

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

January 24, 2017

The quarterly meeting of the NC Code Officials Qualification Board was held at 1:00 P.M. on Tuesday, January 24, 2017 in the Jim Long Hearing Room at 430 N Salisbury St, Raleigh, NC 27603.

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

Bill Thunberg	Allen Kelly	Richard Morris	Richard Ducker
Ken Stafford	Mack Summey	Ray Rice	James Steele
Chris Raynor	Dan Brummitt	Brenda Lyerly	Jeff Griffin

Members absent:

Taher Abu-Lebdeh	Andy Matthews	Mark Smith	Reo Griffith
	Stephen Terry	Jerry Jones	Jerry Myers

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
Jessica Yelverton	Department of Insurance	Raleigh, NC
Sam Whittington	Department of Insurance	Raleigh, NC
Andy Miller	Department of Insurance	Raleigh, NC
Barry Gupton	Department of Insurance	Raleigh, NC
Bobby Croom	Department of Justice	Raleigh, NC
David Stout	Onslow County Inspection	Jacksonville, NC
Roland Hinson	Onslow County Inspection	Jacksonville, NC
Patrick Granson	Mecklenburg County	Charlotte, NC
Tim Norman	NCBEEC	Raleigh, NC
Elizabeth Barnard	Davidson County Community College	Mocksville, NC
Teresa Kines	Davidson County Community College	Mocksville, NC
Jeff Griffin	Mecklenburg County	Charlotte, NC
Rick Frady	Catawba County	Catawba, NC
Lori Degre	Sandhills Community College	Pinehurst, NC
Sara Gresko	Asheville-Buncombe Technical Community College	Asheville, NC
Mark Matheny	City of Asheville	Asheville, NC
Charlie Johnson	Wake County	Raleigh, NC
Amy Britt	NCBIA	Clayton, NC
Don Sheffield	Greensboro	Greensboro, NC
Ken Kepler	Wake County Inspections	Raleigh, NC
Greg Vance	Wake County	Raleigh, NC
Josh Kerlin	Brunswick Community College	Bolivia, NC
Tracy McPherson	NC Community College System	Raleigh, NC

Michael Rettie	Orange County Inspections	Hillsborough, NC
Dean Pamela Little	Wake Technical Community College	Raleigh, NC
James Frawley	Wake Technical Community College	Raleigh, NC
Hayden Lutterloh	Citizen (past Chairman, NCCOQB)	Sanford, NC
James Griffin	Forsyth County Inspections	Winston-Salem, NC
Hamid Dolikhani	City of Raleigh	Raleigh, NC
Jason Ruff	City of Raleigh Inspections	Raleigh, NC
Leon Skinner	City of Raleigh Inspections	Raleigh, NC

Preliminary Matters

Two new members have been appointed to the Board, Jerry Myers fills the fire prevention inspector position appointed by the governor and Jeffrey Griffin fills the county building official position appointed by the general assembly. Chris Noles is no longer with the Department of Insurance and his replacement will be appointed by the Commissioner of Insurance. Mr. Noles served as Secretary for the Board. Ray Rice made a motion to nominate Brenda Lyerly as Secretary to the Board. Ken Stafford seconded the motion. Chris Raynor made a motion to close the nominations for Secretary. Jeffrey Griffin seconded the motion. The Board voted to approve Brenda Lyerly as Secretary by acclamation.

Chairman Thunberg recognized past Board Chairman Hayden Lutterloh and presented a plaque of appreciation for his years of service to the citizens of the State of North Carolina and the Board. Thunberg also recognized past Board member Tracy McPherson in attendance.

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

Chairman Thunberg asked each member of the Board to introduce themselves for the roll call. Chairman Thunberg asked each member of the Board to state whether they had actual or potential conflicts of interest that needed to be made known for any items on the agenda. There were no comments on potential conflicts of interest.

Chairman Thunberg stated 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.

Item 2: Approval of the October 25, 2016 Minutes

Dan Brummitt made a motion to approve the minutes of the October 25, 2016 Board meeting. Ray Rice seconded the motion. The Board voted unanimously to approve the minutes.

Item 3: Approval of New Standard Certificates

Allen Kelly made a motion that the Board award Standard Certificates to those candidates presented to the Board who have met the education, experience, and examination requirements. Ray Rice seconded the motion. The Board voted unanimously to approve the list of candidates. The list of candidates is Attachment A to the minutes.

Item 4: Recognition of Fifth Level III Standard Certificate

Chairman Thunberg reported there were two code officials receiving their fifth Level III certificate and invited them to meet and receive congratulations from the Board members;

- Tommy Green of the Risk Management Division of the NC Department of Insurance
- Roland Hinson of the Onslow County Inspection Department
- Clint Houser of the Polk County Inspection Department

Item 5: Staff Reports

Director

Mike Hejduk stated that staff reports would be abbreviated to afford sufficient time for the Board's work session. Hejduk stated the staff's mission statement is to protect lives and property through code compliance and noted that there are currently 7,818 active certificates and 3,786 active Code Enforcement Officials, averaging around 2 certificates per person as of January 2017. Hejduk stated the International Code Council, the Building Inspector's Association, the Department of Insurance and the Council of Code Officials have collaborated to create a soft skills course entitled the "7 C's of Code Compliance." This course is intended to provide 6 hours of continuing education ("CE") that could be applied to any trade. The 7 C's discussed in the course are: 1) Context - How to operate within the state's laws and board rules; 2) Communication - The ability to cite and explain violations of the code in the field to the consumer; 3) Consequences - Positive and negative ramifications of code enforcement actions; 4) Consistency - Applying and enforcing the code equally across various jurisdictions; 5) Competence - Applying the code accurately, effectively and efficiently; 6) Character- Assure that the inspector acts with integrity, avoids conflicts of interest and considers ethical implications; 7) Customer Service - Having successful interactions and outcomes with all stakeholders in the construction industry. The pilot version of the course was presented to a select group of inspectors on January 10, 2017 and is in the process of revisions.

Hejduk compared the number of certification applications that were processed for the past two years noting a 22% increase from 599 applications in January 2016 to 733 in January 2017. Hejduk compared the number of active certificates for the past two years with an increase of 3% from 7,679 certificates in October 2016 to 7,900 in January 2017. Concerning state certification examinations, the current passing rates for Standard Certificates are: Building Level 1 (30.3%) and Electrical Level 1 (37.0%). This affects the ability to fill the needs of jurisdictions. There were 39 exam reviews during this quarter with 31 exams challenges and 1 challenge resulting in a status change. Concerning education programs, the 20% cancellation rate of standard courses remains a continuing concern and there have been numerous meetings between the community colleges and staff to coordinate efforts to reduce the cancellation rate.

Investigations

Sam Whittington noted an unresolved issue concerning complaint #457 involving Kenneth Morrison of Town of Kernersville Permits and Enforcement and Thomas Anderson. The Board approved a Voluntary Settlement Agreement (VSA) for Morrison at the previous board meeting and decided to obtain a letter from Batten confirming his intention to not return to the inspection field. Whittington stated that he sent a letter with the request to Batten via email, US Postal Service and a hand delivered copy from Chris Noles but had yet to receive a response from Mr. Batten at this time. It was noted that although Mr. Batten has been retired since September 20, 2013, he has continued to acquire the necessary CE which would allow him to reactivate his certificates. Legal

counsel Bobby Croom requested a Board motion for a notice of administrative hearing be sent to Mr. Batten. Dan Brummitt made a motion to issue a notice of administrative hearing which could be dismissed if Mr. Batten chose to comply with the original request to voluntarily turn over his certificates and submit a letter stating that he has no intention to return to the field of inspection. Chris Raynor seconded the motion. The Board voted unanimously to approve the motion.

Andy Miller presented complaint #460 involving Todd Lynch of the Greensboro Fire Department and Kevin Pettigrew, supervisor. Kevin Pettigrew was concerned that Mr. Lynch was not performing adequate inspections that he was assigned due to the limited amount of time Pettigrew recorded when performing fire inspections on large buildings. When follow-up site visits were scheduled at the projects in question, multiple code violations were discovered at both locations where Lynch had no documented violations of code. Staff also discovered inaccurate records kept by Lynch when the same information was cross-referenced with Mr. Robinson's re-inspections particularly with reporting vacant and occupied properties. Mr. Lynch has not been cooperative with the investigation, only accepting a certified letter at the beginning of the inspection on September 16, 2017, but responding to no correspondence. Mr. Lynch opted to leave employment while under disciplinary action prior to the filing of this complaint and his certificates have since expired. Staff finds that there is sufficient evidence to support the allegation that Lynch signed his name to inspections he did not perform and adequate records were not maintained. Dan Brummitt made a motion to hold a hearing to determine if Mr. Lynch affixed his signature to inspections he did not conduct. Ray Rice seconded the motion. The Board voted unanimously to approve the motion.

At this point in the meeting, Chairman Thunberg called for a pause to introduce Mike Causey, the new Department of Insurance Commissioner. Commissioner Causey addressed the Board and audience by stating he just wanted to stop in a say hello, was looking forward to a smooth transition and thanked the Board members for the work they do.

Board History

Kathy Williams presented a brief history of the NC Code Officials Qualification Board. The building code was established in 1905 which outlined minimum requirements for buildings in towns with populations over 1,000. In 1969 the law required all municipalities within the State of North Carolina to enforce the code. This required a certification and training program which led to the twenty member Code Officials Qualification Board being founded on June 13, 1977. The General Statutes gave board the authority to develop education requirements and establish minimum training standards for employment and certification. NCDOI provides the administration and technical staff for both the NC Code Officials Qualification Board and for the Building Code Council. The first Board meeting was held April 18, 1978. The Board subsequently adopted By-Laws on July 27, 1978 and created three (3) standing committees to address the primary functions of a certification program: 1) Qualifications and Evaluation, 2) Education and Research, and 3) Policies and Procedures. City and county code officials were required to have certifications in applicable trades of Building, Electrical, Mechanical and Plumbing in early 1979. Each trade had three (3) levels of certification based on the occupancy classification of the structure, square footage and story height. The first limited certificates were issued by the board in 1978 and 1979 which allowed individuals serving as code enforcement officials since June 13, 1977, to continue in that position with that jurisdiction but did not entitle them to shift to another employer. Law and Administration was first taught in 1980. The first standard certificates were issued in 1981 which allowed individuals to serve as code enforcement officials anywhere within the State of North Carolina. Also, the first staff assigned to assist the board in their duties were hired in 1981. Based on the 1970 U.S. Census population, larger jurisdictions were required to comply with the certification process in 1981, smaller jurisdictions were required to comply by 1985. 1985 marked the last year in which a limited certificate was issued. There are still about 50 individuals with serving with limited certificates. Fire certifications were first issued in 1991 following the Building Code Council's adoption of the Fire Prevention Code. State exams were offered at no cost using a test booklet and "bubble"

answer sheet format quarterly in two locations, Raleigh and Charlotte (eight (8) exams per year). Four (4) offerings in Raleigh and four (4) in Charlotte until the transition to computer based testing for a fee in 2009 via a contract vendor. The NC Code Officials Qualification Board provides North Carolina citizens with qualified, competent code officials who ensure public safety in structures.

Item 6: Committee Reports:

Executive Committee:

Board Chairman Bill Thunberg stated at the last meeting the Executive Committee was enhanced with one other member of each of the standing committees to address several issues. Chairman Thunberg stated the augmented committee met on December 12, 2016, and January 9, 2017 and requested the Board consider approval of these minutes and include them with today's meeting proceedings. Ken Stafford made a motion to approve the minutes. Chris Raynor seconded the motion. The Board voted unanimously to approve the minutes.

There were no other committee meetings or reports.

Item 7: Unfinished Business:

Work Session regarding increasing the pool of qualified applicants

Mike Hejduk began by summarizing the requirements of agencies to review their rules every 10 years. The rules must be classified in one of the three following ways: 1) Necessary without substantive public interest 2) Necessary with substantive public interest, or 3) Unnecessary. Proposed changes will be posted by the Office of Administrative Hearings and have a public comment period. The list of all Board rules that are already classified and the list of the possible changes referred to in the following discussion are included in Attachment D.

Chairman Thunberg recapped that the Board needed to consider what it could do or should do under the authority of General Statutes and Board rules.

Chairman Thunberg addressed possible rule change #1 *Issue Standard Certificates upon passing the exam rather than at the quarterly board meeting*. This would remove the several month potential wait period for the issuance of standard certificates due to the quarterly board meeting schedule. This rule change could remove delays of promotions contingent upon standard certificates and would aid departments that need certified inspectors. For those who achieve five (5) level 3 certificates, the special recognition would continue to be recognized at each quarterly board meeting.

Chairman Thunberg addressed possible rule change #3 *Increasing duration of Probationary Certificate from 2 to 3 years*. This change could provide increased time for taking standard courses, gaining experience and passing the state exam without the probationary certificate expiring, particularly for those pursuing multiple certificates as a condition of employment. Discussion on this topic included the unintended consequence that an additional year of probation time could enable an inspector who cannot pass a course or exam due to incompetence, to increase public risk if the time period if they are allowed to continue in the inspection field. The current statute would allow the extension of the probationary period from 2 to 3 years.

Chairman Thunberg suggested directing staff to draft proposed rule change language for the above two proposed rule changes based on the consensus of the Board.

Chairman Thunberg addressed possible rule change #27 *Separate NC Residential from Commercial COQB certification and align NC Level 1, 2, and 3*. It was noted that a majority of states already separate residential and commercial inspection certifications. The technical nature of both codes are complex and the residential code has continued to grow over each code cycle. The manner of how the reclassification would occur for those already

holding certification is paramount to how this change could occur. It was suggested that the new structure might equate Building level 1 as residential, Building level 2 as commercial building projects and Building level 3 as plan review. The Qualifications and Examinations Committee was directed to review this issue and its implications and are to report their findings at the July 2017 board meeting.

Chairman Thunberg addressed possible changes #5 *Develop new abridged exam for Comity - Law & Administration, NC Code Amendments, Energy and Accessibility*; #9 *No cost state exams using NCDOI computer based exams via Moodle*, and; #14 *Development standard course supplemental educational materials*. The abridged exam would assist with the movement of inspectors into the state. Annual update courses would facilitate inspectors wishing to reactivate their certificates. An advisory committee is being formed within the participating community colleges. Over the last few months a series of meetings occurred with the NC Community Colleges and the education coordinator to analyze cancellation rates and possible solutions. A Memorandum of Understanding (MoU) was proposed that would allow all trade and level courses to create a predictable schedule for jurisdictions and CEOs who need the standard courses. This matrix would not bar a community college from offering a course that they were not scheduled to hold in any particular quarter but would assist in awareness of when and who are offering classes and encourage cooperation among each participant. Each region also has a database of all local instructors. These collaborations with community colleges also spurred the concept of embedding standard course material into pre-existing trade programs at community colleges. This hybrid would allow for both trade and inspection education along with a guaranteed amount of field experience with the cooperation of local AHJ's. The hybrid program could result in the ability to test for the state exam and Wake Technical Community College has offered to pilot a hybrid program starting with the electrical trade. Chairman Thunberg recognized Jessica Yelverton's extraordinary efforts working with the community colleges on this topic in her capacity as Education Coordinator. These changes were referred for further discussion before the April 2017 board meeting by a joint committee meeting consisting of the Education and Research and Qualifications and Evaluation. The expectation is to develop a "road map" by the April 2017 meeting of the Board.

Chairman Thunberg addressed possible change #22 *Make it easier to re-enter inspection workforce from inactive or suspended* and #24 *Increase the amount of allowable carryover for CE from 6 to 12 hours*. Current rules for additional CE are burdensome. The creation of a six (6) hour "re-entry" course, primarily intended for comity applications that summarizes recent statute and code changes, could be a substitute requirement. It was suggested that staff draft proposed wording of the revised rules to reflect these proposed changes but take into consideration the cost and timing of the change while discussing this alteration. Jeff Griffin made a motion that the Policies and Procedures committee and staff address items 1, 3, 22 and 24 and report back to the Board in April. Dan Brummitt seconded the motion. The Board voted unanimously to approve the motion.

Chairman Thunberg then asked Director Hejduk to present the agency rules review initial determinations for consideration by the Board. Dan Brummitt made a motion to send the Board's initial determination of their rules to Loretta Peace-Bunch, NC Department of Insurance rules coordinator, and forward to the NC Rules Commission. Ray Rice seconded the motion. The Board voted unanimously to approve the motion.

Item 8: Public Comment/ Stakeholder Presentations

Hayden Lutterloh, citizen and former chairman of the NCCOQB, stated that the cost effectiveness should be considered with each proposed rule change. Mr. Lutterloh also stated that the majority of inspectors would benefit if allowed to carry over six (6) hours of CE for 2 years as opposed to the 1 year allowed to date.

Mark Matheny of the City of Asheville Inspections stated that both issuing standard certificates after testing and extending the probationary period from two to three years would be a huge advantage for jurisdictions. He believes that the scheduling matrix constructed with the NC Community College sponsors and NCDOI staff

would work well with some minor changes. Matheny believes that the standard courses should be sponsored by the NC Community College system but should be allowed to be taught anywhere such as a local jurisdiction. In response to finding a pool of qualified applicants, Matheny suggested allowing a 'restricted license' for out of state inspectors in addition to the NC Code information education Law and Administration short course referenced in proposed change 22 and 9.

Tim Norman, Executive Director of the NC State Board of Examiners of Electrical Contractors, stated that the average age of 12,000 NC licensed electrical contractors is 55 years old who will likely be retiring in the coming years. Norman stated that the NCBEEC board allows reciprocity with Texas, Mississippi, Louisiana, Alabama, Georgia, Florida, South Carolina, Virginia, Ohio and West Virginia. This was done by having PSI Testing Services compare the electrical exams across these various states, but the NCBEEC does require additional experience for licensure in North Carolina. Mr. Norman stated that the current passing rate for their electrical exam is 26% but the content and exam are both complex.

Rick Frady of Catawba County Inspections stated that issuing standard certificates after testing would be a well-received change. Frady stated that for his jurisdiction upon employment an agreement is signed where all 4 level 3's (excluding fire) would be acquired within 7 years or employment would be terminated. Frady suggested that the failure rates should be considered and that the exams should be re-examined. He said that he served on the exam development committees years ago and that some exam questions were too obscure and misleading. He also stated that the amount of time taken to review applications led to delays in applicants scheduling exams. Frady expressed a desire to expedite the application and exam process. Frady stated that his office was scheduling inspections two weeks out and he hired six inspector but all were "green."

Charlie Johnson of Wake County Inspections and a standard fire course instructor addressed standard course delivery. Johnson suggested that the course be modernized because the number of hours were based on the old Volume 5 Fire code not the current code. Johnson stated there should be some online portions and that the hours also be adjusted to reflect the large amount of content within each course. Johnson also suggested that the exam questions be analyzed to assure that the questions correspond to the content taught in the standard level courses.

Item 9: New Business

No new business was addressed.

Adjournment

There being no further business, Chris Raynor made a motion to adjourn the meeting. Ray Rice seconded the motion. The motion was approved unanimously.

Respectfully submitted,



Brenda Lyerly,
Secretary, NC Code Officials Qualification Board

Attachments:

Attachment A List of New Standard Certificates Awarded

- Attachment B Staff Report
- Attachment C Joint Executive Committee Meeting Minutes
- Attachment D Proposed Rule Changes