

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

January 22, 2019

The quarterly meeting of the NC Code Officials Qualification Board was held at 1:00 P.M. on Tuesday, January 22, 2019 in the Albemarle Building Training Room 245 at 325 N Salisbury St, Raleigh, NC 27603.

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

Chairman Thunberg asked each member of the Board to introduce themselves for the roll call and asked each member of the Board to state whether they had actual or potential conflicts of interest for any items on the agenda. No potential conflicts of interest were announced. Chairman Thunberg introduced one new member to the Board. Richard White is the Town Manager for Elon, NC for five years. He was sworn in by Judge Brown.

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

Richard Ducker	Bill Thunberg
Ken Stafford	Helen McIntosh
Allen Kelly	Cliff Isaac
Jeff Griffin	Ray Rice
James Steele	Thomas Bender
Tracy McPherson	Danny Couch
Richard White	Fleming El-Amin

The following member of the NC Code Officials Qualification Board were not present:

Mack Summey	Lance Olive
Andy Matthews	Mark Smith
Dan Brummitt	Taber Abu-Lebdeh
	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
Sam Whittington	Department of Insurance	Raleigh, NC
Tom Cooney	Department of Insurance	Raleigh, NC
Tom Felling	Department of Justice	Raleigh, NC
Rob Roegner	Department of Insurance	Raleigh, NC
Beth Williams	Department of Insurance	Raleigh, NC
Rich Hall	Department of Insurance	Raleigh, NC
Charlie Johnson	Department of Insurance	Raleigh, NC
Patrick Granson	Mecklenburg County Insp. Dept.	Charlotte, NC

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

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

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

No members identified a conflict of interest.

Item 2- Approval of Minutes

Modify October 23, 2018 minutes to show that Fleming El-Amin was present at the board meeting.

October 23, 2018 North Carolina Code Officials Qualifications Board Minutes

Thunberg made a motion to approve the minutes, second by Fleming El-Amin and it was approved by the Board.

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

Recipient

Richard Cox received his Fire III Certificate in December 2018. Richard is an inspector with the Currituck County Inspections Department. Joseph Cunningham from City of Fayetteville Inspections Department, John Hyatt from City of High Point Inspections Department, Jarrett Miller Catawba County Inspections Department, Patrick Moran from Mecklenberg County Inspections Department, Charlie Norris from Johnston County Inspections Department, William Tate Town of Nags Head.

Agenda Item 4 – Public Comment

No public comments were provided.

Agenda Item 5 – Committee Reports

Executive Committee has not met and has no report.

Policies and Procedures – Ken Stafford is chairman.

Stafford reported the committee met and discussed topics on re-adoption of board rules. Tom Felling, board attorney, presented detailed information on that he will go over the rule re-adoption items in the On-Going Business section of the agenda. The committee also discussed adding a new inspector inspection category, residential changeout certificate, which would apply to performing inspections in coordination with appliance change outs. This additional certification would be defined by Policies and Procedures Committee.

Cliff Isaac spoke about it in more detail.

Isaac reported that 80% of the inspection departments are next day inspections and 100% of inspection departments are two-day inspections. There is a need for this type of certification. It will increase inspection response time overall and provides a timely inspection for owners and contractors. The residential change-out inspector would require a statute change for this to happen and this additional certification would be defined by Policies and Procedures Committee. The intent is to allow all single-phase electrical and mechanical change outs for single-family dwellings, condos, townhomes and possibly apartments. This would provide a vehicle for home inspectors and technicians to perform these inspections and as well as individuals to perform this work through AHJs and contracts. This would speed up the process in completing inspections for single-family dwellings.

A course would need to be developed. Individuals would have to complete the Law and Admin course in addition to a technical course.

Clarification was given to new board members about the change out system process, level of certification, single-phase, and educational institution.

Ken Stafford stated the Policies and Procedures Committee recommends the Board endorse and support the Fire Marshal's proposal to develop this new residential changeout certification as a proposed statutory change.

Chairman Thunberg asked each member their thoughts on the new certification. There were no objections.

Williams reported that she had no objections to the new certification as long as the application of the certificate is clear and concise. Hejduk stated that there will be a lot of details to work out to develop a training program for this certification if approved. Beth Williams agreed with Hejduk.

Amy Britt, Brunswick County Insp. Dept., addressed the Board regarding the certification. She commented that she thinks it is a great idea. She hopes the time required to achieve the certification will be shorter than the existing probationary certifications in place.

Ken Stafford made a motion to support the Fire Marshal's proposal to develop the new residential changeout certification as a proposed statutory change. Bender seconded the motion and the motion carried.

Education and Research – Tracy McPherson, Chairman

The committee has not met and there is nothing to report at this time.

Qualification and Evaluation – Ray Rice is chairman. Rice reported the committee had a conference call to review two applications. The Committee approved both applicants. Thunberg appointed Richard White to the Qualification and Evaluation Committee.

Agenda Item 6 – Staff Reports

Director Report – Kathy Williams

Williams introduced Rich Hall as the Board’s program analyst. His primary tasks will be to perform test analysis on exam data. He previously worked with Fire and Rescue within their program and with IFSAC.

Williams also reported on the 2018 Recovery Act which was passed on October 15th. This Act has now ended as of December 31st, 2018.

Examination Report – Kathy Williams

Williams reported that this last quarter has produced that largest number of examinees since we have moved to computerized testing. We had 449 individuals take examinations since October 20, 2018. Fire I, Building I, and Electrical I still have around a 30% pass rate and all others continue to do well. 36 individuals opted to present challenges to the board. All codes have now transitioned to the 2018 codes, as well as the exams. Reviews are performed by the code consultants.

Comments and complaints have been documented. Mostly around tabs, clarification has been provided online. Acceptable tabs are available for purchase through our office.

Williams reported that a server error occurred in the Charlotte testing center which impacted 10 individuals who expected to test on the 2012 NC State Building Codes. Williams had to create 6 different paper and pencil exams on the 2012 exam codes. 8 individuals took the exam in Charlotte, NC and 2 took it at the Board’s office in Raleigh, NC. Williams requested a refund of the exam fee since PSI did not administer the exams.

Bender asked Williams if she is receiving more frequent questions about tabs, indexes or extra pages. Williams responded that tabs is the major complaint. Bender is an advocate of having standardized books at the testing centers if questions/complaints continue or increase.

Griffin asked when the contract with PSI is up. Williams advised that NCDOI can ask for an extension for a year. Thunberg stated he had no objection to extending the contract with PSI.

Certification Report – Terri Tart

Quarter/Year	Probationary Applications	Standard Applications	Pre-Qualification Applications	Total
January 2019	318	264	142	724

Tart reported on the number and type of applications received this quarter. She attributed the influx of applications to the upcoming code changes. Also, jurisdictions are hiring to meet the inspection demand and to replace those retiring. 6 people applied for comity and were approved. Number of applications reviewed are below.

Currently, there are 2,341 active probationary certificates, 6,365 active standard certificates and 19 active limited certificates. There is a total of 8,625 active certificates. Tart also reported that 35 probationary certificates had expired within the last quarter. This is due to the 3-year issuance for probationary certificates. Tart presented the names of those CEOs receiving a standard certificate within the quarter.

Education Report – Beth Williams

Beth Williams reported that the next instructor workshop will be offered online through skype. Williams will also be offering a seminar as a refresher for current instructors. Staff reached out to The College of the Albemarle to offer courses and they have now scheduled courses in answer to this request. Beth congratulated Charlie Johnson created and updating the new 2018 Fire courses.

Combined courses Law and Admin, Building, Electrical, Fire, Mechanical, Plumbing— Total Courses held 62
Total Courses Cancelled—6
Total Number of Students that Attended Courses – 378
Continuing Education
Courses Approved 45 / Courses Denied 48
Course Rosters Submitted 91 / Total CE’s

A 10-minute recess occurred.

Agenda Item 6 – On-Going Business

Rule Re-adoptions -

Stafford introduced the topic of re-adoption of the Board’s Rules and introduced Tom Felling. Felling, Council for the NCOQB, discussed rule re-adoptions. There are four rules for re-adoptions and two of the rule changes were from House Bill 948 which addressed the comity statute as well as reactivation requirements for inactive code enforcement officials. Three of the four rules have very minor revisions.

Few changes were made to 11 NCAC 08.0602 and 11 NCAC 08.0708. 11 NCAC 08.0714 has some changes to the definitions and the reactivation hour requirements were updated. 11 NCAC 08.0707 concerns comity and has more substantial changes. All changes were submitted to Amanda Reader, attorney for the Rules Review Commission for a preview review and comments. She provided a list of comments, suggestions, and questions regarding the submittals. Suggestions were made to streamline the verbiage of the rules and delete items that already mimic current statutes.

Felling stated that if the Board agrees to readopt the rules as shown, the comment period and the public period sync up good with our next scheduled board meeting.

White asked why the number of CE hours was changed? Felling stated that the General Statute changed the number of CE hours required to reactivate a certificate and the change to the rule was done to agree with that. Stafford added that the previous number of CE hours was considered burdensome if someone had multiple trades as well as a barrier for individuals to re-enter the inspection industry.

McPherson indicated that GED should be removed and replace with high school equivalency. Thunberg asked Felling to make the change.

Stafford motioned to approve the text and submit the notice of text to the Office of Administrative Hearings. El-Amin second the motion. The Board approved the motion.

Update on Section 107 Ad-Hoc Committee

Stafford updated the Board on the activities of the Ad Hoc meeting. The next meeting is March 11th at 9:00 AM and will probably be the last meeting. The committee discussed the eight allowable inspections, remote live inspections, design professional inspection form and other topics.

Stafford reported the Committee asked the NC Code Officials Qualification Board to provide some guidance to inspector advising what might cause them to lose their inspector certification.

Education Report – Mike Hejduk

Mike Hejduk made a presentation to the Board. There are 3 main fronts to focus on. BCC says they will provide new courses for the new codes. This was performed through the OSFM Code College. The emphasis of these programs is for code officials. To receive credit, you will need a login account.

GS 143.151.13A requires professional development hours. This doesn't specific include the standard courses. For the online college, there are more rules regarding distance learning. There is a test at the end of online training. There is no test for the classroom training. We will need to conform to these rules.

Hejduk demonstrated how to enroll in a CE course using Moodle.

Thunberg asked how could the Board help? Hejduk stated there is a need to create permanent rules for standard courses and to develop the curriculum for the new residential change-out inspector. However, there is no funding for what needs to be done. We are not adequately staffed to perform these duties. The standard course guidelines need to be made rules and the curriculum developed for the new residential change-out certification course.

He further commented that as long as there is appropriations funding, we can use temporary staff. What if the end of course exam was available at the community college? Thunberg asked McPherson to work with Hejduk and Isaac to see if there is anything that can be done to assist with this task.

Brunswick County Inspection Department Presentation

John Hyman is the deputy director of Brunswick County. He introduced Dwight Kidd, Program Analyst with Brunswick County who made a presentation on remote live/video inspections. His research showed that video inspections are being used in many jurisdictions. There's a lot of capital behind this type of industry.

Clark County, Washington was the first jurisdiction to perform remote live video inspections.

He reported that a NFPA white paper findings on remote live video inspections showed the validity of performing live remote video inspections. It does increase efficiency but there must be rules, policies and procedures in place.

Hyman reported they have performed about a dozen of inspections performed in this manner. They have created policies and procedures for type of inspections. They have received a good response from the HVAC contractors. However, one of the remote live hurdles is connectivity. You need to be in a 4G service area.

Brunswick County allows 30 minutes for each inspection. Hyman shows recordings of two video inspections.

Brunswick County can do twice as many inspections by doing remote live inspections and prevent delays due to weather.

Thunberg asked about saving the video. They have no policy on keeping the video.

Hyman further stated the biggest problem with the change out of an appliance is verifying the wire size. Brunswick County is thinking of using an auditing system to verify a certain percentage of installations.

There were many questions from the Board. In general all comments were positive towards using the remote live inspections for specific inspections and with good camera lens.

Isaac commented that he believes the QBoard rules do not exclude the use of this technology when making an inspection.

Joseph Starling, the State Electrical Inspector, commented that the environment needs to be assessed as well. The materials being used need to be listed. Starling likes the inspector and the department working together to determine when this technology-based inspection is appropriate, but doesn't want this to turn into someone covering up work but they took a video before it was covered up.

Thunberg thanked Hyman and we need to work together to minimize any lapse in safety. Isaac commented that he would not pursue this type of inspection on gas appliances. The inspector makes that decision on what is eligible for remote inspections. Steele is encouraged to hear about this type of inspector for electrical contracting. There are digital torque wrenches to show tightness. This will reduce costs for contracts as well.

Thunberg stated that the Board would not endorse anything that will have a negative impact on safety. Isaac suggested to Hyman to continue to develop the program and then report back in the middle of summer on how the program is working.

Investigation Report – Sam Whittington and Tom Cooney

Sam Whittington case:

Case 465 – Mr. Hayes inspected a hospital in Belhaven, NC. He addressed the Board and asked for the case to be dismissed. He has been financially harmed by the VSA. He has taken the required courses but failed the state exam. The VSA expired November, 2018.

Isaac made a motion to extend the VSA to November, 2019 while the Board reviews the case details to decide how the Board should proceed. Rice seconded the motion and the motion carried.

Case 489 – New Hanover County. The roof replacement was performed 10 years ago and wasn't flashed. Most inspection departments do not allow inspectors to walk on roofs. The inspector who performed the inspection is no longer an inspector. The current inspector issued the permit. Whittington's finding is no basis in fact.

Kelly made a motion to accept the no basis in fact finding. Rice seconded the motion and the motion carried.

Tom Cooney case:

Case – 491 Cauble (Kiker) – With this case Mr. Cauble initially failed a rough-in inspection related to the HVAC duct work in the walls and above the ceiling. Within a day or two Mr. Cauble was called back to perform the reinspection and at that time it was noted that the duct work had been partially covered by the sheetrock contractor. Mr. Cauble being told that repairs to the duct work had been done prior to the sheetrock covering the work that was now inaccessible. Mr. Cauble, by his own admission, stated that he did not actually see or verify that the corrections had been made but still approved the rough in inspection. Staff found that there was a basis for a hearing and negotiated a Voluntary Settlement Agreement (VSA) with Mr. Cauble. That agreement was for Mr. Cauble to retake the Law and Administration training and pass that class within one year from the execution of the VSA.

Isaac suggested that a Letter of Caution may be more appropriate as a point of discussion.

Cooney explained he was proposing the VSA based on previous Board history. Whittington further explains that he didn't miss the code defect but elected to approve even though it had been covered up and he didn't see the correction.

Rice made a motion to accept the staff's recommendation of finding of basis and accept the VSA (Voluntary Settlement Agreement), and complete/pass the Building Level I. Griffin seconded the motion and the motion carried.

El-Amin made a motion to adjourn. Isaac seconded the motion and the motion carried.

The meeting was adjourned.