

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

January 22, 2013

The quarterly meeting of the NC Code Officials Qualification Board was held at 1:00 PM on Tuesday, January 22, 2013 at the Board's office at 322 Chapanoke Road in Raleigh, NC.

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

Dean Barbour	Allen Kelly
Richard Blackburn	John Kirkland
Richard Ducker	Hayden Lutterloh, III
Valoree Eikinas	Tracy McPherson
Mark Hicks	Christian Noles
Jerry Jones	Ray Rice

Members absent:

Ronnie Bailey
Charles Horne
Andy Matthews
Robert Nunez
Sherrill Smith
Ken Stafford
Bill Thunberg

Others in attendance were as follows:

Samantha Ewens	Department of Insurance	Raleigh, NC
Kathy Williams	Department of Insurance	Raleigh, NC
Suzanne Taylor	Department of Insurance	Raleigh, NC
Cliff Isaac	Department of Insurance	Raleigh, NC
Celestine Phill	Department of Insurance	Raleigh, NC
Sarah van Doornewaard	Department of Insurance	Raleigh, NC
Bobby Croom	Department of Justice	Raleigh, NC
Allison Naftel	City of Charlotte	Charlotte, NC
Michael Hogan	City of Charlotte	Charlotte, NC
Henry Gorham	Attorney	Raleigh, NC
David Francis	Pinebluff Inspections Department	Pinebluff, NC
Michelle Porter	ICC	Birmingham, AL
Timothy Evans	Town of Holden Beach	Holden Beach, NC
Adam Lovelady	UNC School of Government	Chapel Hill, NC

Preliminary Matters

Chairman Hayden Lutterloh presided over the meeting and welcomed guests. Mr. Lutterloh noted a new Board member, Mr. Christian Noles who is replacing Tim Bradley. He asked the Board members to introduce themselves.

Item 1: Election of Secretary

Mr. Blackburn nominated Mr. Chris Noles for Secretary of the Board. Mr. Barbour seconded the motion. Mr. Kelly motioned for the nominations to be closed Ms. Eikinas seconded the motion. The motion was approved to have Mr. Chris Noles as Secretary of the NC Code Officials Qualification Board.

Item 2: Approval of October 23, 2012 Minutes

Mr. Rice made a motion to approve the minutes of the October 23, 2012 Board meeting. Mr. Kelly seconded the motion. The motion was approved.

Item 3: Approval of New Standard Certificate Applicants

Mr. Kirkland made a motion that the Board grant Standard Inspection Certificates to those applicants who have met the Board's education, experience, and examination requirements as contained in 11 NCAC 08 .0706. The applicants are listed in an attachment to the minutes. Ms. Eikinas seconded the motion. The motion was approved.

Fifth Level III Standard Inspection Certificate

Mr. David Allan Francis is receiving his fifth Level III certificate today.

Item 4: 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 has not met and has no report, but there is an update. Please see Item 6: Other Items – Item A
- d) Qualification and Evaluation Committee: The committee had not met and had no report.

Item 5: Staff Reports

Samantha Ewens made the following Director's Report

Conflicts of Interest of Board Members

Per the Chairman's request, portions of the North Carolina Ethics Commission evaluations of real or potential conflicts of interest for the following Board members will be read into the record:

Clarence Allen Kelly
Nathan Andrew Matthews
Gerald A. Jones, Jr.
Christian M. Noles

Conflicts of Interest noted under Item 6: Other Items – Item B

Standard Exam Updates

The NC Electrical Inspector Certification Exams will be updated to reference the 2011 National Electrical Code beginning March 1, 2013. Staff members have received updated course materials for the Standard Courses and are in the process of getting those posted to the website.

A message will be sent to all Directors of Inspection noting the change.

Fire Exam Security Breach

On November 8, 2012 an applicant appeared at a Pearson VUE testing center to challenge a score of 69 on the Fire I exam. He left the testing center with a hand-written copy of 10 test questions. Staff was notified of this breach on or about December 18th, after the applicant mailed the questions and his challenges in to ICC. After reviewing the materials available and after speaking with the applicant, staff determined that he was following instructions of the proctor on site and did not intentionally jeopardize the security of the exam.

The ten questions were removed from all Fire exams (Levels I, II and III) by December 20th and substituted with new questions from the test bank. No interruption of the exams was required.

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

PROBATIONARY CERTIFICATES

Probationary certificates are valid for a period of two years. Notices of expiration are sent to each inspector and his or her City or County Manager. Eighty-three probationary certificates expired this quarter.

STANDARD CERTIFICATE TESTING –October 10, 2012 – January 8, 2013

Examination Summary

<u>Area/Level</u>	<u>Number Taking</u>	<u>Number Passing</u>	<u>% Passing</u>	<u>High Score</u>	<u>Low Score</u>
Building Inspector I	10	8*	80	97	64
Building Inspector II	7	5	71	86	60
Building Inspector III	8	8	100	84	72
Electrical Inspector I	5	1	20	83	47
Electrical Inspector II	6	2	33	71	64
Electrical Inspector III	13	4	31	85	41
Fire Inspector I	38	30	79	100	47
Fire Inspector II	14	14	100	97	70
Fire Inspector III	13	11	85	93	64
Mechanical Inspector I	5	5	100	94	73
Mechanical Inspector II	4	4	100	87	71
Mechanical Inspector III	3	3	100	78	73
Plumbing Inspector I	6	6	100	98	77
Plumbing Inspector II	5	5	100	93	72
Plumbing Inspector III	6	6	100	87	77
Totals	143	112	78		

* Three BI exams were taken as part of disciplinary actions and so did not result in a certificate issuance, even though all three inspectors passed the exam.

Standard Certificates Earned

<u>Area</u>	<u>Active Inspectors</u>	<u>Pre- Qualification</u>	<u>Reciprocity</u>
	GS 143-151.13(a)	GS 143-151.13(a)	GS 143-151.14
Building	18	0	2
Electrical	7	0	0
Fire	50	5	0
Mechanical	12	0	0
Plumbing	17	0	1
Totals	104	5	3

Fifth Level III Standard Inspection Certificate

Mr. David Allan Francis is receiving his fifth Level III certificate today, in the Fire trade. Mr. Francis has been a certified inspector since 2003 and currently works for the Pinebluff Building Inspections Department. Mr. Francis is the 219th inspector to earn this achievement.

Exam Complaint Summary

The staff received three complaints concerning exams conducted this quarter. All three complaints dealt with applicants unable to schedule an exam due to a discrepancy in their eligibility status. One complaint was resolved the same day, one took two days to resolve, and one took nine days.

Reciprocity Challenge

See Part C under Other Items, below.

EDUCATION SECTION

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

These statistics run from October 20, 2012 – January 17, 2013. We have 54 Continuing Education courses that were approved for the period, as well as two New Instructors approved, and three new Sponsors approved. There were a total of 72 Continuing Education Course Rosters submitted. There were a total of two courses approved in multiple trades.

There were 53 total Standard Courses scheduled for the period, 10 for Building, 10 for Electrical, 13 for Fire, 8 for Mechanical, 7 for Plumbing, and 5 for Law and Administration. A total of 22 Standard courses were canceled for the period. There were 38 Standard Course grades that we have received, and there are 11 Standard Course grades still pending for the period.

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.

Instructor Certification Workshop

The Standard Code Course Instructor Certification Workshop was held on Thursday, January 17, 2012. Due to the small number of attendees, the venue and time of the workshop were changed. The workshop was held in the 2nd floor Engineering Conference Room from 10:00am – 3:00 p.m. Two people attended and were certified in the areas of Fire and Plumbing individually.

Continuing Education Workshop

Continuing Education Workshop, previously the Sponsor Workshop, is scheduled for Thursday, January 24, 2013. The workshop will provide attendees with an overview of the history and importance of the Continuing Education program, as well as in-depth training in the use of the newly implemented web-based system that will provide for the submission, approval, scheduling and reporting of CE and Standard Code courses.

INVESTIGATIONS AND HEARINGS

Suzanne Taylor made the following report concerning investigations to the Board.

Investigations Begun – Not Completed

Baldwin vs. Gentry
Senger vs. Franklin County

Parulis vs. Onslow (2nd complaint)

Investigations Begun – No Basis in Fact

Rivera vs. Wake County

Mr. Christian Noles recused himself from voting on Rivera vs. Altman
Mr. Christian Noles recused himself from voting on Rivera vs. Wilkerson
Mr. Dean Barbour recused himself from voting on Rivera vs. Altman
Mr. Dean Barbour recused himself from voting on Rivera vs. Wilkerson

Mr. Kirkland motioned to accept the report Rivera vs. Altman as No Basis In Fact. Mr. Kelly seconded the motion. The motion was approved.

Mr. Blackburn motioned to accept the report Rivera vs. Wilkerson as No Basis in Fact. Mr. Ducker seconded the motion. The motion was approved.

Cliff Isaac made the following report concerning investigations to the Board

Humphrey vs. Harrell

Mr. Kirkland motioned to accept the report as No Basis in Fact. Mr. Jones seconded the motion. The motion was approved.

Investigations Begun – Basis in Fact

Varma vs. Chapel Hill

Mr. Lutterloh stated that the No Basis in Fact needs to be presented.

VOLUNTARY SETTLEMENT AGREEMENTS

None

CONSENT AGREEMENTS

Bobby Croom made the following report concerning investigations to the Board

Scion Anthony Wicker – Docket 104

The consent order states that Mr. Wicker shall attend and pass a Law & Administration class within six months. The Board shall issue a letter of Caution to Mr. Wicker cautioning him to use greater care in conducting inspections.

David Meacham Stanley – Docket 105

The consent order states that that Mr. Stanley shall attend and pass a Law & Administration class within six months. The Board shall issue a letter of Caution to Mr. Stanley cautioning him to use greater care in conducting inspections.

Mr. Christian Noles recused himself from voting on the Consent Agreements for Mr. Wicker and Mr. Stanley.

Mr. Kirkland motioned to accept the consent order for Mr. Wicker and Mr. Stanley. Mr. Rice seconded the motion. The motion was approved by all.

DISCIPLINARY HEARINGS

Seascape vs. Aycock
Smith vs. Aycock

Item 6: Other Items

Item A: Evaluation and Research Committee Update:

Ms. McPherson has been working with staff regarding continuing research of course cancellations. The first time the surveys were sent out there was a low response; it was probably due to the fact that the surveys were sent out during the summer. The surveys were sent out again, and there was a better response. There were two conference calls where more than 15 colleges participated to receive feedback with the situation of course cancellations. Ms. McPherson would like to call a committee meeting to look and compile the information that has been received, and present a recommendation at the next Board meeting.

Item B: Evaluations of Statement of Economic Interests

The following information was taken from the State Ethics Commission letter:

Clarence Allen Kelly

Mr. Kelly will serve as a licensed heating contractor on the Board. He is the Owner and President of Allen Kelly & Company, Inc., and his company regularly works with code enforcement officials. Accordingly, he has the potential for a conflict of interest, and should exercise appropriate caution in the performance of his official duties. This would include recusing himself to the extent that those interests would influence or could reasonably appear to influence his actions.

Nathan Andrew Matthews

Mr. Matthews will serve as a licensed general contractor on the Board. He is the Executive Vice President of Matthews Construction Company, Inc., and his company regularly works with code enforcement officials. Accordingly, he has the potential for a conflict of interest, and should exercise appropriate caution in the performance of his official duties. This would include recusing himself to the extent that those interests would influence or could reasonably appear to influence his actions.

Gerald A. Jones, Jr.

Mayor Jones is the Mayor of Morehead City and will fill the role of an elected official representing a city with a population over 5,000. Since local governmental entities employ inspectors, Mayor Jones should exercise appropriate caution in the performance of his public duties should code enforcement officials of Morehead City come before the board for official action. This would include recusing himself to the extent that this interest would influence or could reasonably appear to influence his actions.

Christian M. Noles

State Ethics Commission did not find an actual conflict of interest or the potential for a conflict of interest. In addition to conflicts standards noted above, N.C.G.S. §138A-32 prohibits public servants from accepting gifts, directly or indirectly (1) from anyone in return for being influenced in the discharge of the official responsibilities, (2) from a lobbyist or lobbyist principal or (3) from a person or entity which is doing or seeking to do business with the public servant's agency, is regulated or controlled by the public servant's agency, or has particular financial interests that may be affected by the public servant's official actions. Exceptions to the gifts restrictions are set out in N.C.G.S. §138A-32(e).

Item C: Reciprocity Appeal

Mr. Michael Corey Hogan is here today to appeal a staff decision to deny his request for reciprocity for a Standard Building Level 1 Certificate. Mr. Hogan currently holds a New York State Certified Code Enforcement Official certification. Staff determined that the New York program was not equivalent to the North Carolina program because it did not have any experience requirement and therefore denied his request. Staff also determined he is qualified to take the NC Standard Building Level 1 State exam, as long as he takes the courses.

Mr. Hogan provided a brief explanation of his experience, and why his experience and his certifications in New York are equivalent to receive reciprocity in North Carolina.

For reference:

§143-151.14 states, in part:

The Board may, without requiring an examination, grant a standard certificate as a qualified Code-enforcement official to any person who, at the time of application, is certified as a qualified Code-enforcement official by a similar board of another state, district or territory where standards are acceptable to the Board and not lower than those required by this article.

11 NCAC 08 .0707(c) states, in part:

Pursuant to GS 143-151.14, the Board will, without requiring an examination, issue a standard certificate to any person who successfully completes the Board's prescribed short course concerning state building code regulations and code enforcement administration and who holds a currently valid certificates as a qualified code enforcement official from another state or territory whose standards are acceptable to the Board and not lower than those required of North Carolina applicants.

Mr. Ducker motioned to deny reciprocity. Mr. Barbour seconded the motion. The motion was approved.

Ms. McPherson recused herself from voting on the reciprocity matter.

Item D: Testing Concerns

Mr. Lutterloh had previously asked Staff to contact the International Code Council, so they may answer questions that the Board may have regarding test security/breaches.

Ms. Michelle Porter appeared at the meeting, representing International Code Council (ICC) apologized to the Board for the security breaches, and answered questions that the Board had concerning the breaches and other general questions about the exam review process and exam questions.

Adjournment

Mr. Kirkland motioned for the meeting to be adjourned. Ms. Eikinas seconded the motion. There being no further business, the meeting was adjourned by Hayden Lutterloh.

Respectfully submitted,



Christian Noles
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

Tina Maria Alexander
Clarence Lamonte Harris
Brian Keith Heilig
David George Leonetti
Wilbert C Pratt

Building Level II

Allen Thomas Cooley
Travis Evan Dalton
Kelly Hunter Harwood
Susan Lopez Hickman
Brian Thibideaux Thompson

Building Level III

Dennis Kerr Bordeaux
Michael Rand Buffett
Melanie Bodenheimer Butler
Michael Allen Cook
Eric James Evans
Kenneth Lloyd Morrison
Walter Coleman Perkinson
William Troy Wood

Electrical Level I

Gregory Scott Parr

Electrical Level II

Crystal Gail Lyda
Brian Thibideaux Thompson

Electrical Level III

Larry David Blickenstaff
Michael Rand Buffett
Eddie Lynn Gamer
Jeffrey Ryan Simpson

Fire Level I

Wesley Graham Blackwelder
Adam Timothy Brown
Barry Christopher Byrd
Joshua Trey Cash
Ricky Lee Casstevens
Richard S. Childres
Christopher Edward Cieszko
Alan T. Holleman
Joshua Hunter Keeton
Kevin Wayne Kimball
Dustin Blake Ladd
Brandon Jay Link
Adam Doston Lockhart

Fire Level I, cont.

Kevin Paul Lowther
David B. Mastin
Patrick Wayne McDonald
David Gordon Moore
Kenneth Lloyd Morrison
Joshua Adam Owens
Rickey Allan Rhoney
Robert Gerald Shackelford
Mason D. Smith
Chase C. Swaim
Michael Leland Tucker
Bradley Alan Watson
Brandon G. Watson

Fire Level II

Ebenezer, Adesiyan
Jody Allen Bell
Melvin Eugene Burris
Gary Lee Cannon
James William Farley
Avelino Marc Fernandez
Michael D. Flippin
Ryan Jesse Harrelson
Daniel David Kelley
Michael Lenwood Smith
Zachary Taylor Smith
Mark Anthony Thompson
Bryan L. Willard
Jason Wade Williams

Fire Level III

Barry Edwin Alston
Gregory Lee Britt
Robert Bennett Carmon
Jason Alan Fariss
David Allen Francis
John Alexander Heinan
Tabitha Jane Patton
Joseph Marvin Register
Wayne Robert Sherrod
Jeffrey Aaron Youngblood

Mechanical Level I

Sergio Borraro
Lewis Winfred Costin
Shawn Dwight Lucas
Gregory Scott Parr
Ronnie Leonard Tipton

Mechanical Level II

Gary Dean Holland
Daniel Jeromy Pope
Hans E. Schult
Brian Thibideaux Thompson

Mechanical Level III

Jonathan Nigel Briggs
Eric James Evans
William Dale Gibert

Plumbing Level I

Clint Keith Houser
Tomasine Keala Jones
Robert Stanley Michaleski
Gregory Scott Parr
Dwight Douglas Smith
Ronnie Leonard Tipton

Plumbing Level II

David Samuel Holland
Daniel Jeromy Pope
John Michael Roper
Brian Thibideaux Thompson
Timothy Glenn Vaughan

Plumbing Level III

Dennis Kerr Bordeaux
Brady Mitchell Byrd
Brian Kelley Dillon
Jessie Scott Lowder
Keith Leo Marion
David Eugene Ricks

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.

James Bradley Benton	Fire Prevention I
Matthew Ward Holland	Fire Prevention I
Chad Jason Houston	Fire Prevention I
Steve Anthony Kiddy	Fire Prevention I
Kim Lerch Fleitman	Fire Prevention III

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.

Douglas Eugene Maples	Building III	Utah
Douglas Eugene Maples	Plumbing II	Utah
Patrick Joseph Moran	Building III	Florida