

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

July 28, 2020

The quarterly meeting of the NC Code Officials Qualification Board (“Board”) was held at 1:00 P.M. on Tuesday, July 28, 2020 by teleconference.

Chairman Thunberg announced that James Steele, Karen Tikkanen, Richard Ducker and himself 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.

Danny Couch asked to be recused in Case #503. Roegner made a motion to recuse Danny Couch. Terry seconded the motion and the motion carried as approved by a roll call vote.

The following members of the Board participated by teleconference (*or in person):

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

The following members of the Board were not present:

Mark Smith

Others in attendance by teleconference (*or in person) 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
Cliff Isaac	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
Curtis Roerick	City of Raleigh	Raleigh, NC

Item 2- Approval of Minutes

Roegner made a motion to approve the minutes of the April 28, 2020 Board meeting. Griffin seconded the motion and the motion carried as approved by a roll call vote.

Griffin made a motion to approve the minutes of the May 14, 2020 Education and Research Committee meeting. Terry seconded the motion and the motion carried as approved by a roll call vote.

Roegner made a motion to approve the minutes of the May 19, 2020 Special Board meeting. Crotts seconded the motion and the motion carried approved by a roll call vote.

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

There were no recipients receiving their fifth level three certificate today.

Item 4 – Public Comment

Chairman Thunberg opened the public comment portion of the meeting.

Curtis Roerick, City of Raleigh code official, addressed the Board concerning an incident at the PSI Raleigh testing center. Mr. Roerick explained that he was taking the Building Level I exam on July 20, 2020 and that he was approximately $\frac{3}{4}$ of the way through the exam when the exam was paused and he was asked to take his things and go to the check-in office. He was told they were notified of a security breach and that it looked like he had a cellphone. His person was somewhat searched, and his materials were searched, and no cellphone was found. He relayed to the Board how frustrating and uncomfortable the situation has been since the incident. He tried to contact PSI almost every day without success. KWilliams added that she was going to report on the incident during the Exam portion of the Staff Report.

Charlie Johnson, NCDOI Code Consultant, next spoke regarding Section 106 fire prevention inspections. Many departments have expressed they are not able to adhere to the schedule due to issues concerning COVID-19, especially in institutional occupancies. The Standing Fire Committee brought the issue to the Building Code Council and the Council thought it was more applicable for the NC Code Officials Qualification Board to address. Johnson relayed that inspectors are concerned about:

1. Complaints filed again inspectors if inspections aren't performed on schedule.
2. DHHS asked for a waiver to do inspections in nursing facilities.

3. Inspectors are concerned about conducting fire drills in schools and nursing facilities because you can't social distance.

Chairman Thunberg requested that this issue be handled under New Business and discussion was stopped.

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 not met and has no report.

Education and Research Committee – Griffin reported the Committee has not met and has no report.

Qualification and Evaluation Committee – Bender reported the Committee has not met and has no report.

Item 6 – New Business

Chairman Thunberg reopened the discussion concerning the Section 106 fire inspections. Tom Felling, Board counsel, commented the Board can regulate their conduct, but doesn't have the authority to tell DHHS or schools what they can do.

Felling suggested to tell code enforcement officials if the inspections aren't performed in accordance with Section 106 that it wouldn't be deemed as willful misconduct, gross negligence or gross incompetence due to COVID-19 issues.

Griffin asked if this consideration is about vacant or occupied facilities. Johnson replied that it involves both. If the building is unoccupied and locked, the inspector can post the building and after 10 days it is considered inspected.

Comments continued about safety being the primary concern

Roegner commented that NCDOI can create a form for fire CEOs to use which will let them know what to do.

Johnson stated that he would reassemble the Fire Committee to formulate guidance to offer fire code officials regarding the Governor's Executive Order

McIntosh stated that fire inspectors should be able to perform the inspections and that patients are not in common areas now which would reduce exposure. Bender replied that he had inspected many nursing facilities and had to go into individual rooms to assess safety issues.

Stafford added that the reason codes exist is for life safety. Inspectors need to know that will not be disciplined for not performing any inspection if kept out of the facility.

Cliff Isaac referred to the March 23 memo from Brian Taylor regarding fire inspections. He also added that inspectors can accept engineer letters for report and that the inspection can be performed by live remote.

Ducker stated that advice can be provided to the inspection department and advise to the inspector. He is leery about using a specific form. His preference would be to provide generalized guidance to the inspection departments.

Luster-Teasley stated she thought the inspections needed to be performed and document if structure is locked or access is denied, and a good faith effort should be attempted.

Felling stated that the Board could recommend guidance but can't require the use of a specific form.

Item 7 – On-Going Business

KWilliams reported on the following information.

A. Work status changes due to coronavirus

Staff is now working on individual schedules remotely and in the office. During May and part of June, staff worked two days in the office and three days remotely at home. On June 15, 2020, the Albemarle building reopened to the public and the entire staff returned to the office on a full-time basis. On July 10, 2020, the Commissioner of Insurance allowed employees to assess their specific needs and comfort level and select their working schedule. We are still holding all committee meetings, public hearings and board meetings by teleconference.

Program Changes:

1. Renewal/CE changes – The Board waived the CE requirements for renewal year 2020. However, each CEO will need to complete 12 hours per certificate to renew June 30, 2021. The \$10/certificate renewal fee was required to be paid by June 30, 2020 to maintain the certificate. Staff worked with NCDOI IT to provide the specialized programming needed for this program alteration.
2. PSI closed testing centers as of March 20, 2020. No standard exams were taken between March 20, 2020 and April 16, 2020. The PSI testing center in Winston-Salem, NC reopened on April 13, 2020 to provide testing for essential services which included code enforcement and inspections. The first state exam taken once PSI reopened occurred on April 17, 2020. The rest of the PSI testing centers reopened on May 1, 2020 but all are operating at half capacity to maintain social distancing and public safety.
3. Some community colleges are offering classroom courses. A few standard courses have been held since the coronavirus pandemic began. Course registrations are minimized to maintain social distancing.
4. Temporary Certificates were issued On April 20, 2020 for the same level and trade as the Probationary Certificate with the applicable expiration date. The Temporary Certificate is not extendable or renewable. Staff worked with the NCDOI IT staff to handle the specialized programming needed to make these changes happen.

B. Residential Changeout Inspector Update

Work on the Residential Changeout Inspector program continues. Beth Williams is running point on this committee and has completed a large amount of work. Rich Hall is working with subject matter experts to develop the standard course and state exam questions. The course will be a hybrid which includes online and classroom sections. The course will cover mechanical, plumbing and electrical aspects of the change out of like-for-like appliances. Beth Williams added that hard deadlines for completion have been set and that the committee meets weekly to continue progress on the project. Karen Tikkanen added that a course code for the RCI course was approved on July 17th through the Department of Community Colleges.

C. Residential Changeout Inspector Rules Update

Tom Felling reported that the rules were approved through the Rules Review Commission and will be effective on August 1, 2020.

D. Temporary Rule Update

Tom Felling reported that the rules were approved through the Rules Review Commission and were effective on July 1, 2020.

Item 8 – Staff Report

KWilliams made the Director's Report and which contained the following items:

Computer-Based Testing RFP - The second-year extension has been exercised with PSI. The extension of the contract allows for development of the new Residential Changeout Inspector certification and testing which will become a part of a new RFP in the future. Kathy Williams reviewed the components of the RFP with a working group in DOI for future submittal and posting. A draft should be ready for the October board meeting.

Updating Website - The entire NCDOI website has been reconstructed and has a new look. Each division has been redesigned and OSFM is currently under reconstruction. Terri Tart is participating in this effort.

Survey on Requirement to Obtain Standard Fire I Certificate for Promotional Purposes - Staff worked with Charlie Johnson, NCDOI Fire code consultant, to prepare a survey regarding firefighters who seek fire inspector certifications for promotional purposes. The survey was sent to all paid and volunteer municipal departments. We sent out over 1,200 emails across the state and received approximately 170 responses. Even though the response rate was low, we can see most municipal fire departments do not perform fire inspections even if they use the fire inspection program as a promotional tool. Some respondents did ask for some type of general fire/building code awareness training for their firefighters.

Training of Other NCDOI Staff - Terri Tart continues to train an additional NCDOI staff member to assist in the processing of standard and probationary applications. Kathy Williams has worked with Sam Whittington regarding the preparation for board meetings, agendas, and staff reports.

KWilliams reported her new retirement date is October 1, 2020.

Examination Report

KWilliams 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.

14 requests were made to challenge exam questions, 8 of the requests were also reviewed by the Chief Code Consultants.

KWilliams reported on the security incident previously referenced by Curtis Roerick. Williams stated staff received notification an incident report regarding a candidate at the Raleigh PSI testing center. The proctor was notified of a security breach by the PSI security staff and the candidate's exam was paused. The proctor asked the candidate to turn out pockets and lift the edge of his shirt, but no cellphone was detected. Staff asked for the video and incident report. The still picture provided showed the candidate doing something with his hand, but staff was unable to confirm a cellphone. Williams and Isaac held a meeting with the candidate to discuss the picture on July 23, 2020 and his explanation was appropriate for the picture. He was adjusting his belt. Staff requested PSI grade the exam to see if the candidate passed. This was not an option since the "End" button wasn't selected. As an option, staff requested the candidate's answers and the exam answers to hand grade his exam. At this time, staff hasn't received a response from PSI regarding the hand grading option.

Williams reported that she had received notification that the answers were irretrievable which meant the candidate will need to retest. Williams reported she had received the video on July 27 after 6:00 pm but had not viewed it.

Roerick commented that he would think PSI should be reprimanded about their customer service. He stated he has not been contacted since he talked with the initial individual at PSI.

Certification Report – Terri Tart

Tart reported on the number and type of applications received this quarter. She attributed the decrease in applications to issues associated with COVID-19 and fewer classes occurring. Also, jurisdictions continue to hire to meet the inspection demand and to replace those retiring.

Currently, there are 2,651 active probationary certificates, 6,289 active standard certificates. There is a total of 8,953 active certificates.

Tart reported that she continues to receive questions regarding Temporary certificates even though multiple emails have been sent to inspectors and jurisdictions.

Tart reported that 6,096 standard and limited certificates were renewed between 5/1/2020 and 6/30/2020 and that 298 late renewals have been processed for a total renewal of 6,394. CE was not a requirement for renewal this year due to the Board action. However, 12 hours of CE per certificate will be required by June 30, 2021 for renewal purposes.

Tart reported that 67 probationary certificates expired during the last quarter.

Education Report – B. Williams

Williams reported a Standard Online Instructor Course was completed with five new instructors. Christopher Whaley (Building), Christopher Wilcox (Fire), Daniel Pope (Building & Electrical), Daniel McKenzie (Fire), and Andrew Tallmer (Law and Admin).

Williams reported she and Hejduk 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 reported Davidson County Community College held a Law and Admin course that was offered both online and face-to-face (simultaneously). Elizabeth Kilby, (Education Coordinator) for DCCC, helped to facilitate the course using Zoom for those students who chose to attend the course virtually. The rest of the students attended the course at Davidson County Community College with the instructor and Kilby. Social distancing guidelines were in place. Kilby stated that overall the course was a huge success, despite a few minor setbacks with getting the course up and running. The students appreciated having the options to attend the course. The success/pass rate was high. All students, except for one (seated in the face-to-face course) passed the End-of-Course (EOC) test. The EOC test was administered via Moodle and proctored by Kilby and the instructor both via online and in the classroom. Course evaluations can be provided upon request.

Williams reported Megan Smit (Education Coordinator) and Matt Love (Standard Course Instructor) for Rowan-Cabarrus Community College has developed an online version for the Building Level III Standard Certificate Course. Registration is open and the course will begin in the fall. Currently Curt Miller (Education Coordinator) and Stacey Miller (Instructor) for Wilkes Community College are currently collaborating to develop an Electrical Standard Certificate Level I course. As they move forward, they would like to develop more. Curt mentioned they would like to use MS Teams to teach the course synchronously in addition to using Moodle/Respondus to administer the EOC exam.

CONTINUING EDUCATION COURSES		
Status Periods:	4/1/20- 6/30/20	7/1/19- 6/30/20
Courses Submitted Denied	7	34
Courses Approved	23	214
Course Rosters Submitted	82	495
New Con. Ed. Sponsors Approved	0	8
New Con. Ed. Instructors Approved	0	3

Currently 5,761 standard certificates out of 6,455 have met CE requirements for 2020 (89.25%)

STANDARD EDUCATION COURSES						
Area	Course Count	Total # Students (avr. class) (Q)	Total # Students (Total) (Q)	Course Count (FY)	Total # Students (avr. class) (FY)	Total # Students (Total) (FY)
Law and Admin	9	-	-	31	-	-
Building	5	32	170	41	9	362
Electrical	4	3	12	46	4	189
Fire	9	38	342	69	9	625
Mechanical	5	15	75	31	5	160
Plumbing	5	23	115	37	5	214
Total Courses Held	37			355		
Courses Canceled	42			70		
Standard Courses Scheduled	66			258		
Standard Course Grades Pending	11			21		

Investigations

Investigations Report – Cooney

Case #503 Carteret Co. (Stins, Et al)

This case was a complaint that alleges the Carteret County Inspections Department continued to issue permits to a contractor who was not completing the work to raise homes in Carteret County following the flooding events of 2018 and 2019. There was also an allegation that the inspectors were not actually performing the inspections. The investigation showed that the Inspections Department and personnel acted properly. Bender made a motion to accept the staff's recommendation of no basis for a hearing. Kelly seconded the motion and the motion carried as approved by a roll call vote. Couch did not vote. He was recused.

Case #507 Caldwell Co. (Turbyfill)

This case was a complaint that alleges the Caldwell County Inspections Department failed to perform inspections and allowed numerous code violations to go unaddressed. The investigation by staff showed that there were some very minor issues related to the building codes and that none of them rose to the level requiring action by the Board. Matthews made a motion to accept the staff's recommendation of no basis for a hearing. El-Amin seconded the motion and the motion carried as approved by a roll call vote.

508 Osborne (Bordeaux)

This case was the result of the complainant not understanding the requirements of the building codes. Couch made a motion to accept the staff's recommendation of no basis for a hearing. El-Amin seconded the motion and the motion carried as approved by a roll call vote.

Investigations Report – Whittington

534 Pace (Dawson)

Case was referred to NCDOI by the Licensing Board for Plumbing, Heating and Fire Sprinkler Contractors. They had investigated a case along with the chief building inspector for the jurisdiction. Upon realizing the extent of the violations missed the local jurisdiction took action by issuing a verbal warning to the inspector and conducting training for all inspectors. The inspector was new and made a rookie mistake in that he did not check the permit to ensure he inspected all the permitted work. There were no life safety implications with this case. Staff recommended a finding of Basis. Mr. Couch made a motion to accept the finding of basis and issue a letter of caution, the motion was seconded by Mr. White, and approved by roll call vote.

Chairman Thunberg asked the Board if they had any problems allowing him to send out the letter of findings from the Board. No comments were given.

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 – El-Amin nominated Thunberg as Chairman. El-amin made a motion to close the nominations. Kelly seconded the motion to close the nominations. Stafford seconded the motion and the motion carried as approved by a roll call vote.

Vice Chairman – Ken Stafford – Kelly nominated Stafford as Vice-Chairman. Couch made a motion to close the nominations. Tikkanen seconded the motion to close the nominations. Griffin seconded the nomination and the motion carried as approved by a roll call vote.

Secretary – Cliff Isaac – Bender nominated Cliff Isaac as Secretary. Kelly made a motion to close the nominations. El-Amin seconded the motion to close the nominations. Matthews seconded the nomination and the motion carried as approved by a roll call vote.

Education and Research Committee – Jeff Griffin –Couch nominated Griffin as Committee Chairman. El-Amin closed the nominations. Matthews made a motion to close the nominations. El-Amin seconded the motion to close the nominations. El-Amin seconded the nomination and the motion carried as approved by a roll call vote.

Policies and Procedures Committee – Ken Stafford –Kelly nominated Stafford as Committee Chairman. El-Amin made a motion to close the nominations. Tikkanen seconded the motion. Couch seconded the nomination and the motion carried as approved by a roll call vote.

Qualifications and Evaluations Committee – Thomas Bender -- McIntosh nominated Bender as Committee Chairman. Roegner made a motion to close the nominations. El-Amin seconded the motion. Griffin seconded the nomination and the motion carried as approved by a roll call vote.

Chairman Thunberg adjourned the meeting by acclamation.