

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

January 26, 2010

The quarterly meeting of the NC Code Officials Qualification Board was held at 1:00 PM on Tuesday, January 26, 2010 at the Board's office at 322 Chapanoke Road in Raleigh, NC.

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

Ronnie Bailey	Kenneth Mullen
Richard Blackburn	Robert Nunez
Richard Ducker	William Rakatansky
Valoree Eikinas	Victor Shaw
Charles Horne	Deborah Simpson
John Kirkland	Hiram Williams
Hayden Lutterloh, III	Sherrill Smith

Members absent:

Tim Bradley
Mark Hicks
James Kennedy, Jr.
Tracy McPherson
Bill Thunberg

Others in attendance were as follows:

Chris Noles	Department of Insurance	Raleigh, NC
Samantha Ewens	Department of Insurance	Raleigh, NC
Kathy Williams	Department of Insurance	Raleigh, NC
Shane Phelps	Department of Insurance	Raleigh, NC
Celestine Phill	Department of Insurance	Raleigh, NC
Suzanne Taylor	Department of Insurance	Raleigh, NC
Sarah van Doornewaard	Department of Insurance	Raleigh, NC
Susan Gentry	Department of Insurance	Raleigh, NC
Bobby Croom	Department of Justice	Raleigh, NC
Tobbie F. Edwards	Vance County	Henderson, NC
Willie G. Edwards, Jr.	Vance County	Henderson, NC
William Munyan	Architect	Charlotte, NC

Preliminary Matters

Chairman Hayden Lutterloh presided over the meeting and welcomed guests. He asked the Board members to introduce themselves. Mr. Lutterloh stated that Mr. Malcolm Heyworth resigned as a Board Member. Mr. Lutterloh would like a motion to have a Certificate of Appreciation sent out to Mr. Heyworth. Mr. Rakatansky made a motion and Mr. Mullen seconded the motion. The motion was approved. Mr. Lutterloh asked the Board if there were any conflicts of interest that needed to be made known. None were noted.

Item 1: Approval of October 27, 2009 & December 16, 2009 Minutes

Hiram Williams made a motion to approve the minutes of the October 27, 2009 Board meeting with a few minor corrections. William Rakatansky seconded the motion. The motion was approved. William Rakatansky made a motion to approve the minutes of the December 16, 2009 Board meeting with a few minor corrections. Deborah Simpson seconded the motion. The motion was approved.

Item 2: Approval of New Standard Certificate Applicants

Deborah Simpson made a motion that the Board grant Standard Inspection Certificates to those applicants who have met the Board's education, experience, and examination requirements. The applicants are listed in an attachment to the minutes. Charlie Horne seconded the motion. The motion was approved.

Fifth Level III Standard Inspection Certificate

One individual received her fifth level III certificate. Tobbie Edwards of the Vance Co. Inspection Department was greeted and congratulated by each Board member.

Item 3: 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 had not met and had no report.
- d) Qualification and Evaluation Committee: The committee had not met and had no report.

Item 4: Staff Reports

Samantha Ewens made the following Director's Report

Scaling of Test Scores

At the December 16, 2010 Board meeting held via conference call, staff was directed to begin re-implementation of scaling of all test scores on all certification exams as soon as possible, which will be March 1st. We want to make sure that the Board understands that it was not possible to get the Subject Matter Experts (SME's) together in time to adjust the cut scores that were discussed at that meeting for each test question. That meeting with the SME's will take place in April, 2010. A cut score is developed when each question is evaluated for difficulty and what percentage of inspectors at a certain level should know that answer. At this point we would like to request verification that staff should indeed begin the scaling March 1st, or that staff should delay scaling to allow re-evaluation of existing cut scores. The existing cut scores were implemented previously and did result in some lower test scores. Currently staff uses a single test form for every test taker rather than two forms, and delay would continue that policy until September, 2010, the next opportunity to update the test forms.

Ms. Simpson stated that the Qualification and Evaluation committee brought the recommendation to the Board at the December meeting. The Committee was not aware that staff would not be able to re-evaluate the cut scores of the questions in time for the April update. Ms. Simpson confirmed with Ms. Ewens that there are two opportunities to make changes to the test. These opportunities are in March and September. Ms. Simpson stated that they have the opportunity to continue giving the same exam that they are giving right now. The next evaluation is in April with ICC. Ms. Simpson made a motion that the scaling be postponed until the Board meeting in June. Ms. Ewens agreed that the revised schedule would allow ample time to begin scaling with the September update. Mr. Rakatansky seconded the motion. The motion was approved.

Fire Inspections – Jurisdictions out of Compliance

Ms. Ewens stated that at the October 27th Board meeting four separate jurisdictions were reported to be out of compliance because of lack of adequate maintenance inspections under the NC Fire Prevention Code. The jurisdictions were Hyde, Graham, Perquimans, and Hoke Counties. Ms. Ewens reported that for various reasons these types of complaints seem to be a recurring problem for jurisdictions, and also investigations of these complaints are a problem for staff. General Statute 143-151.17 establishes the rules by which the Qualifications Board, and by extension its staff, may pursue an investigation of a Code Enforcement Official (CEO). Often when we hear complaints that these kinds of inspections are not being done, either there is not a CEO in that jurisdiction that is qualified to do them or that has been

charged with doing them. This raises questions about whom is actually responsible for the lack of inspections. If there is a qualified CEO in the jurisdiction there is often no one there that is willing to file a verified complaint. Staff has pursued a resolution. We have obtained input from legal counsel and the Deputy Commissioner, and it is our understanding that General Statute 58-2-95 gives the Commissioner of Insurance the authority to investigate and cause to be enforced all the provisions of the Fire Prevention Code. There is no requirement that there be a verified complaint under this statute, just reason to believe that the jurisdiction is not doing its duty. Therefore, staff intends to pursue investigations into the lack of adequate fire inspections at the direction of the Commissioner under this statute. If in the course of that investigation, any CEO appears to be in violation of GS 143-151.17 hopefully staff will have been involved enough in that jurisdiction that we could find an individual who will file a verified complaint., and at which time we can bring that complaint to the Board for action.

Mr. Rakatansky asked if in the event an individual is not found to file a verified complaint would the Board be able to file the complaint. Mr. Croom stated that NC Code Officials Qualification Board is designed to regulate inspectors. If there is no individual inspector responsible there is no one to file a complaint against. Samantha Ewens spoke about what the Commissioner could investigate.

Mr. Rakatansky asked if there are reasons why these inspections are not being performed. Ms. Ewens stated that when the question is asked, the typical answer is that there is not money appropriated by town council or by county boards to hire enough people to do more than the construction inspections. Mr. Rakatansky asked if the inspections are not being done for financial reasons, could the Department of Insurance do the inspections. Ms. Ewens stated that we have had staff working to help do some site visits and provide some support to the different jurisdictions and their building departments to get some funding. We also help explain to the city and county officials what is required. Mr. Lutterloh stated that the Commissioner of Insurance may then cause them to be taken care of by either contract by another jurisdiction or with his own personnel, and the cost be assessed to the jurisdiction that is out of compliance. If it is found by staff, staff can file the complaint. Mr. Noles stated that the real issue is jurisdictions that do not have inspectors. Mr. Rakatansky wanted to know how long the jurisdictions have been out of compliance. Mr. Lutterloh wanted to know how long before they come back into compliance. Mr. Noles stated that staff does not know how long the jurisdictions have been out of compliance.

Ms. Ewens stated there is a verified complaint against Hoke County and staff will pursue action against the inspector. Perquimans County had a part time fire inspector who resigned in January, 2010; they are in the process of trying to get additional funding so they can hire a fire inspector with more hours. Graham County has contracted with a neighboring county to do inspections of licensed facilities. As far as the required maintenance inspections, they are in the process of getting their schedule together; they have not completed them. Graham County is also trying to secure a back up inspector. Hyde County has contracted with an outside inspector to do fire inspections and plan review. Hyde County appears to be getting inspections for their licensed facilities, and are organizing inspection schedules for the rest of their facilities. Money seems to be a limiting factor. Mr. Ducker wanted to know how we find out about these issues. Ms. Ewens stated that we receive phone calls by other inspectors, or individuals, but they are not willing to file a verified complaint. Ms. Ewens stated that there is a check system in place, but that fire inspectors may not be able to do more than the construction inspections. Ms. Ewens stated that there is an outreach program that has been developed by staff, and this will be a chance for staff to do some outreach in an informal way.

Mr. Rakatansky made a motion to request the Commissioner of Insurance, upon knowledge or identification of non-compliant jurisdictions, to provide timely investigation as to reasons why the jurisdictions are out of compliance, and if the reason is not under control of the inspector, then the Commissioner of Insurance is to fully investigate, in a timely manner, and reach a resolution for the public safety. Mr. Smith seconded the motion. The motion was approved.

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

BOARD MEMBERSHIP

Mr. Malcolm Heyworth has resigned from the Board. His appointing office has been notified of the Board vacancy.

EXPIRED PROBATIONARY CERTIFICATES

The probationary certificates for 82 individuals have expired this quarter. 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.

JURISDICTIONS OUT OF COMPLIANCE

At this time there are no jurisdictions that do not have all inspection areas provided. Every quarter staff goes through each jurisdiction and makes sure that there is an inspector in each trade.

Mr. Nunez wanted to know if there was any statistical data regarding jurisdictions that are out of compliance that can be given to the Board to compliment the request that was made. Ms. Williams stated that she could pull the information from previous staff reports to give them an idea of how many jurisdictions were out of compliance. Ms. Williams stated that historically that jurisdictions that have been out of compliance has involved the the fire maintenance area. Other inspection areas have been out of compliance, but typically in . fairly rural counties.

EXAMINATION OVERVIEW

Exam Registration Process

Williams reviewed the exam registration process for a Code Enforcement Official. Prior to any exam, the code enforcement official (CEO) must be approved by the Board's staff to confirm all education and experience requirements are met. The CEO must submit a Standard Application and fee as a part of this process. When a CEO has completed all requirements, he will also submit an Exam Request Form. This form indicates which exam he/she is requesting. Once the staff verifies all information, the CEO exam request information is entered into the ICC Client Browser which is our connection to Pearson Vue. During this process, the CEO is sent an approval letter by e-mail indicating he/she is approved for the exam as well as the exam code and registration instructions for Pearson VUE. At this point, the CEO is eligible to contact Pearson VUE to schedule an appointment.

There have been a few problems with registration which caused CEOs some frustration. The main type of issues concern a CEO entered into our system, but not found by Pearson VUE schedulers or an entry error. These issues have been corrected in a quick and efficient manner. Most examinees that have had these issues have been pretty patient.

Use of Key Word Indexes During Exams

At the October 27, 2009 meeting, a request was made to approve a specific index for use during the state exams. This request was referred to the Qualifications and Evaluation Committee of the Board for a recommendation. The Committee presented its recommendation to the Board on December 16, 2009 for final action. No indexes other than the ones including as a part of the Code books are allowed during the exams.

Use of Tabs During Exams

The Board discussed the use of tabs in code books at the December meeting as well. As a clarification point, the tabs that are included at purchase of the book are allowed as well as any full page pre-

printed tabs purchased for the North Carolina State Building Codes. No handwritten or home-made tabs will be used during the exams at the Pearson VUE sites.

Examination Summary

143 people took State exams between October 28, 2009 - January 20, 2010. 66 individuals passed. Two individuals were for pre-qualification. The Board issued 66 certificates today. The passing rates of each area and level are below. This is a culmination of one paper and pencil test session on October 31, 2009 computer-based testing which began November 1, 2009.

Area/Level	Number Taking	Number Passing	Percent Passing
Building Inspector I	14	2	14.3
Building Inspector II	12	8	66.7
Building Inspector III	10	5	50.0
Electrical Inspector I	19	4	21.0
Electrical Inspector II	9	3	33.3
Electrical Inspector III	3	1	33.3
Fire Inspector I	23	8	34.8
Fire Inspector II	8	5	62.5
Fire Inspector III	8	4	50.0
Mechanical Inspector I	8	5	62.5
Mechanical Inspector II	7	4	71.4
Mechanical Inspector III	5	3	60.0
Plumbing Inspector I	5	4	80.0
Plumbing Inspector II	4	4	100.0
Plumbing Inspector III	8	6	75.0
Totals	143	66	

***Note:** Applicants are no longer seated one exam cycle prior to the expiration of their probationary certificate. Individuals are able to exams upon their own schedule. If an applicant does not pass the exam, the CEO is eligible to retake the exam in as little as 2 months. This provides the applicant with two opportunities to pass the state exam before the certificate expires.

Fifth Level III Standard Inspection Certificate

One individual received her fifth level III certificate today. She is Tobbie Edwards of the Vance Co. Inspection Department.

The number of individuals who have achieved this level of certification is currently 203.

Harry Cummings Review

On October 27, 2009, Mr. Cummings made a presentation to the Board concerning his Building Level I exam score and change in test score. As directed by the Board, IWilliams asked ICC to forward Mr. Cummings' exam and answer key. Williams hand-graded his exam and also reviewed all exam items. During this review, 110 items were identified as needing additional review. These items were sent those to Paul Coats, PE, an engineer working with ICC. Paul and Williams discussed each item and both parties agreed upon all of the outcomes. Based on these findings, Mr. Cummings was given credit for two additional items. Based on the review of all items, Mr. Cummings grade was still less than 70. Mr. Cummings was notified of all findings by letter dated December 14, 2009.

Upcoming Committees

In April, 2010, staff will have five committees meet to review existing exam questions, to calculate cut scores, to perform an occupation analysis and to write new questions. We will have a group a week coming in, one for each area. Each will consist of anywhere from 10 to 15 subject matter experts. Our goal is a September activation of scaling. A member of the OSFM staff will participate on each committee.

Mr. Rakatansky asked if it was possible that a Board member could sit in one of the committees. Ms. Williams stated that as long as the Board member is a level III certificate holder in the discipline being discussed, there should be no problem. Requirement of a standard level III is for the security of the questions.

Fees

For informational purposes, fees for the following items were discussed and are listed below:

- Renewal fee for each standard and limited certificate is \$10.00/certificate
- Late fee for each standard and limited certificate is \$4.00/certificate
(Fee added to any certificate renewed after July 1 each year)
- Standard or Probationary Application fee - \$20.00/application
- Standard Exam Registration with Pearson VUE - \$172.00/exam
- Standard Course fee - \$125.00

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

Continuing Education courses – Statistics: October 28, 2009 – January 26, 2010

New CE Courses approved	63
New CE Instructors approved	13
New CE Sponsor approved	6
CE courses credit submitted	57

Note: 14 courses were approved with multi trade areas

Standard Code Courses – Statistics: October 28, 2009 – January 26, 2010

Standard Courses scheduled	66
Building	16
Electrical	8
Fire	17
Mechanical	10
Plumbing	9
Law and Administration	6
Standard Courses completed (Grades Received)	29
Standard Courses canceled	4
Standard Courses rescheduled	0

The course notices were published in the Council of Code Officials newsletter, which is available online at the NC Department of Insurance web site at www.nc.doi.com/OSFM/Engineering/COQB/engineering_coqb_home.asp.

Community Colleges and Standard Code Courses

Staff has been noticing that there is a trend that seems to be increasing within the community college system of standard courses being canceled. Staff has been working closely with both Tracy McPherson and Barbara Boyce of the NC Community College System to find ways to prevent this from happening. The trend is affecting the inspectors because they are not able to acquire the standard code courses that they need to meet the requirements to take the state exam. We are looking at some different ways to prevent this from happening. We are looking to schedule some regional meetings with the coordinators/representatives meet at a community college and bring in other community colleges, so we can discuss how we can prevent this from happening.

Instructor Manuals

We have developed an evaluation form/questionnaire that allows instructors to provide feedback regarding the new instructor manuals. We have received complaints from several Code instructors, of the quality or the quantity of the instructor manuals and the other teaching tools. The evaluation consists of 48 questions covering various elements of the manuals, the timelines, worksheets, and PowerPoint presentations. We will use the responses from the evaluations to gauge the effectiveness of the manuals and to make revisions as necessary.

Mr. Lutterloh wanted to know how much help we are receiving from ICC/Pearson Vue regarding assistance or instruction on the manuals. Ms. Williams answered that as of July 1st ICC provided materials for 16 courses. She stated that at this point what we are doing is sending out evaluation forms, so the instructors can give staff feedback regarding the manuals. When we go back in May to ICC we can give them our changes and suggestions.

Shane Phelps made the following report concerning investigations to the Board.

INVESTIGATIONS AND HEARINGS

INVESTIGATIONS

Investigations Begun – Not Completed

Johnson vs. Duffy
Benton vs. City of Raleigh
Taylor vs. Gaston County
Forbes vs. Vaughn
Lewis vs. Paramore (2nd)
Barnhardt vs. Okelly
Reynolds vs. Edwards/Satterfield
Cochrane vs. Marks
Henage vs. Capehart/Carter

Investigations Completed –No Basis in Fact

Laskow vs. Shelton

Investigations Completed –Basis in Fact

Laskow vs. Remaley
Johnson vs. Davis (follow-up from April 2009)

VOLUNTARY SETTLEMENT AGREEMENTS

Laskow vs. Remaley

Mr. Remaley has agreed to a Voluntary Settlement Agreement. Staff is recommending a Letter of Caution and completion of an additional 12 credit hours of continuing education. The 12 credit hours will not be allowed to be used towards continuing education credits on his certificate. Staff is also recommending that a part of the continuing education have an emphasis on suppression systems. Ms. Simpson motioned to accept the voluntary settlement agreement. Mr. Williams seconded the motion. The motion was approved.

CONSENT AGREEMENTS

None

DISCIPLINARY HEARINGS

None

Explosion at Ocracoke

Mr. Phelps stated he received a call from OSHA. It was regarding the explosion at Ocracoke on July 4, 2009. They stated that the fireworks that were delivered to Ocracoke were also delivered to the Town of Belhaven. OSHA was going to make their own investigation and they were asking staff to assist to see if there were any violations of the Fire Code at that time. Mr. Phelps stated that he and Mr. Strickland went to the Town of Belhaven. Mr. Strickland's report states 1) The fireworks display was conducted on July 4, 2009 by the Town of Belhaven. 2) The display was conducted on the property that was owned by the Town of Belhaven, and the fireworks display shoot was performed by members of the Belhaven fire department. 3) Permission was not granted by the Beaufort county commissioners in accordance with NC General Statute 14-413 with the Town of Belhaven to conduct a public fireworks display. 4) Mr. Overholt did not issue any fireworks display permits as required by chapter 33 of the NC State Fire Code. 5) Mr. Overholt allowed the fireworks to be improperly stored in a community meeting room at the Belhaven police department. This is in violation of the NC State Fire Code. 6) Mr. Overholt by his own admission acknowledged that he was unaware of any permit requirements, and did not follow any of the provisions of chapter 33 of the NC State Fire Code in regards to fire works display.

Mr. Lutterloh asked who Mr. Overholt was. Mr. Phelps stated that Mr. Overholt is the inspector for the Town of Belhaven. Mr. Lutterloh wanted to know where the investigation stood. Mr. Phelps stated it was not an investigation. Mr. Phelps stated that there is not a verified complaint; and he is looking to the Board for advice regarding the situation. Mr. Overholt has been in contact with staff. One thing that was found was that Mr. Overholt was using legal pads as his sole record keeping system. Mr. Overholt did take the fireworks class that was offered in December. Mr. Phelps stated that Mr. Strickland is willing to file a complaint. Mr. Lutterloh stated that it falls on Mr. Strickland to file the complaint.

Verification Process

Ms. Taylor stated staff is trying to be a resource for the inspectors. Progress has been made towards this program. The goals for this program are to provide to the jurisdictions that would like us to come and visit. We feel we will be welcomed by the jurisdictions. We want to be able to instruct them give them on the job training, information, forms that they need, in order to "save" them from getting in trouble. We will go out and do a visit and comeback and write a letter stating what we have observed, and recommend ways that perhaps in addition document what we saw and what they could improve. There are a lot of problems that are seen over and over again. Recordkeeping has been horrible in the places that

we have had complaints. Re-inspections are handled poorly. This month staff took a site visit to Johnston County to go through their process. We will also be working very closely with Susan Gentry who has been charged with making the model inspection department manual. Our next visit will be to Wake County. Hopefully we can be of some help to these inspection departments

Adjournment

Charlie Horne motioned for the meeting to be adjourned. There being no further business, the meeting was adjourned by Hayden Lutterloh.

Respectfully submitted,

A handwritten signature in cursive script that reads "Tim Bradley". The signature is written in black ink and is positioned to the left of the typed name.

Tim Bradley
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

Brad Travis Rice
Victor Darin Serrano

Building Level II

Alan Gavin Blanchard
John Gregory Bullock
Bryan Keith Gaskins
Wesley Emerson Keith
Charles Derek G. Peplow
Laura Stimpson Rooks
Bryan Lars Stanley
Jonathan Grady Stansberry

Building Level III

Michael Stanley Cerjan
Robert Ray Davis
Kevin Scott Henry
William Jefferson Miller
William Henry True, Jr.

Electrical Level II

Brian Henry Duhadaway
John Michael Roper
Larry William Willaford

Electrical Level III

Tobbie Faulkner Edwards

Fire Level I

Barry Edwin Alston
David Michael Greene
Jerry Wayne Joyner
Mary Frances Lowman
John Edward Olive, Jr.
Barbara Rose Russo
Joseph Daniel Starling

Fire Level II

Jeremy Daniel Church
Gary Thomas Hayes
Dawn Layton Horne
Robert Lawrence Key
David Michael Messer, Jr.

Fire Level III

Jason Glenn Boggs
Allen Thomas Cooley
Alva Joe Sizemore, Jr.
Richard Hossien Zamani

Mechanical Level I

James Lynn Dean
Alston Keith Duncan
Bryan Keith Gaskins
William Brian Norris
Brian Thibideaux Thompson

Mechanical Level II

Michael Dale Drye
Lisa June Eames
Joey Ray Jenkins
John Michael Roper

Mechanical Level III

Ryan Dedrick Cody
Joseph Carroll Grasty
Clarence Thomas Milligan

Plumbing Level I

Bryan Keith Gaskins
Kari Lynn Lanning
Braston Avery Newton
Kevin Patrick Ryan

Plumbing Level II

Lamar Evans Heath
Nissa Rhea Pauley
Brandon Bruce Weston

Plumbing Level III

Robert Ray Davis
Tobbie Faulkner Edwards
Nader Ghali Iskander
Elizabeth G. Kotek
Jeffrey Ray Stout
Richard Hossien Zamani

Pre-Qualification Applicants Meeting the Standard Certification Requirements

The following applicants 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.

Richard Rauschenbach
William Bradley Norman

Fire I
Plumbing II