

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

**January 23, 2018**

The quarterly meeting of the NC Code Officials Qualification Board was held at 1:00 P.M. on Tuesday, January 23, 2018 in the Albemarle Building Training Room 240 at 325 N Salisbury St, Raleigh, NC 27603.

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

Richard Ducker	Dan Brummitt	Cliff Isaac	Andy Matthews
Ken Stafford	Jeff Griffin	Ray Rice	(teleconference)
Chris Raynor	James Steele	Brenda Lyerly	Lance Olive
Allen Kelly	Mack Summey (teleconference)	(teleconference)	(teleconference)

Members absent:

Taher Abu-Lebdeh	Mark Smith	Bill Thunberg
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
Bobby Croom	Department of Justice	Raleigh, NC
Michael Slate	Brunswick County Insp. Dept.	Bolivia, NC
Andrew Thompson	Brunswick County Insp. Dept.	Bolivia, NC
Don Sheffield	Greensboro Insp. Dept.	Greensboro, NC
Tim Minton	NC Home Builders Assn.	Raleigh, NC
Robert Privett	NC Home Builders Assn.	Raleigh, NC
Steven Webb	NC Home Builders Assn.	Raleigh, NC
Leon Skinner	Raleigh Insp. Dept.	Raleigh, NC
Hamid Dolikhani	Raleigh Insp. Dept.	Raleigh, NC
Billy Graham	Complainant	
James Frawley	Wake Technical Community College	

**Preliminary Matters**

Vice-Chairman Ken Stafford convened the meeting and welcomed guests.

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

Chairman Thunberg asked each member of the Board to introduce themselves for the roll call and asked each member of the Board to state whether they had actual or potential conflicts of interest for any items on the agenda. No potential conflicts of interest were announced.

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.

Mr. Steele stated he had a conflict of interest with the Hesse case. Raynor made a motion to recuse Mr. Steele from this case. Mr. Brummitt seconded the motion. The motion was voted on and approved unanimously.

Stafford stated there were no new member appointments but there were staff changes to announce. Jessica Yelverton has left her position as the Education Coordinator. Mr. Bobby Croom is no longer the Board's attorney. Denise Stafford is filling until further notice.

Stafford also announced the changed in rules regarding the issuance of certificates and the extension of probationary certificates. He asked Kathy Williams to comment on this item. Williams stated the effective date for the changes was December 1, 2017. Staff issued 65 standard certificates on December 1, 2017. From that point forward, standard certificates have been issued on a weekly basis. Staff has not received any complaints regarding the process. IT was able to make the 1-year extension electronically and staff is able to use existing software to issue certificates.

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

#### **October 24, 2017 Minutes**

Jeff Griffin made a motion to approve the minutes of the October 24, 2017 regular quarterly Board meeting. Ray Rice seconded the motion. The motion was voted on and approved unanimously.

#### **December 13, 2017 Minutes of the Joint Committee Meeting (Policies & Procedures and Education & Research Committees)**

Allen Kelly made a motion to approve the minutes of the December 13, 2017 Joint Committee meeting. Ray Rice seconded the motion. The motion was voted on and approved unanimously.

### **Item 3: Recognition of Fifth Level III Standard Inspection Certificate**

Vice-Chairman Stafford reported there was one CEO receiving his fifth Level III certificate. Stafford presented the certificate to Joseph Michael Slate who is from the Brunswick County Inspection Department.

### **Item 4: Report on Member Activities**

Stafford discussed the Legislative Select Committee Meeting on Building Reform which met December 13, 2017. The primary focus of the committee is to look at possible changes to improve code delivery on the residential side. Presentations were made by several representatives. The focus of Stafford's report was based on the history of the Board and code. Cliff Isaac also met with Representative Brodie and Representative Ridell and the NC Home Builder's Association (NCHBA).

Stafford asked Isaac to report on his activities. Isaac reported that he has met with Representative Brodie and Representative Ridell and discussed issues concerning HB 255, 252, and 120. Isaac created an Executive Summary on the home building process. He reviewed this document with the NCHBA discussing major issues

going on within the inspection industry and what DOI is doing. He gave examples which included: interpretations, guidance papers, informal review, wedding venues and making inspection department visits. Isaac discussed the Inspector MarketPlace, which provides a platform where a retired inspector can register to provide part-time assistance. Other topics discussed included: code college and online education; NC Code Officials Qualification Board, Building Code Council, General Assembly, NCHBA, city and county jurisdictions, builders, and other stakeholders.

Isaac reported on HB 120 which allows only eight permissible inspections. During the survey, DOI found that some jurisdictions were doing more than the eight allowable inspections. There is a need to clarify misconduct and timely manner. Through the survey we found:

- 1) There is a set of permit holders who do not have adequate supervision and supervisors to manage jobs. Inspectors are being used to build a punch list. The builder is not ready for the called in inspection. How many items can inspectors cite before they can stop? What can be done to clarify this issue? Is there a penalty? Builders and inspectors need to be educated on many different code issues. DOI additional field staff may be warranted so they can go to jurisdictions to help improve consistency. The additional staff can help with builder training as well.
- 2) Some inspection departments report that they are not able to keep their fees to hire additional staff to improve the number of days they are out for inspections.
- 3) Stafford adds that there are few problems on the commercial side. Most problems are on the residential side. Some builders are taking advantage of inspection depts. and putting other builders at a disadvantage.

Isaac reports through an informal survey of the departments visited and found that there are roughly 2.7 – 3 million inspections minus the 107 fire inspections take place every year. The ratio is roughly 12-15 inspections per day per inspector. We have a list of the top 5 residential code violations.

#### **Item 5: Public Comment/ Stakeholder Presentations**

Isaac introduced Mr. Tim Minton, NCHBA, Director of Government Affairs. Minton stated the Association is pleased with the response from NC Department of Insurance and that the Association is glad to talk to builders who aren't performing their jobs correctly. Minton referred to the number of inspections taking place and that there are many inconsistencies occurring among jurisdictions. He stated there are a few jurisdictions that may be ignoring the law or may not know about the rule. The League of Municipalities contacted those jurisdictions that were not following the law. These jurisdictions have agreed to follow the law. Minton asked the Board to send a memo to all code enforcement officials reminding them what the law is and provide an interpretation and include what the consequences are if not following the law. Minton stated he would work with with his members to perform their duties as well. Minton also relayed that NCHBA doesn't want third-party inspections.

Vice-Chairman Stafford asked if there were any other public comments to be made in front of the Board. Brummitt discussed that there are homeowners that choose to do their own work and we need to be aware of this when determining what actions should be made. Policy shouldn't be developed that is too difficult that excludes the homeowner from performing their own work.

Isaac comments that there may be others that DOI can hire to create training for the public for footings, etc. to help the process for all.

Isaac made a motion that the Board send a letter to all inspectors and jurisdictions clarifying the eight inspections and that any additional inspections would be considered courtesy inspections and include the Board could take

action if a code official exceeds the eight allowable inspections. Isaac also added that inspection fees should stay in inspection departments.

Allen Kelly seconded the motion. Ducker commented on the inspection fees portion of the motion. Ducker stated the term “inspection department” isn’t used the same way in each jurisdiction. Mr. Brummitt agreed with Mr. Ducker’s comments. Brummitt thinks more research needs to be done regarding the fee issue. However, Brummitt agreed with the first part of the motion.

Ducker asked Isaac if he would be willing to focus the thrust of his motion on just the eight inspections and postpone the remainder of the second part.

Isaac agreed to amend his motion and dropped the second part of the motion.

Kelly was agreeable to the modification of the motion. The motion carried.

Billy Graham, complainant, addressed the Board. He took out a permit in Guilford County where he was required to state the homeowner’s name. He paid the fees. However, the permit looks like the it was issued to the homeowner instead of him. Graham and the owner had a problem and Graham tried to get the permit revoked. He then discovered the permit was in her name. Whittington did an investigation and found no basis. Graham didn’t agree with his findings.

Stafford stated that the Board had received his complaint and it would be covered in the Investigation Section.

#### **Item 6: Committee Reports:**

##### **Executive Committee:**

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

##### **Joint Committee Meeting (Policies & Procedures and Education & Research Committees)**

Stafford reported that the Joint Committee met to discuss comity and directed staff to take a look at GS143-151-13 and 14 to clarify issues. The minutes of this meeting are included in this report. Stafford reported that staff will have a report at the next meeting.

##### **Education and Research Committee:**

Chris Raynor stated that he met with staff from Wake Technical Community College, NC Community College, City of Raleigh, and NCDOT on January 16<sup>th</sup> and talked about the cancellation of courses. Raynor reported that his suggestion is to form a group of Code Officials in supervisory positions and get an idea of what their needs are so courses will not cancel.

##### **Qualification and Evaluation Committee:**

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

#### **Item 7: Unfinished Business – Update on Rule Changes:**

No report made.

#### **Item 8: Staff Reports**

##### **Director**

The investigator position is still open but expect it to be filled soon. Staff went through two rounds of interviews and three posting. The Education Coordinator position is open as well but other staff are helping staff with education tasks. Bobby Croom is now working with the NC Department of Insurance and that Denise Stafford is

filling in until a new attorney is hired.

Terri and I have been dealing with Temporary Solutions on and off during the past quarter. All forms have been taken care of as far as we know. The required changes occurred due to changes in the Internal Review Service.

Update on Board's rule changes affecting Sections .0602 and .0708. The rule changes were effective December 1, 2017. The one-year extension was made electronically. The standard certificate issue is done weekly.

### **Examination**

Kathy Williams gave the examination report. 201 exams taken within the last quarter. Passing rate for EI, BI, and FI have gone up. 41 exams were reviewed. Reviews are available for those who fail and are free. Williams went over the review percentages. PSI began exam administration on July 1, 2014. The contract is for five years. A new contract will be needed for next year. The NC Department of Insurance and the Board will need to begin work on the RFP.

The Electrical Exam Development Committee met Jan 9-10, 2018 in Raleigh, NC. There were 6 participants. Unfortunately, the group was not able to review all questions during the two-day period. The entire committee took one day to review the questions that were psychometrically deemed as needing additional review. This review included validity and functionality. There was a total of 180 questions. Any unfinished work will be handled internally by DOI staff.

Exam complaints – no true complaints, but when candidates don't show for the exam, they need to get another exam eligibility. IT for DOI and PSI have resolved the problem.

### **Certification**

Terri Tart noted the following quarterly variances: +4% for probationary certificate applications; +10% for standard applications; and -23% for pre-qualification applications. Tart attributed the influx of probationary applications to an increase in hiring across the state. Tart covered the Year-End Review variances: +13% for probationary certificate applications; -17% for standard applications; and +17% for pre-qualification applications. 131 standard certificates were earned this quarter. There are 1,941 active probationary certificates, 6,237 active standard certificates and 28 active limited certificates. There are a total of 8,206 active certificates. Tart also reported that 35 probationary certificates expired within the last quarter. This represents 11.1% of all probationary certificates issued during this quarter in 2015. Tart presented the names of those CEOs receiving a standard certificate within the quarter. 6 individuals met requirements through pre-qualification.

### **Education**

Mike Hejduk made the education report. The number of standard courses is healthy and is meeting demand, however there are some cancellations. There are a significant number of people taking the electrical I courses. Hejduk reported there is approximately 1,500 hours of CE available, which includes standard courses, for renewal purposes. Hejduk reported he will provide a Moodle demonstration for online training.

The Education Coordination spends a lot of time assisting instructors entering the course credits. There is no statutory fee to charge for online courses. Creating the content is a significant challenge. There is no dedicated funding for education. We have received some grant money from the Insurance Association to hire individuals to help with online content. However, we will be relying on Subject Matter Experts who are the chief code consultants for the codes and volunteers to create the online training.

### **Investigations**

Sam Whittington presented four investigation reports.

#477, David Lowman, Rowan County. Whittington found 4 violations. The violations were: inadequate attic access - ladder doesn't meet the floor and wasn't installed per manufacturer instructions; outlet in bathroom was not GFCI protected; crawlspace vent too far from corner; and fall protection. Fall protection is required when outside height exceeds 72" and the inside height is less than 24" and it was found to be 75" on the outside and 22 ½" on the inside and doesn't have the required limiting devices. Given the nature of these violations and the proximity to being in compliance with the code, staff recommended a finding of no-basis. Mr. Brummitt made a motion to accept the recommendation of no-basis and Raynor seconded the motion. The motion was voted on and approved unanimously.

#478 Lilley (Graham): Mr. Graham had previously addressed the board. Mr. Graham was listed as the unlicensed contractor and the owner was listed as the applicant. The application did not specifically state who the applicant was. The General Statute says the permit shall be issued to the applicant. Mr. Graham signed and accepted the permit. He did not contest whose name the permit should be in until later. Staff could not find basis to support a hearing. The permit was for less than \$30,000. Mr. Graham signed both the application and the permit. The application does not specifically state who the applicant is. Isaac interjects the Mr. Graham could have contested the issuance when he signed it and that would have been the appropriate time to do so. Mr. Kelly made a motion to accept the staff's recommendation of no-basis and Brummitt seconded the motion. The motion was voted on and approved unanimously.

#479 Reeves and Tatum in Hope Mills. The complaint surrounds an old house that the lady was living in that was in a state of disrepair. A federal rehab project administered by the county provided \$48,000 to overhaul the house. The owner wanted additional repairs beyond the original scope, many of which were not required by code. Joe Starling Chief Electrical Engineer and another Engineer conducted a site visit and addressed most of her concerns. Two violations were identified. The spigots on the front and rear of the house were not secured to the structure as required by the manufacturer. Secondly, the washing machine is required to be on a 20-amp circuit and nothing outside the laundry room is allowed to be on this circuit. Staff found the garage lights and the flood lights on the front of the house were on this circuit. Due to these limited violations, staff recommended finding of no-basis. It is not known if these violations have been corrected at this time. There are some other issues, a hole in the ceiling, but it was preexisting and not pertinent to the permit or work done. The inspector can't compel compliance. Cliff Isaac made a motion to accept the recommendation of no-basis and Mr. Ducker seconded the motion. The motion was voted on and approved unanimously.

#480 Hesse; Cliff Isaac asked to be recused from voting on Case #480 due to prior information. Mr. Brummitt made a motion to recuse Cliff Isaac from voting on this case. Mr. Ducker seconded the motion. The motion was voted on and approved unanimously. Stephen Scruggs, the complainant, is wheelchair bound and wanted a better bathroom to accommodate his disability. He decided to add a wet room. A wet room is a bathroom that includes a shower and toilet where everything can get wet. Mr. Scruggs originally secured a contractor for the project, but work never started. Mr. Brandon Hesse, Mr. Hesse's son, was then hired to do the work. Mr. Hesse was fully aware that his son was doing the work yet he did the inspections. In reviewing the inspections log, it passed every inspection. Bill Kirk, Chief Residential Code Consultant and Sam Whittington made a site visit. Items 2-9 in the report were verified violations. These include: issues with the anchor bolts, piers, rafters over notched, roof sheathing, serious concerns with load path supporting girders for floor joists, as well as concerns with frost line. Since it hasn't passed final, the frost line issue can be brought into compliance though it is not compliant at this time. That is the only violation not attributed to Mr. Hesse. Whittington recommended to the Board move to a hearing to determine appropriate action.

Ray Rice made a motion to accept the recommendation of basis and Mr. Griffin seconded the motion. Mr. Stafford asked Denise Stanford, council for the Board, what the next steps would be. She stated a Notice of Hearing would be drafted and the licensee would have an opportunity to respond. A Voluntary Settlement Agreement(VSA) could be considered. Mrs. Stanford recommended staff to negotiate with inspector to resolve the issue. Staff did not attempt to negotiate a VSA. Staff was uncertain what would be an appropriate starting

point that would be acceptable to the Board due to the significant structural deficiencies that should never have passed inspection and that it was his son's work. Board discussed options for proceeding. Board decided to move to hearing and direct staff to negotiate a VSA. The motion was voted on and approved unanimously.

Stafford announced a 15-minute break to set up the Moodle demonstration.

**Item 9: New Business:**

Mike Hejduk demonstrated an online course about Moodle using Moodle, a learning management system. The course had a visual component and audio component. Hejduk announced that it took 8 ½ hours to put the 20-minute course together. It is labor intensive. Hejduk introduced Beth Williams, an instructional education contractor and Josh Romero, a student at Campbell, a contractor who is updating the energy modules.

Vice-Chairman Stafford asked for any other comments. None being heard, announced the meeting adjourned.

Respectfully submitted,

A handwritten signature in black ink that reads "Cliff Isaac". The signature is written in a cursive, slightly slanted style.

Cliff Isaac,  
Secretary, NC Code Officials Qualification Board