

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

**July 24, 2018**

The quarterly meeting of the NC Code Officials Qualification Board was held at 1:00 P.M. on Tuesday, July 24, 2018 in the Albemarle Building Training Room 240 at 325 N Salisbury St, Raleigh, NC 27603.

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

Richard Ducker	Stephen Terry	Cliff Isaac	Lance Olive
Ken Stafford	Jeff Griffin	Ray Rice	(teleconference)
Dan Brummitt	James Steele	Brenda Lyerly	Tracy McPherson
Allen Kelly	Bill Thunberg	Thomas Bender	Danny Couch

Members absent:

Taher Abu-Lebdeh	Mark Smith	
Andy Matthews	Mack Summey	Stephen Terry, PhD, PE

Others in attendance were as follows:

<u>Name</u>	<u>Affiliation</u>	<u>Location</u>
Mike Hejduk	Department of Insurance	Raleigh, NC
Kathy Williams	Department of Insurance	Raleigh, NC
Terri Tart	Department of Insurance	Raleigh, NC
Sam Whittington	Department of Insurance	Raleigh, NC
Denise Stanford	Department of Justice	Raleigh, NC
Tom Felling	Department of Justice	Raleigh, NC
Don Sheffield	Greensboro Insp. Dept.	Greensboro, NC
James Frawley	Wake Technical Community College	Raleigh, NC
Colin Triming	Charlotte Fire Dept.	Charlotte, NC
Rob Roegner	Department of Insurance	Raleigh, NC
Braxton Tanner	Wake Co. Fire Dept.	Raleigh, NC

**Preliminary Matters**

Chairman Bill Thunberg convened the meeting and welcomed guests. He announced three members have been appointed to the board, Tracy McPherson, Danny Couch, and Thomas Bender.

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

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

The State Ethics Commission has cited the potential for a conflict of interest for members of the Board who are serving in the following appointments.

- Code officials, because they serve on the Board that certifies them.
- Elected officials, because local government entities employ code officials.

- Licensed contractors, because their companies regularly work with code officials.
- UNC School of Government, because the school provides educational services for code officials who are subject to the jurisdiction of the Board.

Board members should exercise appropriate caution in the performance of their public duties should issues involving their certifications or that of any of their employees come before the Board. This would include recusing themselves to the extent that their interests would influence or could reasonably appear to influence their actions.

Mr. Thunberg stated he had conflict with case 483 and that Mr. Stafford would sit in for him in that case. Mr. Griffith had a conflict of interest with 482 and 486. Mr. Bender stated he had conflict with case 482.

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

#### **April 24, 2018 Minutes**

Mr. Kelly made a motion to approve the minutes of the April 24, 2018 regular quarterly Board meeting. Mr. Rice seconded the motion. The motion was voted on and approved unanimously.

#### **July 16, 2018 Minutes of the Joint Committee Meeting (Policies & Procedures and Education & Research Committees)**

Mr. Stafford made a motion to approve the minutes of the July 16, 2018 Joint Committee meeting. Mr. Kelly seconded the motion. The motion was voted on and approved unanimously.

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

Chairman Thunberg congratulated Inspector Mark Burns on completing and receiving his Electrical Level III Certificate on July 16, 2018. He is an inspector with the City of Raleigh.

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

Nothing to report

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

Chairman Thunberg asked if there were any public comments for the Board.

Ryan Miller, Executive Director, NC Building Performance Association addressed the Board. This association is composed of Home Energy Residential Specialists (HERS) who perform energy efficiency evaluations. Miller reported that 33% of all new homes in North Carolina receive a HERS rating. The new code was approved with part of the 2015 International Code that allows for the HERS rating number provided by a third-party verification can pass for energy code compliance with the proper approval by the code official. Miller advised the Board that he had a press release ready should the Board decide to send this information to inspectors.

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

#### **Executive Committee:**

Chairman Thunberg stated that the Committee has not met and had no report.

#### **Policies & Procedures**

Ken Stafford reported that the Committee had met via teleconference and the report was included in the board meeting package. The committee meeting was specific to comity.

Stafford reported changes were made to comity in House Bill 948 which included extending comity to individuals who have ICC certification. Others are allowed to receive comity if their certifications are from a state where their state's licensure requirements were similar to NC.

Stafford reported the Committee will need to make some changes in the Board's rules to add these provisions. Legal Council will need to take any administrative rule changes to the Rules Review Commission so that they can review it. There may be pages and pages of comments. He has not yet seen those comments. Those comments will require the committee to re-read the changes again.

As of October 1, 2018, if you have an applicant and they have ICC certification but do not hold licensure in another state they can still apply for licensure by comity through the board. Currently staff uses a matrix that was previously used to grant ICC legacy certificates to those who held specific NC certificates. So that if you already have ICC Residential and Commercial certification, have the proper amount of experience, you may apply for Level I or Level II Licensure in North Carolina. And if you have the Residential Certification and Commercial Certification and the Plans Examiner Certification and at least 5 years of experience in inspections we will recommend that you be able to apply for licensure by comity. That would be the recommendation.

Thunberg appointed Dan Couch to the Policies and Procedures Committee.

**Education and Research Committee:**

No meeting was held.

Thunberg appointed Tracy McPherson to the Education and Research Committee.

**Qualification and Evaluation Committee:**

Ray Rice stated that the Committee met to discuss application qualifications.

Thunberg appointed Thomas Bender to the Qualification and Evaluation Committee and appointed Lance Olive appointed to the Qualification and Evaluation Committee.

**Item 7: Unfinished Business**

Cliff Isaac reported that in Section 107 of the NC Administration and Enforcement Code there eight (8) residential inspections that must be performed. There has been in-depth conversation about what these inspections mean and how these inspections are being defined across different jurisdictions and what is being required across each of these inspections. Some counties are saying that you must have all of the trades mechanical, electrical and plumbing before calling for a rough framing inspection. Because they don't want to do an inspection, and they think they will be one inspection past and will get in trouble with this Board. When looking for consistency, it may be a good idea to work closely as a committee alongside the Building Code Council to go through each inspection and help identify what those inspections are especially for a one-or-two family dwelling. This will help inspectors to understand expectations and requirements. Contractor and inspectors will have shared responsibilities across all of the required inspections. Creating a committee to identify these responsibilities is necessary especially when it comes to consistency, Cliff asks the Board to consider forming a committee and that the committee works towards forming procedures and specifications on who completes these inspections. 222 building inspection departments currently exist throughout the state. Mr. Thunberg reiterated Mr. Isaac's suggestion and asked for comments. Mr. Couch agreed with Mr. Isaac's suggestion as well.

Mr. Thunberg asked what the end goal would be for the Committee? Mr. Couch said maybe they could bring forward a checklist. Mr. Stafford stated there should be very clearly stated goals about what inspectors are going to be look for. Having this on-line might be a good option for the committee to consider. Mr. Thunberg polled each member regarding their thoughts on this matter. Mr. Thunberg asked how the Board's authority fits into this process? The board only has guidelines. Mr. Davis commented that he felt a committee is a great idea. He and Leon Skinner, City of Raleigh, suggested to write commentary to go with the code which will give guidance to improve consistency.

The Board agreed to create a committee of 10 members 5 from Building Code Council and 5 from North Carolina Code Officials Qualification Board.

Brummitt brought up the agricultural exception option and that it needs clarification as well. Cliff Isaac said that the Department of Justice is working on a guidance paper regarding this matter.

Make a motion that we establish this committee and that the Chairs of both organizations have the authority to appoint the members and report back to each board quarterly meeting about how they are progressing towards the goals of providing consistency to those seven (7) or eight (8) inspections as listed in statute.

Mr. Brummitt made a motion to establish this joint committee to evaluate the procedures for inspections and that the Chairs of both organizations have the authority to appoint 5 members. The Committee will report back to each Board on a quarterly basis about how they are progressing towards the goals of providing consistency to those seven (7) or eight (8) inspections as listed in statute. Jeff Griffin seconded the motion and the motion carried.

Mr. Davis and the Board decided co-chairs would be appropriate for the joint committee. Neither Mr. Davis or Mr. Thunberg can break a tie.

Contents of this motion will be forwarded to the Building Code Council and Thunberg will appoint a committee within the next week or so.

Cliff Isaac brought up the next HB948 topic - what inspections are we going to allow engineers and architects to inspect? He would like the committee to confirm that footings, foundations, and slabs are considered components.

Stafford stated that clarification from the Ad Hoc committee may be able to provide additional definition and guidance to inspection departments.

## **Item 8: Staff Reports**

### **Director Report**

Kathy Williams stated we have a new Education Coordinator, Beth Williams. She joined us on June 1<sup>st</sup>, 2018 She worked as an Educational Consultant beginning in October 2017 creating online modules in the Engineering Division creating online training courses/modules. She has a MS in Instructional Technology and a graduate certificate in Distance Administration from East Carolina University and over 20 years in professional development and 16 years with NC State Government. It is very interesting to see the online options that she is bringing for us and I think Mike is going to show us a little bit.

Williams received a request from Johnston County Inspections Department to provide certification training from their CEOs that are still going through the exam process and questions from their managers.

Williams reported that staff will be attending the COCO meeting in Atlantic Beach, NC from August 5-8. Staff will assist with certification, technical outreach issues.

### **Examinations**

Kathy Williams gave the examination report. Scores are about the same as last quarter. All mechanical passing percentages went down a little bit. 14% increase in the number of people taking the exam due to the code changes in the Electrical code. Staff noticed a significant increase in those taking electrical exams. The electrical code changed on June 12, 2018.

324 exams taken within the last quarter. Williams stated the passing rate for EI is 27.3% and BI is 37.5% which is still low. 54 exams were reviewed. Reviews are available for those who fail and are free. The FI passing rate is 39.3%.

Williams went over the review percentages. 35% people opted in to come in for a review. One exam challenge resulted in receiving a passing score.

Williams reported that the 2017-2018 Grade summary sheet showed a decrease of 7% which demonstrates there is a need for improvement in Electrical 1, Building 1 and Fire 1 levels. We will concentrate on further online training/supplemental materials in these areas. All records are very similar to statistics from last year. Staff will concentrate on the online learning supplemental learning materials for the lower performing trades (test score percentages)

The number of computer-based test seems flatter which has allowed for more time given allows those with probationary certificates has helped people to earn CE.

Two more exam committees are scheduled to meet. They are the Mechanical and Plumbing Exam Development Committees.

The PSI contract is due to expire in 2019. DOI extended their contract for one year. Resources are low at the time due to all the code changes. We will have a committee to assist with contract selection.

We had one complaint issue regarding test issues. Test accommodations were not provided for a student on multiple occasions. (at least twice). PSI and Williams have worked out arrangements for the student. Our PSI client manager assured staff this would not happen again. PSI took responsibility about the accommodations not being provided for this student. Williams has taken action to ensure this does not occur again.

### **Certification**

Terri Tart reported the following quarterly variances: -3.0% for probationary certificate applications; +6.0% for standard applications; and +23.8% for pre-qualification applications. Tart attributed the influx of standard applications to the upcoming code changes. Also, jurisdictions are hiring to meet the inspection demand and to replace those retiring. Tart covered the Year-End Review variances: +25.0% for probationary certificate applications; -17.9% for standard applications; and -10.5% for pre-qualification applications. 189 standard certificates were earned this quarter. 1 individual met requirements through pre-qualification. There are 2,122 active probationary certificates, 6,353 active standard certificates and 25 active limited certificates. There is a total of 8,500 active certificates. Tart also reported that no probationary certificates had expired within the last quarter. This is due to the 3-year issuance for probationary certificates. Tart presented the names of those CEOs receiving a standard certificate within the quarter.

### **Education**

Beth Williams reported the following information:

Combined courses Law and Admin, Building, Electrical, Fire, Mechanical, Plumbing—Total Courses held 190
Total Courses Cancelled—34
Total Number of Students that Attended Courses – 2093 (2017-Total number of students were 1881)
Level I-Students 1024 /2017 Students 822
Level II-Students 381/2017 Students 510
Level III-Students 324/2017 Students 280
Continuing Education
Courses Approved 171 / Courses Denied 16
Course Rosters Submitted 499 / Total CE's 678
Total Active Certificates 6,642 / Certificate CE Requirements Met for FY 2017/2018 5,931 = 89.3%
691 Online courses taken

Currently 12 people enrolled in the Standard Certificate course.

Schedule Audits to the NC Community Colleges (1 down, 14 to go)

Board member asked if PPTs are ready for new codes for Instructors

Dan Couch positively commented about having online resources for inspectors to assist with test taking and supplemental resources.

### **Mike Hejduk**

Mike Hejduk shared a tutorial on how to access Moodle and successful register for online courses.

LMS Overview and Moodle Tutorial

Outcome: We need to increase our pass rate of our lowest exam scores for Electrical, Fire, and Building by 10%. How are we going to do this? It is going to take 1000's of manhours.

Hejduk demonstrated through UAT how it is going to look via the end user view. He did a hands-on demonstration.

He stated the purpose of Content Development for Standard Material is to supplement and enhance learning for students enrolled in standard courses not as a replacement for instruction/instructors.

### **Investigations**

#476 Charlotte MHC (Howell) was not presented. This case was originally scheduled to be presented at April board meeting. Ms. Howell requested to address the Board but was not present at the meeting. Whittington informed Ms. Howell of time and location of this meeting and she is not in attendance. Ms. Howell owns a house in Charlotte. She had a tenant who filed a Minimum Housing complaint. Charlotte Minimum House cited her for 42 violations of the Charlotte Minimum Housing Code.

There were a couple code violations included in the minimum housing report. Whittington discussed the case with code consultants and in their opinion there was nothing that would require a permit to repair. The key issue involved a vent for a gas fired water heater. They required her to replace the vent. She had it replaced. At some point subsequent to that, before all of the code violations from the minimum housing code had been resolved, the water heater vent had gotten knocked out of alignment. A gas water heater with the flue knocked out of alignment is a serious hazard due to carbon monoxide. Eventually it got fixed by an unlicensed individual. The Charlotte minimum housing official was requiring a licensed individual to perform the realignment repair. Whittington discussed this issue with Dale Dawson, Director of the NC Plumbing, Heating, and Fire Sprinkler Board and in his opinion the screw to hold it in place to ensure that it stays in alignment did not require a licensed individual to make that repair. Sam called and spoke with Mike Jenkins the Director and the Director met with Ms. Howell and determined that all 42 violations had been corrected. All fines were withdrawn and her case was closed. The only reason this case is before the Board today is the Minimal Housing Code official holds a Building Level 1 Certificate. Staff recommends a finding of No Basis.

Mr. Brummitt made a motion to accept the recommendation of no-basis. Mr. Ducker seconded the motion. The motion was voted on and approved unanimously.

### **#482 Charlotte Fire (Sherrill)**

Board members Griffin and Ducker asked to be recused from this case.

Jason Sherrill was discharged from the military began working with the Charlotte Fire Department in a internship program for military veterans to train him as a fire enforcement inspector. Charlotte Fire terminated the program and that ended his employment as a fire code official.

After his employment ended, he filed a complaint. He listed buildings where the fire codes are not being enforced appropriately. He also included an item that details a memo from Mr. Leonard, that delayed inspections of non-life safety inspections until the end of the year in order to get all the inspections done before the end of their fiscal year.

There is nothing in the code that specifies when reinspection must be completed. It is a jurisdictional decision. Of the 10 (ten) locations that we reviewed, we found some issues at two sites. One site was not inspected for 10 years. The address was 1854 Galleria Blvd. It was initially inspected by Charlotte Fire. The explanation given was that it wasn't properly coded in the system as an inspectable property. Sherrill found it, identified it, inspected it, and wrote up a list of violations. Some of the items were indeed violations, some of them were not verifiable. This site is now on the list to be inspected and is getting inspections as required.

The second site relates to Item #10 Address 3412 Monroe Road in the report. There were several violations listed in the logs that needed to be resolved. The main concern was a fuel tank and verifying it was inspected. Staff received conflicting stories from Charlotte Fire. Whittington stated that it appears that Charlotte's internal communications needs to be improved. Staff recommends a finding of no basis. Staff noted recommendations under the staff conclusions on last page. Thunberg asked would it be appropriate to request a letter of caution and if so who would it be addressed to, Mr. Leonard? Mr. Whittington stated that would be the appropriate one to address it to if the Board feels that it is appropriate. Mr. Whittington addressed it into the report if the Board wants it to go into the report that is the Boards prerogative. Mr. Thunberg asked what are the actions that the Board could/can take? Mr. Whittington stated with the finding of No Basis a letter of caution would not be disciplinary it would be basically a letter stating concerns.

Mr. Isaac made a motion to accept the recommendation of no-basis. Mr. Stafford seconded the motion. The motion was voted on and approved unanimously.

### **#483 Statesville Housing Authority**

Mr. Thunberg was recused from case

The complainant owns apartments in Statesville, NC which is part of Section 8 housing. The inspectors involved in the complaint do not hold certificates and are not doing code enforcement of the state building code. In order for the complainant to participate in Section 8 housing, he has to get inspections through the Statesville Housing Authority (SHA).

The SHA cited Items 1 and Items 2 which he is required to fix. His argument is that they aren't code violations and he doesn't want to make the repairs. He wanted the NC Department of Insurance to review it and determine whether or not the repairs need to be made and whether or not it is actually a violation(s) to the building code. So, he filed a complaint in order to achieve that end.

Requirement for protection of the Romex is at the discretion of the Electrical Inspector. The Railings were found to be a Code violation. Staff recommends a finding of No Basis due to the fact they are not certified code officials and they are not doing code enforcement in the NC State Building Code.

Stafford comment this is outside of our jurisdiction.

SHA is requiring him to sign the forms in order for the complainant to participate in the Section 8 housing. Anything they change in the occupancy must be inspected through the Housing Authority to participate in Section 8 Housing which is basically a federal subsidy. Evidently there had been a change in an inspector. The new inspector is requiring him to make these changes. Complainant doesn't want to spend the money therefore he is trying to fight that.

Mr. Stafford commented that the owner is required to fix the issues to participate in Section 8 Housing. Stafford commented that based on Whittington's report it appears that the complainant is being asked to comply with the HUD standards which exceeds the code requirements. The complainant disagrees with the SHA inspectors' interpretations.

Mr. Brummitt made a motion to accept the recommendation of no-basis. Mr. Bender seconded the motion. The motion was voted on and approved unanimously.

#### **#460 Lynch (Pettigrew)**

Mr. Miller presented this to the board. Mr. Lynch was contacted by the Board prior to going to a hearing and he has submitted a voluntary surrender of certificates. Recommendation of staff, is to accept his surrender of certificates and close the case.

Mr. Brummitt made a motion to accept the voluntary surrender of certificates and Mr. Rice seconded the motion. The motion carried.

#### **#480 Hesse (Scruggs)**

Mr. Isaac was recused from this case.

At the last Board meeting, the report was submitted and accepted. The Board asked the staff to negotiate and settle an agreement to resolve this issue. Mr. Whittington presented the settlement agreement to the Board.

The conditions of the Hesse Settlement Agreement are: attend a Law and Admin course, State Ethics course, Building Level I Standard Course, and sit for Building Level I state exam within one year. His Building Level III Certificate is reduced to a Building Level II Certificate. If he doesn't successfully pass the three courses and the state exam listed above within the one-year period, all of his certificates will be suspended until he successfully completes the courses and passes the state exam. He will also not be able to pursue gaining his Building Level III Certificate until he completes all of the required training. In addition, he agrees to accept a letter of reprimand from the Board in order to resolve these issues. Staff recommends that the Board accepts this to resolve this matter.

Tom Felling asked if there were questions to direct to Mr. Fountain but since the Board had none at this time he felt that it was okay to move forward with a decision.

Mr. Brummitt made a motion to accept the recommendation of no-basis. Mr. Rice seconded the motion. The motion was voted on and approved unanimously



**Item 9: New Business:**

Thunberg asked if anyone had any comments regarding new business.

Mr. Isaac noted that the new code books are available for purchase through the OSFM website. The links have been updated and can be purchased in bulk. Buyers can get up to 25% off. It should now be offered with the three-ring binder. It is not downloadable.

Mr. Isaac commented about Ryan Miller's presentation on the HERS system to comply with the Energy Council. It is a resource for the code official and a builder could use to comply with the building code.

**Item 10: Annual Election of Chairman and Officers**

Dan Brummitt nominated Bill Thunberg as Chairman and was seconded by Cliff Isaac. With no other members nominated, Bill Thunberg called a vote and was re-elected as Board Chairman. Brenda Lyerly nominated Ken Stafford as Vice-Chairman and was seconded by James Steele. With no other members nominated, Chairman Thunberg called a vote and Ken Stanford was re-elected as Vice-Chairman. Dan Brummitt nominated Cliff Isaac to be Secretary and was seconded by James Steele. With no other members nominated, Chairman Thunberg called a vote and Cliff Isaac was elected as Secretary.

Mack Summey nominated Tracy McPherson as Chairman of the Education and Research Committee and was seconded by Allen Kelly. With no other members nominated, Bill Thunberg called a vote and Tracy McPherson was elected as Chairman. Allen Kelly nominated Ken Stafford as Chairman of the Policies and Procedures Committee and was seconded by James Steele. With no other members nominated, Chairman Thunberg called a vote and Ken Stanford was re-elected as Chairman. Brenda Lyerly nominated Dan Brummitt to be Chairman of the Qualifications and Evaluations Committee was seconded by Jeff Griffin. With no other members nominated, Chairman Thunberg called a vote and Dan Brummitt was elected as Chairman.

Thunberg commented there is one vacancy on the Board at the time. It is a City or County Manager and then adjourned the meeting.

Respectfully submitted,



Cliff Isaac,  
Secretary, NC Code Officials Qualification Board