replied no.

Item 8 – Staff Report

A. Director's Report

K. Williams reported that NCDOI sent a request to PSI to exercise the second-year extension option. This request went out April 1, 2020. The extension of the contract allows for development of the new Residential Changeout Inspector certification and testing which will become a part of a new RFP in the future.

K. Williams reported that Terri Tart had been training an additional NCDOI staff member to assist in the processing of standard and probationary applications.

K. Williams reported that thousands of emails have been used to keep the inspection community current on all aspects of the certification program, including the changes regarding renewals and testing, guidance on inspections and Live Remote options, and reminders.

K. Williams reported she postponed her retirement due to the extra challenges presented by COVID-19.

B. Examination Section

Rich Hall gave the report on the quarterly exam results. He stated that the information contained in the table doesn't give you a very good picture of the interworking of the test banks themselves. He is working on validation of the end-of-course exam for Fire I. Due to COVID-19, they will be conducting the validation online through Moodle.

He reported he is now handling exam reviews. He reviewed the following information.

Week	Reviews Performed	Forwarded to consultants
1/27	4	3
2/3	5	4
2/10	3	2
2/17	3	1
2/24	4	3
3/2	5	4
3/9	3	1
3/16	2	1
QTR	29	19

Hall reported on the RCI end-of-course exam. He reported they have approximately 250 questions which includes residential and electrical. They still need questions for mechanical and plumbing.

B. Certification Report – Terri Tart

Tart reported on the number and type of applications received this quarter. She attributed the decline of applications to the coronavirus. However, jurisdictions are hiring to meet the inspection demand and to replace those retiring.

Tart reported there are 2,565 active probationary certificates, 6,513 active standard certificates. There is a total of 9,089 active certificates.

Tart reported the number of expired probationary certificates this quarter is 86.

Education Report – Beth Williams

B. Williams report a Standard Online Instructor Course was completed with two new instructors. Josh Queen (Fire) and Matthew Sullivan (Law and Admin).

B. Williams reported she and Hejduk are currently working with the Residential Change-out Inspector working group on course/module development in order to implement and roll-out the mandated course for this standard certification.

Statistics Period: January 1, 2020 – March 31, 2020

CONTINUING EDUCATION COURSES	
Courses Submitted Denied	30
Courses Approved	46
Course Rosters Submitted	152
New Con. Ed. Sponsors Approved	3
New Con. Ed. Instructors Approved	2

Currently 4,836 standard certificates out of 6,465 have met CE requirements for 2020 (75%)

STANDARD EDUCATION COURSES			
Area	Course Count	Total # Students (avr. class)	Total # Students
Law and Admin	8		
Building	12	6	73
Electrical	15	4	63
Fire	23	9	186
Mechanical	7	7	51
Plumbing	7	4	30
Total Courses Held	72		
Courses Canceled	5		
Standard Courses Scheduled	59		
Standard Course Grades Pending	11		

Investigations

Investigation Reports – Sam Whittington

Case #519 – Lenoir County Inspection Department

Whittington presented the complaint items to the Board, and stated it was more of a Manufactured Housing issue. The home was certified for installation in a 90 Mile per hour wind zone. The label was in place at the dealership but missing at an inspection by the Manufactured Housing Board Staff. There is no evidence of when the label was removed and what label may have been in place at the time of the department's inspection. A mitigating fact in the case is the jurisdiction has added the certification numbers to the permit for cross reference at the final in an effort to prevent this situation in the future. Staff recommended a finding of no basis in fact for the Lenoir County inspectors. McIntosh made a motion to accept the staff's recommendation of no basis in fact. Crofts seconded the motion and the motion carried.

Case #521 – Kernersville Inspection Department

Whittington presented the complaint items to the Board and the staff recommended basis in fact and to issue a Letter of Caution to Mr. Marion and Mr. Bracken . The evidence supported that some inspections above certification were made. However, the inspections were mitigated by the fact that these were partitions and changeouts, not new construction, and there were no life safety implications raised. The Board members asked many questions. Roegner made a motion to accept the staff's recommendation of basis in fact and issue Letters of Caution. Kelly seconded the motion and the motion carried. Couch added that he thought it was a very fair outcome based on the situation.

Investigations Report – Thomas Cooney

Case #499 - Evans

Cooney presented the complaint items to the Board and the staff recommended no basis in fact for Evans. Mr. Harris has retired and is no longer a Certificate holder. Roegner made a motion to accept the staff's recommendation of no basis in fact. Crofts seconded the motion and the motion carried.

Case #505 – Horne

Cooney presented the complaint items to the Board and the staff recommended no basis for a hearing. Roegner made a motion to accept staff's recommendation. Crofts seconded the motion and the motion carried.

Cooney also reported there are 3 outstanding complaints that have open permits. There are several complaints that require sight visits and they are unable to perform those site visits at this time.

The meeting was adjourned.