

MINUTES OF THE
NORTH CAROLINA CODE OFFICIALS QUALIFICATION BOARD

July 23, 2019

The quarterly meeting of the NC Code Officials Qualification Board (“Board”) was held at 1:00 P.M. on Tuesday, April 23, 2019 in the Albemarle Building Training Room 245 at 325 N Salisbury St, Raleigh, NC 27603. This regular meeting followed the public hearing for readoption of rules.

Chairman Thunberg announced that Dr. Stephanie Luster Teasley, professor and Chair of the Civil, Architectural and Environmental Engineering Department at NC A&T has been appointed to the Board. Thunburg appointed her to the Educational Research Committee. Thunburg announced the second new member, Michael Crotts, who is an inspector from the City of Morganton. He was appointed to the Qualifications and Evaluations Committee. Andy Matthews and Mark Smith were reappointed to the Board.

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.

Mack Summey was asked to be recused in the case involving David Bryant. Thunberg made a motion to recuse Mack Summey. Danny Couch seconded the motion and the motion carried.

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

Richard Ducker	Bill Thunberg	Mark Summey, PE
Ken Stafford	Richard White	Mark Smith
Allen Kelly	Cliff Isaac	Helen McIntosh
Jeff Griffin	Dr. Stephanie Luster-Teasley	Michael Crotts
James Steele	Thomas Bender	
Tracy McPherson	Danny Couch	

The following members of the Board were not present:

Andy Matthews	Dr. Stephen Terry
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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
Rob Roegner	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
Charlie Johnson	Department of Insurance	Raleigh, NC

Item 2- Approval of Minutes

Richard White noted a correction to the April 23, 2019 minutes. He was not in attendance.

Kelly made a motion to approve the minutes as corrected. Couch seconded the motion and the motion carried.

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

The following recipients were present at the Board meeting to receive their fifth level three certificates:

- Gregory Baldwin, Mecklenburg County Inspections Department
- Jeffery Stout, Pinehurst Inspections Department
- Sam Whittington, NCDOT, Standard Certificate, Electrical, Level III

Item 4 – Public Comment

Shandy Padgett, Town of Morrisville, addressed the Board regarding the use of ICC certifications and comity. One of her employees took and passed the Residential and Commercial Building ICC certifications. She stated that ICC certifications are an alternate means to reach comity. Currently out of state inspectors with ICC certifications are only eligible for comity. She asked the Board to review the current language and application of the ICC certifications and comity for code officials.

Item 5 – Committee Reports

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

Policies and Procedures Committee –

Live Remote:

Stafford reported the Committee has met and primarily to discuss issues relating to live remote inspections. Cliff Isaac shared a document that is a suggested guide that described the process to use live remote safely and effectively. The use of live remote is voluntary and the AHJ should determine which permit holders are eligible to use this tool to conduct live remote inspections.

Jurisdictions should audit this process. Suggested limitations to live remote inspections include electrical, life safety, gas and ventilation of appliances.

Suggested requirements inspectors must be certified for type and level of the project and for residential and commercial inspections.

Types of inspections uses:

Type One:

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|-----------------------------|---|
| 1. Shower pan inspection | 4. Sewer and water trench within 100 ft |
| 2. Residential porch column | 5. PV roof inspections |
| 3. Marriage wall | |

Type Two:

Re-inspections up to 4 non-life safety code violations includes footings, foundations, building framing, insulation, rough in final plumbing, rough in final mechanical, and the final building inspection.

Remote live inspections have been piloted in Cary and Brunswick County inspection departments.

Stafford made a motion to approve the guidance paper and distribute to all jurisdictions. Couch seconded the motion.

Discussion was opened to the entire Board on feedback. Tom Felling shared insight about what the roles/responsibilities are in accordance with the use of live remote inspections. The Board doesn't have the ability to say what an inspection can or can't do. The Board is clearing AHJs to perform the inspections as they see fit. However, if there are any complaints, those complaints will be reviewed in accordance with the guidance paper approved by the Board. Felling mentioned that this would be a living document. This document would be emailed and listed on the OSFM website as a guidance paper.

Thunberg made a motion to include the suggested revisions submitted by the Board members. Board approved.

Thomas Bender asked if the Board could have example videos present at the next Board meeting.

Ducker discussed whether electronic videos or pictures were required by the guidance paper. Felling addressed electronic records and that it is up to the jurisdiction.

Felling recommends amending the motion to add “the use of real-time video sharing software such as Skype” to the guidance paper. Crotts also wants to add that this is not a recording to the original motion as well.

Inspector to inspector live remote inspections:

The Policies and Procedures Committee discussed the use of the inspector to inspector live remote inspections where one inspector is on site and another type of inspection is needed. The inspector contacts the appropriately certified inspection in the office to conduct the inspection remotely. Then the onsite inspector can enter the results of both inspections without requiring an additional inspector visit.

Stafford made a motion to authorize Cary and Brunswick County to continue the pilot program and add inspector to inspector inspections and have a presentation at the next Board meeting. Crotts seconded the motion and the motion carried.

Bender requested an example of an inspector to inspector video at the next Board meeting.

Residential Change-Out Inspector:

Stafford reported that House Bill 675 was ratified by the Legislature. A Residential Change-Out Inspector (6th classification of inspector) performs inspections on hot water heater and/or HVAC change outs. Effective October 1st, 2019. Recommendation by Cliff Isaac and approved by the committee to employ a temporary position.

Ken Stafford made a motion on behalf of the Policies and Procedures Committee’s recommendation to ask NCDOI to hire and fund a position to help with the development and deployment of the 6th classification of Residential Change Out Inspection. Kelly seconded the motion and the motion carried.

Education and Research Committee:

McPherson met with committee today, but no quorum was available. There are no recommendations to make today. She referred to the memo from Hejduk.

Isaac introduced the topic of reducing the number of questions from 150 to 120 questions. Isaac asked why we do have so many questions on the exam. This was added to the list of recommendations. Thunberg asked to have additional time as a separate item added to the next Board meeting to discuss outcomes from the Educational Committee meeting.

McPherson agrees to add the topic of the number of questions on the state exams to the memo.

Qualification and Evaluation Committee– Ray Rice has retired, and a new Chairman needs to be elected. Qualification and Evaluation Committee has not met and has no report.

Item 6 – On-Going Business

Tom Felling spoke about the re-adoption of the Board rules.

June 20, 2019 the four rules (11NCAC08 0602,0707, 0708, and 0714 were re-adopted demonstrating that the Board rules were consistent with Administrative Procedures. Office of Administrative Hearings passed the re-adopted rules without hesitation.

Isaac discussed HB675 and the prepared Ad Hoc Committee prepared Section 107 Component Form was approved and added. The Building Code Council will be asked to put in the Administrative Code.

Building Code Council will create a Fire code inspection checklist will be developed for theatre, television and stage sets and scenery. Charlie Johnson will be tasked with this issue for NCDOT.

15 business days on residential plan review for 1 and 2 Family dwellings is now required. NCDOT will issue a guidance paper by October 1st, 2019. 221 jurisdictions have been asked for comments on the paper. The guidance paper will provide more uniformity across the state.

Item 7 – New Business

Director Report – K. Williams

Three appeals presented before the Board Evan Faulkner, Jordan Piper and Curt Willis.

1. Evan Faulkner – Appeal

Williams introduced Mr. Faulkner's appeal. Faulkner is employed with the Stanley County Fire Marshal's Office as a Fire Inspector. He requested consideration for Pre-Qualification for Fire II based on his degree. He earned a BS in Fire/Arson & Explosion Investigation from Eastern Kentucky University in 2017. Staff approved his pre-qualification application for Fire I with the ability to receive a Probationary Fire II upon employment. 11 NCAC .08.0706(u)(2) requires the degree to be in the areas of "architecture, civil, or architectural engineering, building construction, or fire science". Staff used the curriculum of the BS degree in Fire Safety Technology from UNC-Charlotte as a comparison for Fire Science or Fire Protection Engineering. Staff determined that this degree was not equivalent. Mr. Faulkner is appealing the decision regarding the staff's decision.

Williams explained the certification process for pre-qualification.

Faulkner and Daniel Barham, Stanly County Fire Marshal, addressed the Board. Barham presented the definition of fire science. There is no definition in the Board's rules. They corrected the staff in that UNC-Charlotte's as being ABET accredited. Barham felt that Faulkner exceeds the requirement for Fire I. Faulkner addressed a couple of the course descriptions taken within his degree. He stated he has a minor in Fire Safety Engineering from Eastern Kentucky University. Barham read a section from Chapter 1 of the Fire Prevention Code. Luster addresses his major vs minor discrepancy.

2. Jordan Piper – Appeal

Williams introduced Mr. Piper’s appeal. Piper is employed with the Johnston County Fire Marshal’s Office as a Fire Inspector. He currently holds a Probationary Fire II certificate which was issued 2/2/2018. He earned a BS in Fire & Emergency Services Administration from Fayetteville State University in 2017. Staff used the curriculum of the BS degree in Fire Safety Technology from UNC-Charlotte as a comparison for Fire Science or Fire Protection Engineering. Staff determined that this degree was not equivalent. Piper is appealing the decision regarding the staff’s decision. Piper becomes eligible for the Standard Fire II exam as of 11/1/2019.

3. Curt Willis – Appeal

Williams introduced Mr. Willis’ appeal. Willis is a retired building inspector previously employed with the City of Raleigh Inspection Department. Mr. Willis started as a building inspector in 1984. He achieved a Standard Building III in 1986. As a level III inspector, he can inspect any structure. Part of his inspections included performing inspections and plan review on high rise structures and utilizing NFPA 72 as referenced in the NC State Building Code. Mr. Willis performed these inspections prior to the adoption of the NC Fire Prevention Code in 1991. Staff reviewed his pre-qualification application for Fire II. Upon consideration and thorough conversation within the office, Mr. Willis was approved for Fire I due to his unique set of circumstances. Mr. Willis is requesting consideration for additional fire credit.

Willis addressed the Board to review his experience and to explain his interest in pursuing this certification. He has a desire to share his knowledge and experience in retirement. He further stated that he has more experience and knowledge than someone who has a 4-year non-technical degree and that the Board has the ability to accept make this decision.

Bender asked if he had any further service with the fire service. Willis stated he is currently in the Fire I course. He has no other courses.

Luster made a motion to move into closed session pursuant to NCGS 143-318.18(6) to discuss the qualifications of Evan Faulkner, Jordan Piper and Curt Willis. Stafford seconded the motion and the motion carried.

Stafford made a motion to move further discussion regarding the appeals of Faulkner and Piper to the Qualification and Evaluation committee. Couch seconded the motion and the motion carried.

Jeff Griffin made a motion was made to move Curt Willis to a probationary Fire Level II status based upon experience and certification. Kelly second the motion. Board approved the motion.

Item 8 – Staff Report

Williams presented the following information:

Staff did attend and present at the NCBIA annual conference in Beaufort, NC.
Staff did attend and present at the NCPIA annual conference in Kitty Hawk, NC.
Staff will attend and present at the NCMIA annual conference in Concord, NC.

Staff and IT is currently working on developing and deployment an online complaint process.

Annual renewals have been completed.

Request for Bid process for third party testing has begun. PSI was granted a one year contract with the possibility to renew for another 2 years.

Section 107 Ad Hoc Committee additional meeting was scheduled for October 22, 2019, to address additional issues for building and inspector communities.

Examination Report – K. Williams

Williams shared a comparison report from last quarter to the entire year. Building Level I, Building Level II and Electrical Level I are underperforming as indicated by the test scores.

There were some positives demonstrated within in the comparison of the last 6 months test scores from 2018 to the test scores from the first six months of 2019. This may be due to the recent code changes.

40 requests were made to challenge exam questions, 28 of the requests were also reviewed by the Chief Code Consultants.

There was a decrease in complaints received on tabs. Clarification has been provided online. Acceptable tabs are available for purchase through our office. Additional complaints were filed by candidates against proctors who were disruptive within the testing environment.

Certification Report – Tart

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

Currently, there are 2,363 active probationary certificates, 6,153 active standard certificates. There is a total of 8,527 active certificates.

Education Report – B. Williams

Williams continues to use Skype for office hours to assist code officials from resolving issues such as log into QBoard system, Online Code College, and it is used to offer chat sessions in the online courses.

All NCECC modules are now complete and uploaded into the Online Code College learning system.

Detailed briefly about the upcoming 2019 Code College to be held September 23 to September 27, 2019 at NCDOL.

Reviewed percentages of online code college completion rates from 2018 to 2019

Statistics Period: January 1, 2019 – March 31, 2019

CONTINUING EDUCATION COURSES		Total CE's
Courses Submitted Denied	20	
Courses Approved	31	
Courses Approved FY	118	
Course Rosters Submitted	225	
New Con. Ed. Sponsors Approved	1	
New Con. Ed. Instructors Approved	1	

STANDARD EDUCATION COURSES			
Area	Course Count	Total # Students (avr. class)	Total # Students (July 2018 – June 219)
Law and Administration	7	94	(CC32) 486
Building	18	71	(CC32) 251
Electrical	15	43	(CC35) 222
Fire	19	92	(CC51) 465
Mechanical	10	68	(CC21) 221
Plumbing	13	66	(CC24) 223
Total Courses Held	45		
Courses Canceled	4		
Standard Courses Scheduled	63	(CC) = Course Count	
Standard Course Grades Pending	9		

Additional Educational Updates:

Certificate CE Requirements already met as of June 30th, 2019 is at 94% completion.
Total Active Certificates (Standard & Limited still needing CE) 6%

Education Dashboard Presentation – Hejduk

Hejduk discussed the upcoming 2019 Code College at NCDOI September 23 thru September 27, 2019. Each trade will be represented by the Chief Code Consultants.

Hejduk is currently working with the NCDOI Application Development Team and staff to develop the dashboard in order to create a user-friendly system for all stakeholders such as Authorities Having Jurisdiction, Sponsors, Instructors, Code Enforcement Officials, and NCDOI staff.

Hejduk discussed the possibility that the deployment of the supplemental online material may have caused the current pass rate increase for both Fire Level 1 and Electrical Level 1.

In addition, Charlie Johnson has greatly contributed to the development and deployment of the Fire Level 1 student and instructor supplemental material. Collaboration with Fire Code officials to development this material has had a significant impact on test scores for Fire Level

Investigations

Investigations Report – Cooney

Case #493 Bryant & Brady

David G. Bryant & Craig H. Brady was reviewed by the Code Officials Qualification Board and based on the recommendation by Staff the complaint was dismissed with no further action

Investigations Report – Whittington

498 Robeson Co Schools (Sampson)

No-Basis, No code violations identified, None of the individuals in the complaint hold or held certificates, move by Couch, Second by McIntosh approved by board.

465 Hayes (Satterhwaite)

Haye has not retaken the Building 3 exam, no changes in status to report.

Item 9 -- Nominations/Elections

Thunberg opened up discussion about the duties for each of the following nominations for Chairman, Vice Chairman, and Secretary.

Chairman – Bill Thunberg – Stafford nominated Thunberg as Chairman. Kelly seconded the motion and the motion carried.

Vice Chairman – Ken Stafford – Couch nominated Stafford as Vice-Chairman. Kelly seconded the motion and the motion carried.

Secretary – Cliff Isaac – Kelly nominated Cliff Isaac as Secretary. Steele seconded the motion and the motion carried.

Education and Research Committee – Tracey McPherson –Cliff Isaac nominated McPherson as Committee Chairman. Kelly seconded the motion and the motion carried.

Policies and Procedures Committee – Ken Stafford –Jeff Griffin nominated Stafford as Committee Chairman. Couch seconded the motion and the motion carried.

Qualifications and Evaluations Committee – Thomas Bender -- Allen Kelly nominated Bender as Committee Chairman. Isaac seconded the motion and the motion carried.

Chairman Thunberg adjourned the meeting by acclamation.