

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

January 28, 2020

The quarterly meeting of the NC Code Officials Qualification Board (“Board”) was held at 1:00 P.M. on Tuesday, January 28, 2020 in the Albemarle Building Training Room 240 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.

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.

Chairman Thunberg announced that Lance Oliver resigned from the Board. The Governor’s office has been contacted regarding his replacement. He also announced that Tracy McPherson would be replaced by Karen Tikkanen. Tracy McPherson introduced Tikkanen. This transition will occur on February 1, 2020.

Griffin asked to be recused from the following investigation complaints: 497, 510, 524, 525, 526, and 527. Couch made a motion to recuse Griffin from the listed complaints. El-Amin seconded the motion and the motion carried.

Thunberg appointed Karen Tikkanen to the Education and Research Committee and made Jeff Griffin Chairman.

The following members of the Board were present (*or by teleconference):

Richard Ducker	Bill Thunberg	Mark Summey, PE*
Ken Stafford	Rob Roegner	Dr. Stephen Terry
Allen Kelly*	Fleming El-Amin	Helen McIntosh*
Jeff Griffin	Thomas Bender	Michael Crotts
James Steele	Danny Couch	Tracy McPherson
Dr. Stephanie Luster-Teasley	Richard White*	Mark Smith*

The following member of the Board was not present:

Andy Matthews

Others in attendance were as follows:

<u>Name</u>	<u>Affiliation</u>	<u>Location</u>
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
Beth Williams	Department of Insurance	Raleigh, NC
Mike Hejduk	Department of Insurance	Raleigh, NC
Tom Felling	Department of Justice	Raleigh, NC
Cliff Isaac	Department of Insurance	Raleigh, NC
Rich Hall	Department of Insurance	Raleigh, NC
Brad Gilliam	Franklin County Inspections	Louisburg, NC
Eric Dickinson	Complainant	High Point, NC
Bill Murchison	Department of Insurance	Raleigh, NC
Greg Vance	Wake County Inspections	Raleigh, NC
Ken Keplar	Wake County Inspections	Raleigh, NC
Jim Roberson	Wake County Inspections	Raleigh, NC
Karen Tikkanen	NC Community College System	Raleigh, NC
Nathan Childs	Department of Justice	Raleigh, NC

Item 2- Approval of Minutes

El-Amin made a motion to approve the October 22, 2019 Board meeting minutes. Crotts seconded the motion and the motion carried.

Couch made a motion to approve the December 9, 2019 Policies and Procedures Committee minutes. Stafford seconded the motion and the motion carried.

Stafford made a motion to approve the January 15, 2020 Policies and Procedures Committee minutes. Roegner seconded the motion and the motion carried.

El-Amin made a motion to approve the January 17, 2020 Qualification and Evaluation Committee minutes. Luster-Teasley seconded the motion and the motion carried.

McPherson made a motion to approve the January 24, 2020 Education and Research Committee minutes with one change. She requested to add “NC Community College System” to the end of the first paragraph. Terry seconded the motion and the motion carried.

Stafford made a motion to approve the January 28, 2020 Policies and Procedures Committee minutes. Ducker seconded the motion and the motion carried.

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

The Chairman announced the following recipients received their fifth level three certificate during the past quarter:

- Bradley Gilliam, Franklin County Inspections Department*
- Michael Davis, Wilson County Inspections Department*
- Ernest Wilkes, City of Raleigh Inspections Department*
- Laura Rooks, Catawba County Inspections Department
- Martin Perry, Iredell County Inspection Department

*These recipients were present.

Item 4 – Public Comment

No public comments were made.

Item 5 – Committee Reports

Executive Committee – Thunberg reported the Committee has not met and has no report.

Policies and Procedures Committee – Stafford reported the Committee has met several times. There are three main items. The first item is the rules for Residential Changeout Inspector. Felling will provide that update. Stafford advised that the Committee recommending the rules with changes from the pre-review. The second item is the request from Mecklenburg County to add gas and venting inspection using LR to the list of approved inspections using LR. The Committee felt that this is a life safety issue and voted to table the request at this time. The third item concerns a testing center issue which Kathy Williams will discuss later in the meeting.

Education and Research Committee – McPherson reported the Committee has met. No action occurred at this meeting. The meeting was primarily an update for the upcoming meeting and other activities.

Qualification and Evaluation Committee – Bender reported the Committee met to discuss the pre-qualification applications for Mark Battle, Alan Miller, and Derick Wilson. The committee approved the applicants.

Item 6. – On-Going Business

A. Residential Changeout Inspector Update

Bill Murchison presented an update on the Residential Changeout Inspector certification. He advised that David Rittlinger and Beth Williams have been working on the standard course for the new certification and it is approximately 90% complete. There are still decisions to make concerning the delivery of the course.

He reported that Rich Hall is working on the end-of-course test.

Thunberg asked when to expect the completed program. Murchison estimated that it would be 6-9 months for the course.

B. Computer-Based Testing Contract

Kathy Williams stated that due to the upcoming new certification that the staff thinks it would be better to exercise another one-year extension of the existing computer-based testing contract with PSI. It would be better to develop the RFP for computer-based testing once the Residential Changeout Inspector program is ready.

Couch made a motion to exercise the second year option of the computer-based testing contract with PSI. El-Amin seconded the motion and the motion carried.

C. Update on Residential Changeout Inspector Rules.

Tom Felling presented the rule changes regarding the Residential Changeout Inspector. The pre-review on rules .0602 and .0702 were very minor.

Felling reported the pre-review comments concerning the changes for the Residential Changeout Inspector in .0706 were centered on items other than the Residential Changeout Inspector. Due to this issue, he thought it would be best to create a new rule in .0734 specifically for Residential Changeout Inspector.

Felling reviewed the rulemaking process with the Board and asked for a recommendation regarding the rules. Thunberg asked for a motion to send Sections .0602, .0702 and .0734 as amended to OAH for approval

Griffin made a motion to adopt the Sections .0602, .0702 and .0734 as amended to OAH for approval. Ducker seconded the motion. McPherson asked if the rules need to specify the course that is required. Discussion occurred. McPherson withdrew her amendment. The motion carried after discussion.

Felling commended the staff for their work on this project and will work with

Item 7 – New Business

A. 2019 Performance Report

Ashley Seiman, PhD from the Research and Performance Management Team of the NC Community College System made a presentation on the analytics correlating the performance of first-time test takers on the state exam. She presented data showing the low performances on the Building I, Electrical I, and Fire I.

She explained that the weighted index for the state is 1. Her presentation showed the index for each community college holding standard courses.

Seiman reported that overall, there is a large number of first-time test takers. The number of successful students is on a slight downward path.

Thunberg asked what the goal of the report is. She stated that the state performance measure accounts for 2 % of funding for community colleges. It also increases transparency, increases outcomes for students and illustrates good work that the colleges is doing. Lastly the report aids colleges and the state partners to assist with decision-making issues.

B. Request to add gas and ventilation inspection to list of Board- approved Live Remote Inspections

No additional report was given other than the Policies and Procedures Committee report.

C. Testing Center Issue

Kathy Williams reported that an issue occurred at the PSI Raleigh testing center. The candidate involved took an Electrical Level I exam. Williams explained that each candidate goes through a check-in and check-out procedure where the proctor goes through each candidate's books before and after the exam. At present, no additional notes or indexes are allowed.

The candidate took the exam. Upon check-out, the proctor discovered an unauthorized index and submitted an incident report.

Williams brought the issue to the Policies and Procedures Committee for action. The Committee decided to allow the candidate to retake the exam, waive the waiting period and have PSI waive the exam fee. Williams reported that the candidate had retaken the exam and was successful.

Stafford suggested that the committee/board may want to revisit the current policy regarding tabs and index.

Item 8 – Staff Report

A. Examination Report

Kathy Williams reported that the quarterly exam results were on the stand-alone sheet. The exams for BI, EI and FI are still low performing which aligns with Ms. Seiman's report.

Williams reported 35 exam reviews were performed. 28 exam challenges were forwarded to code consultants for review. Exams are available to those examinees who do not score at least 70 and are free. The review must be scheduled through PSI just as when scheduling an exam.

Rich Hall gave credit to the Fire Committee for their hard work. The next step on the end-of-course exam is to validate the questions. He hopes to have a final end-of-course exam ready to use by the end of February.

McPherson spoke up for the instructors. The correlation between the instructor ability and the course outcome aren't always indicative of instructional ability.

Bender commended Hall regarding his work on the end of course exam for the Fire I course.

Isaac added that reducing the number of questions on the state exam may assist with the exam performance.

McPherson also added that there are many volunteers willing to work on this project.

B. Certification Report – Terri Tart

Tart reported on the number and type of applications received this quarter. She attributed the influx of applications to jurisdictions to the robust construction industry. Also, jurisdictions are hiring to meet the inspection demand and to replace those retiring.

Currently, there are 2,547 active probationary certificates, 6,455 active standard certificates. There is a total of 9,015 active certificates.

Education Report – Beth Williams

Beth Williams reported that she and Mike Hejduk continue to work with Code Consultants on developing presentations for 2019 Code College Online versions.

Williams reported that she and Hejduk and are currently working with the new Residential Change-out Inspector certificate working group on course/module development in order to implement and roll-out board mandated course for this standard course. In order to reach the broadest number of potential candidates for this new certificate most effectively, this course is a strong candidate for hybrid teaching both as a classroom and synchronous distance education course to reduce the travel requirements of traditional Standard Certificate courses and increase the availability statewide.

Williams is currently developing online course modules within Articulate 360 and Rise 360. The following modules are in development: Residential Change-Out Inspector, NCOQB Certification Program, 2018 NC Mechanical Code Level I, 2018 NC Fuel Gas Code, and CS4162 Fire Code Interpretations.

Statistics Period: October 1, 2019 – December 31, 2019

CONTINUING EDUCATION COURSES	
Courses Submitted Denied	30
Courses Approved	46
Course Rosters Submitted	152
New Con. Ed. Sponsors Approved	3
New Con. Ed. Instructors Approved	2

Currently 3,808 standard certificates out of 6,455 have met CE requirements for 2020 (59%)

STANDARD EDUCATION COURSES			
Area	Course Count	Total # Students (avr. class)	Total # Students
Law and Admin	8		
Building	12	6	73
Electrical	15	4	63
Fire	23	9	186
Mechanical	7	7	51
Plumbing	7	4	30
Total Courses Held	72		
Courses Canceled	5		
Standard Courses Scheduled	59		
Standard Course Grades Pending	11		

Certificate CE Requirements already met as of September 30, 2019 is **3,484**

Hejduk showe

d a video map depicting all travel for FY 2018-2019 by Code Enforcement Officials (CEOs)

from their Authorities Having Jurisdiction (AHJs) to Community Colleges to attend Standard Certificate courses for all trades and levels. The interactive map was programmed by Adam Blythe using Geographic Information System (GIS) technology providing a dashboard data visualization of the total number of miles travelled. The map showed 1,593 of 4,200 (38%) inspectors travelled a total of 175,000 miles. At 60 mph this equals almost 3,000 hours spent in a car. Hejduk said this was a measure of lost productivity. The Residential Changeout Inspector certification required the course first. Adding another Standard Certificate will add more travel by CEOs.

Investigations

Investigation Reports – Sam Whittington

Case #504 – Wright (Wake County)

Whittington presented the complaint items to the Board and the staff recommended no basis in fact for Wright. The Board members asked questions. Couch made a motion to accept the staff's recommendation of no basis in fact. El-Amin seconded the motion and the motion carried.

Case #510 – Hucks (Dickinson)

Whittington stated Mr. Dickinson is here and would like to address the Board. Thunberg invited Mr. Dickinson to the podium. Mr. Dickinson stated he is a PE in North Carolina, Unlimited Licensed General Contractor, Unlimited Licensed Electrical Contractor, and PI Plumbing Contractors License.

Dickinson stated he disagrees with the findings of fact regarding his complaint. He provided exhibits regarding the building in question.

Reggie Hucks addressed the Board regarding the complaint items and comments of Dickinson.

Whittington presented the complaint items to the Board and the staff recommended no basis in fact for Hucks. The Board members asked many questions. El-Amin made a motion to accept the staff's recommendation of no basis in fact. Crofts seconded the motion and the motion carried.

Case #524, 525, 526, and 527 – Hucks (Dickinson)

Whittington presented the complaint items to the Board and the staff recommended no basis in fact for Hucks. The Board members asked many questions. Bender made a motion to accept the staff's recommendation of no basis in fact. Roegner seconded the motion and the motion carried.

Case #367 – Walker (Evans)

Whittington stated that this case goes back to 2011. Walker had previously negotiated a VSA. He left employment before the VSA was executed. Walker is now interested in coming back to work as a code official in North Carolina and would like to get his certifications back.

Whittington reviewed the previous VSA and made adjustments to make it current and Mr. Walker has agreed to the new conditions. Roegner made a motion to accept the VSA as outlined by Whittington. Crotts seconded the motion and the motion carried.

Case #466 – Hayes (Satterthwaite)

Whittington updated the Board on Mr. Hayes testing status. He has not passed the Building III state exam as required by the VSA. He has attempted the exam twice. According to the original VSA, he had 18 months to complete the course and get his standard BIII certificate. At this time, he would need to repeat the BIII course to attempt the BIII state exam again.

Felling stated the Board has the options of renegotiating the conditions of the VSA or have a hearing to determine if he is in violation of the agreement or the original conditions of the hearing. The Board asked if the code official knew he was in violation of inspection over his certification ability.

The Board asked several questions. Roegner made a motion to schedule an administrative hearing regarding this matter. El-Amin seconded the motion. After many questions, the motion carried.

Case #495 – Alamance Co. (Smith)

Whittington stated that a VSA had been reached with the inspectors in Alamance County and covered the conditions for each party. Stafford asked to be recused from this vote due to a conflict of interest. Roegner made a motion to recuse Stafford. Couch seconded the motion and the motion carried. Bender made a motion to accept the conditions of the VSA as described. Griffin seconded the motion and the motion carried.

Investigations Report – Thomas Cooney

Case #497 - Jackson (Winston)

Cooney presented the complaint items to the Board and the staff recommended no basis in fact for Jackson. He reported that he is no longer employed by Mecklenburg County but has gained re-employed in Western North Carolina as a code official. Roegner made a motion to accept the staff's recommendation of no basis in fact. Ducker seconded the motion and the motion carried.

Case #500 – Barlow (Bauguess)

Cooney presented the complaint items to the Board and the staff recommended no basis in fact for two out of three allegations against Barlow. Cooney stated he will seek a VSA and make the presentation at the next meeting. Roegner made a motion to find no basis in the first two complaints and find basis on the third complain and allow staff to create a VSA and present at the next meeting. El-Amin seconded the motion and the motion carried.

Felling addressed the Board regarding one additional item concerning a pre-qualification applicant. He disagreed with the staff's determination regarding his experience criteria and is

appealing the staff's decision. Felling has prepared the Notice of Hearing and Thunberg agreed to sign.

The meeting was adjourned.