

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

**October 22, 2013**

The quarterly meeting of the NC Code Officials Qualification Board was held at 1:00 P.M. on Tuesday, October 22, 2013 at the Board's office at 322 Chapanoke Road in Raleigh, NC.

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

Dean Barbour	Christian Noles
Richard Ducker	Ray Rice
Mark Hicks	Ken Stafford
Charles Horne	Stephen Terry
Hayden Lutterloh, III	Bill Thunberg
Tracy McPherson	

Members absent

Taher Abu-Lebdeh	Andy Matthews
Richard Blackburn	Harry Schrum
Valoree Eikinas	Sherrill Smith
Jerry Jones	
Allen Kelly	

Others in attendance were as follows:

Samantha Ewens	Department of Insurance	Raleigh, NC
Kathy Williams	Department of Insurance	Raleigh, NC
Suzanne Taylor	Department of Insurance	Raleigh, NC
Cliff Isaac	Department of Insurance	Raleigh, NC
Natalie Pollard	Department of Insurance	Raleigh, NC
Sarah van Doornewaard	Department of Insurance	Raleigh, NC
Robert Croom	Department of Justice	Raleigh, NC
Janis Gallagher	Pitt County	Greenville, NC
James Rhodes	Pitt County	Greenville, NC
Brenda Harris	Pitt County	Greenville, NC
Mike Hejduk	Department of Insurance	Raleigh, NC

**Preliminary Matters**

Chairman Hayden Lutterloh presided over the meeting and welcomed guests. Mr. Lutterloh asked the Board if there were any conflicts of interest that needed to be made known. Mr. Noles stated that he would have some conflicts of interest with the investigations.

**Item 1: Approval of August 27, 2013 Minutes**

Charles Horne made a motion to approve the minutes of the August 27, 2013 Board meeting. Bill Thunberg seconded the motion. The motion was approved.

**Item 2: Approval of New Standard Certificate Applicants**

Charles Horne 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. Richard Ducker seconded the motion. The motion was approved.

**Item 3: Fifth Level III Standard Inspection Certificate**

There were no individuals that received their fifth level III certificate.

**Item 4: Committee Reports:**

- Executive Committee: The committee met via phone conference to discuss extending the current testing contract with the current vendor, a summary of which was presented as part of the Director’s report.
- Policies and Procedures Committee: The committee had not met and had no report.
- Education and Research Committee: The committee has not met, but has an update. Please see Item 6: Other Items – Item B
- Qualification and Evaluation Committee: The committee had not met and had no report.

**Item 5: Staff Reports**

**Samantha Ewens made the following Director’s report**

**Secretary of State Report**

The annual report for occupational licensing boards required by GS 93B-2 is prepared and will be sent out this week. Some interesting statistics from that report:

- 508 state exams were attempted by a total of 387 persons
- 482 Probationary Certificates were issued in the following areas:

Building	81
Electrical	57
Mechanical	57
Plumbing	56
Fire	231

- 429 Standard Certificates were issued in the following areas:

Building	69
Electrical	34
Mechanical	59
Plumbing	59
Fire	208

**Testing RFP**

The new RFP for testing services was emailed to the board for review. As previously stated, it is still in draft form.

Further, there has been a draft of the testing contract amendment that is currently under review by the Controller’s office.

## Standard Course Updates

Research and Program Development (RPD) has been assigned to facilitate the updating of the standard course materials, in conjunction with the technical expertise that is contributed by the Consultants in the Code Interpretations Section. That project is just getting started, but we look forward to the improvements that we are sure will come.

## Building Code Council Update

Session Law 2013-118 changed the Residential Code to a six-year revision cycle, including the residential portions of the Energy, Electrical, Fuel Gas, Plumbing, and Mechanical Codes, starting in 2019. BCC discussed changing all Codes to the same cycle, but delayed a vote to their next meeting in December.

Session Law 2013-118 limited the routine inspections that a jurisdiction is allowed to schedule for residential buildings. There was discussion of this change at the BCC meeting, but not much clarification.

There was discussion regarding the Council Update among the Board members regarding the impact to the inspectors.

Mr. Noles made a motion to table any discussion regarding Session Law 2013-118. Mr. Thunberg seconded the motion. The Board approved the motion.

## Kathy Williams made the following report concerning qualification section to the Board.

### PROBATIONARY CERTIFICATES

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. 43 probationary certificates expired this quarter.

### STANDARD CERTIFICATE TESTING –August 14, 2013 – October 8, 2013

#### Examination Summary

Area/Level	Number Taking	Number Passing	% Passing	High Score	Low Score	% Pass from Oct 2012-2013	Number Taking from Oct 2012-2013
Building Inspector I	11	5	<b>45</b>	79	41	61	46
Building Inspector II	8	5	<b>63</b>	85	60	52	31
Building Inspector III	5	4	<b>80</b>	86	52	52	29
Electrical Inspector I	5	1	<b>20</b>	86	49	17	29
Electrical Inspector II	3	2	<b>67</b>	82	60	46	28
Electrical Inspector III	2	2	<b>100</b>	82	81	42	38
Fire Inspector I	17	15	<b>88</b>	97	67	84	126
Fire Inspector II	9	8	<b>89</b>	93	62	94	50
Fire Inspector III	13	9	<b>69</b>	89	62	81	52

Mechanical Inspector I	2	2	<b>100</b>	86	71	91	22
Mechanical Inspector II	4	3	<b>75</b>	76	64	75	20
Mechanical Inspector III	1	1	<b>100</b>	74	74	75	16
Plumbing Inspector I	3	2	<b>67</b>	76	68	95	20
Plumbing Inspector II	2	2	<b>100</b>	88	76	100	18
Plumbing Inspector III	5	5	<b>100</b>	82	76	89	27
Totals	90	66	<b>73</b>				

**Standard Certificates Earned**

Area	Active	Pre-	Reciprocity
	Inspectors	Qualification	
	GS 143-151.13(a)	GS 143-151.13(a)	GS 143-151.14
Building	13	1	0
Electrical	4	1	0
Fire	30	2	0
Mechanical	6	0	0
Plumbing	9	0	0
Totals	62	4	0

**Fifth Level III Standard Inspection Certificate**

There are no code enforcement officials receiving a fifth level III certificate today.

The total number of code enforcement officials who have achieved this level of certification remains at 222.

**Exam Complaint Summary**

The staff received four complaints concerning exams conducted this quarter. The types of complaints are listed below:

Registration	2
Score Missing	1
Exam Challenge Responses Not Received	1

All of the above complaints were resolved in a reasonable time period.

## **Exam Development Committee Summary**

The function of the exam development committee (EDC) is to create, review, edit and cut score exam questions. These questions will be used on state exams to determine minimum competency for all 15 certifications. The committees consist of subject matter experts that have a standard level III certificate in the specific trade and additional experience as an inspector, contractor, or designer.

Prior to the in-person meeting in October, ICC staff conducted a teleconference with each committee in September. During the teleconference, the cut scoring procedure was reviewed as well as the agenda for the October meeting.

Thirty-five subject matter experts were involved in this process. They are Code Enforcement Officials from across the state and from the Office of State Fire Marshal. The Department covered the travel expenses for these meetings, however, each inspections department loaned their personnel to be a committee member at no additional cost to the Department.

The in-person committee meetings were held on October 8-10, 2013 at the Board's office. Staff from the International Code Council (ICC) met with 6 different exam development committees to review the current blueprints for the state exams as well as review and cut score existing and new exam questions. The exam blueprint defines tasks that are assigned to each exam trade and level and dictates which questions appear on state exams. Each committee consists of 6-8 members. Each committee meeting was very successful and accomplished their set tasks.

## **Natalie Pollard made the following report concerning Continuing Education to the Board.**

These statistics run from August 14, 2013 to October 8, 2013. We have 16 Continuing Education courses that were approved for the period, as well as one new Instructor approved, and one new Sponsor approved. There were a total of 29 Continuing Education Course Rosters submitted.

There were 44 total Standard Courses scheduled for the period, 14 for Building, 13 for Electrical, 16 for Fire, 10 for Mechanical, 7 for Plumbing, and 4 for Law and Administration. A total of 10 Standard courses were canceled for the period. There were 23 Standard Course grades that we have received, and there are 11 Standard Course grades still pending for the period.

*Standard and continuing education courses are advertised on the NC Department of Insurance website at <https://apps.ncdoi.net/f?p=114:505%20:0:::>. Once you reach this site, you may search for a course based on type, trade, and format.*

## **Continuing Education Workshop**

Continuing Education Workshop, previously the Sponsor Workshop, has been cancelled due to low participation. The one participant scheduled will be handled on an individual basis.

## **Instructor Certification Workshop**

The Standard Code Course Instructor Certification Workshop was held on Wednesday October 16, 2013. The workshop was held at the Board's office from 8:30 am – 3:00 pm. Six attended and five were certified in fire and one in electrical. Participants were required to make a short presentation on code specific subject matter. These presentations were videotaped for the purpose of review by the participant for self-improvement. The videos will be emailed to them later in the week. Feedback was very favorable from all participants.

## **IT Issues**

Staff is continually working with IT to get education programming issues resolved and improved. Progress has been made but there is still much work to do and staff will continue to seek advances in this area.

## INVESTIGATIONS

### Investigations Begun – Not Completed

Noles  
Hucks  
Moore

#### No Basis in Fact

##### **Davis vs. Phillips**

Mr. Barbour motioned to accept the report as No Basis in Fact. Mr. Horne seconded the motion. The motion was approved.

##### **Harris vs. Pitt County (Inspectors: Billy E. Grizzard, Reginald W. Satterfield, A. Keith Edwards)**

Ms. Brenda Harris made a statement asking to have the case reopened and have Mr. Isaac reinvestigate.

Janice Gallagher attorney for Pitt County made a statement that they have cooperated fully with the investigation, and that they concur with the investigation findings.

Mr. Christian Noles recused himself from voting on Harris vs Pitt County. The Board approved the recusal.

Mr. Horne motioned to accept the report as No Basis in Fact. Mr. Barbour seconded the motion. The motion was approved.

#### Basis in Fact

##### **Mickiewicz vs. Aycock**

No Board action required, because Mr. Delaney Aycock has turned in all of his certifications and will no longer be practicing Code Enforcement.

##### **Mickiewicz vs. Kennedy**

No Board action is required, because Mr. Kenneth Kennedy has turned in all of his certifications and will no longer be practicing Code Enforcement in North Carolina.

##### **Mickiewicz vs. Garner**

No Basis in Fact.

Mr. Christian Noles recused himself from voting on Mickiewicz vs. Aycock, Kennedy, and Garner. The Board approved the recusal

Mr. Horne motioned to accept the reports for Mickiewicz vs. Aycock, Kennedy, and Garner. Mr. Thunberg seconded the motion. The motion was approved. The Board did clarify that accepting the report in the Aycock and Kennedy complaints did not preclude them from reviewing the cases and resolving outstanding issues at such time that either decides to request reactivation of their certificates.

## **VOLUNTARY SETTLEMENT AGREEMENTS**

None

## **CONSENT AGREEMENTS**

None

## **DISCIPLINARY HEARINGS**

None

### **Item 6: Other Items**

#### **Item A: Test Reviews and Challenges**

The Board asked for background information as to the meaning of a test review.

#### **Statutory Authority**

GS 143-151.13 states, in part:

*“To obtain a standard certificate, a person must pass an examination, as prescribed by the Board, which is based on the North Carolina State Building Code and administrative procedures required to enforce the Code.”*

GS 93B-8(c) states:

*“Each applicant who takes an examination given by any occupational licensing board, and does not pass such an examination, shall have the privilege to review his examination in the presence of the board or a representative of the board. Except as provided in this subsection, an occupational licensing board shall not be required to disclose the contents of any examination or of any questions which have appeared thereon, or which may appear in the future.”*

**Current Policy** (based on strong recommendations of the current testing contractor)

See NC Testing Exam Bulletin (available online) page 11.

#### **Policies of Other Boards**

PE Board – no review permitted at all, challenges allowed from memory. (Uses a national test)

General Contractors Licensing Board – failing candidate can review only items missed with the answer they provided, challenges (called “comments”) are not permitted to change test score but may be used in the future

Electrical Contractors Licensing Board – tests may be reviewed only once, only by appointment, and only in person at the Board’s office

Plumbing Heating and Fire Sprinkler Contractors Licensing Board – failing candidates are allowed to view the question they missed only with the answer they provided

Home Inspectors Licensing Board – failing candidates are allowed to see their entire exam, including the answers they provided, along with a list of what items were marked as incorrect.

There was discussion among board members regarding who is considered an eligible candidate to review an examination. Mr. Lutterloh stated that prior to implementation of the new testing, examination review needs to be defined as well as who is eligible for a review. Staff needs to modify the current proposed RFP to indicate who is eligible for a review according statute and Board policy.

Mr. Thunberg requested that the Qualification and Evaluation committee along with staff meet, and discuss what constitutes a review, and to come back to the Board with recommendations.

#### **Item B: Education and Research Update**

Ms. McPherson has an update from the last meeting. Refer to the August 27, 2013 Board Meeting Minutes Item 8: Other Items; then Item A: Evaluation and Research Committee Report. There was a motion “to authorize staff to work with the North Carolina community college system to develop and implement a pilot online offering of one or more existing Standard courses, and authorize the Board chairman to serve as advisor to the pilot on behalf of the Board.” Since the last meeting Ms. McPherson stated that they have been able to secure funding to be able to develop that course, in the community college virtual learning community. A conference call has been set up within the next couple of weeks with colleges in the eastern part of the state to discuss how the pilot should be developed. Ms. McPherson plans to arrange a conference call with the Education and Research Committee members between now and the next Board meeting, so that the Committee can go through the other items listed in the Board Meeting Minutes on August 27, 2013.

#### **Item C: House Bill 120**

Mr. Noles gave a summary regarding House Bill 120. Mr. Noles would like to know how the Board would like to address House Bill 120. Mr. Croom stated, and the board agreed, that investigations that may be affected by House Bill 120 will be reviewed on a case by case basis.

#### **Adjournment**

There being no further business, the meeting was adjourned by Hayden Lutterloh.

Respectfully submitted,



Christian Noles  
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

Jason Baker  
Thomas Bernesser  
Jody R. Bowers  
Jason A. Everage  
Eric T. Williams

#### Building Level II

Matthew D. Boswell  
Edward C. Kimball  
Stephen Mattingly  
Michael J Slate

#### Building Level III

Brandon W. Burgin  
Clifford D. Isaac  
Christopher C. Jenkins  
Daniel J. Pope

#### Electrical Level I

Brandon W. Burgin

#### Electrical Level II

James Hayes

#### Electrical Level III

Anne F. Graham  
Joe J. Rotchford

#### Fire Level I

Zonnie B. Andrews  
Michael Barbee  
Robert J. Bentfield  
John D. Cottrell, III  
Matthew Y. Hopkins  
Douglas D. Jackson  
Phillip K. Lane  
Michael C. Mabe  
Ryan E. Merrill  
Charlie Norris  
Clifton J. Preddy  
Kenny Sechrist  
Jonathan Sloan

#### Fire Level II

Joseph Cunningham  
Rodney Daniels  
John D. Eakins  
Shaun R. Hayes  
Roland J. Hinson  
Kendall W. Howard  
John T. McGaha  
Thomas W. States, II

#### Fire Level III

James Beddard  
Jason A. Burnett  
Travis A. Grey  
Harold W. Henrich  
Bryan M. Lyczkowski  
Jeffrey E. Olund  
John E. Royal  
Benjamin F. Smith, III  
Christopher E. Smith

#### Mechanical Level I

William Billings  
Robert Shackelford

#### Mechanical Level II

Graham C. Gibson  
David Keefe  
Howard R. Patton

#### Mechanical Level III

John C. Latham

#### Plumbing Level I

Glenn P. Davis  
Travis S. Sutherland

#### Plumbing Level II

Troy A. Allgood  
Larry L. Brown

**Pre-Qualification Applicants Meeting the Standard Certification Requirements**

The following applicant 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.

Gary Palmirotto  
James Benton  
Martin Hicks  
McGregor Strickland

Building II  
Electrical II  
Fire I  
Fire I