

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

**October 22, 2019**

The quarterly meeting of the NC Code Officials Qualification Board (“Board”) was held at 1:00 P.M. on Tuesday, October 22, 2019 in the Albemarle Building Training Room 245 at 325 N Salisbury St, Raleigh, NC 27603.

Chairman Thunberg announced that Rob Roegner, Chief Deputy Commissioner, Engineering Services, NC Department of Insurance was appointed to the Board by the Commissioner of Insurance and replaced Cliff Isaac.

**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.

Stafford asked to be recused from the complaint on the Alamance County inspectors. He works in Alamance County and knows them. El-Amin made a motion to recuse Stafford from voting on the Alamance County complaint. Griffin 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	Andy Matthews*	Dr. Stephen Terry
Allen Kelly	Rob Roegner	Helen McIntosh
Jeff Griffin	Fleming El-Amin	Michael Crotts
James Steele*	Thomas Bender	Tracy McPherson
Lance Olive*		

The following members of the Board were not present:

Richard White	Dr. Stephanie Luster-Teasley
Mark Smith	Danny Couch

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
Charlie Johnson	Department of Insurance	Raleigh, NC
Cliff Isaac	Department of Insurance	Raleigh, NC
Joe Starling	Department of Insurance	Raleigh, NC
Rich Hall	Department of Insurance	Raleigh, NC
Donald Sheffield	City of Greensboro	Greensboro, NC
Mark Griffin	Union County	Monroe, NC
Tim Norman	NC Board of Examiners of Electrical Contractors	Raleigh, NC
Brian Stark	Town of Cary	Cary, NC
Bryan Webb	Town of Cary	Cary, NC
Michael Slate	Brunswick County	Bolivia, NC
	Brunswick County	Bolivia, NC
Jessica Smith	Complainant	Burlington, NC
Aaron Smith	Complainant	Burlington, NC

### **Item 2- Approval of Minutes**

McIntosh made a motion to approve the July 23, 2019 Board meeting minutes. El-Amin seconded the motion and the motion carried.

Bender made a motion to approve the October 18, 2019 Qualifications and Evaluations Committee minutes. Crotts seconded the motion and the motion carried.

### **Item 3 – Election of Secretary**

The Chairman asked for nominations for Secretary which was currently open due to Isaac leaving. Griffin nominated Rob Roegner as Secretary. El-Amin seconded the motion and the motion carried. Roegner was elected as Secretary of the Board. Staff made a motion to place Roegner on the Policies and Procedures Committee. El-Amin seconded the motion and the motion carried.

### **Item 4 – 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:

- Stacey Miller, Town of Boone Inspections Department
- William Norris, Montgomery County Inspections Department
- Andrew Thompson, Brunswick County Inspections Department

### **Item 5 – Public Comment**

There were no comments from the public.

## **Item 6 – 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** – McPherson reported the Committee has not met and has no report.

**Qualification and Evaluation Committee** – Bender reported the Committee had met twice during October. The purpose of the meeting was to discuss the appeals made by Piper and Faulkner regarding their 4-year degrees. Staff did not approve their degrees as equivalent to a fire science degree or a fire protection engineering degree.

The committee reviewed curriculums of several universities in fire science and fire protection technology and the committee felt that some rules need to be more specific and that rule changes will be necessary.

## **Item 7. – On-Going Business**

### **A & B. Faulkner and Piper Appeals**

Bender reported that the Committee recommended to support the staff's decision regarding Piper's and Faulkner's degrees. Bender made a motion to support the staff's decision regarding the degrees of Piper and Faulkner. El-Amin seconded the motion and the motion carried. There was no discussion.

### **C. Live Remote Demonstrations**

Michael Slate of the Brunswick County Inspection Department presented three live remote inspections. Slate showed recordings of a waterline trench inspection and a rebar and footing re-inspection being performed live with the inspector in the office and directing the contractor to different places on site.

Slate stated the waterline trench inspection would normally take one hour in the field. It only took 3 minutes to perform the inspection remotely. He stated that Brunswick County has only performed 40-50 remote inspections. His inspection department doesn't have the staff to perform them. Slate stated the department has saved money and time by performing live remote inspections. They also have wireless service issues as well. El-Amin asked if the County performs audits on the live remote inspections. He stated they do. Williams asked how contractor's set up appointments. Currently Brunswick County doesn't have the ability to schedule live remote. It is done by inspectors basically.

Starling asked if homeowners have the same option? Brunswick County staff responded that they don't think it will be an option for homeowners due to their limited knowledge. An audience member asked if live remote inspections is an option or mandatory? Thunberg stated the Board offers guidance, but the performance and method of performance is up to the inspection department.

McPherson asked if there was any difference in record retention for onsite versus live remote inspections. Slate responded that the video isn't stored, only normal paperwork is kept. The jurisdiction does not document who is holding the camera. Bender stated that live remote is needed but is concerned about the definition of "minor". Isaac referred him to item 4 in the guidance paper which provides a definition.

Brian Stark and Bryan Webb, Town of Cary, made a second presentation of live remote inspections. Stark stated that contractors are using it more for re-inspection purposes rather than new inspections. Stark shared a video of a live remote framing re-inspection.

Stark stated Cary uses Goggle Duo which works with both iPhone and Android platforms. Cary has performed at least 200 inspections since July, 2019. Most of their staff has used it but since it is new technology, some inspectors forget to use it. Currently it is at 1% of their inspections. If live remote were at 5%, it would account for one inspector's workload.

The CEO makes the contractor aware that a remote inspection can be performed, and it moves the project faster than normal inspections.

Webb provided statistics and examples of benefits of live remote inspections. Stark stated that the 200 performed since July also included inspector to inspector live remote. Most live remote inspections are on residential construction and in multi-trade inspections.

Isaac stated that he and Starling have worked with Brunswick County and Cary on live remote inspections. There have been a few changes to the existing guidance paper regarding inspector to inspector live remote inspections.

Starling discussed the performance of the electrical portion of a HVAC changeout inspection. This type of inspection only shows the replacement of the appliance which doesn't include any new ductwork, no new wiring, etc. Isaac noted that the numbering on page 2 for 5 and 6 needs to be switched and corrected. The rest of the document is correct.

Griffin made a motion to adopt the revised live remote guidance paper. El-Amin seconded the motion and the motion carried. There was some discussion. Griffin further described how Mecklenburg County performs live remote inspections.

#### **D. Residential Changeout Inspector Update**

Bill Murchison presented an update on the Residential Changeout Inspector certification. He advised that at the next meeting there will likely be a need for voting on new rules. This certification was made mandatory in Session Law 2019-174 (HB 675) effective October 1, 2019. This certification would include very basic replacements of appliances and the electrical connection needed. This would perhaps open the market for those who may not have quite enough experience to qualify as a Level I inspector. It is expected to shorten the inspection time as well.

He advised a committee is working on the scope of the inspector certification and the course and exam requirements. Residential includes condos and apartments as well, single phase only.

Roegner added that it is an unfunded mandate, but the Department is invested and see it as a need.

Griffin asked about the expanded role of the commercial application. Murchison responded that it is based on the type of appliance to be replaced, not based on the number of stories. Starling stated that the certification applies to appliances serving individual dwelling units of the condos, not common areas or commercial applications. The appliance must be single phase.

Thunberg asked Felling to comment on the rules . Felling stated that rules are being drafted that are parallel to existing rules and he is pleased with the progress. Rules will go through the Policies and Procedures Committee at some point.

McPherson asked a question regarding the coursework and instructor requirements. Griffin stated they are working on the training material. McPherson stated community colleges need to be ready to handle the new course and that there is a process for the N.C. Community College System that the new course will need to go through. ~~the process~~. Williams asked how much time the NCCCS will need for review/approval. McPherson stated 6 weeks is needed but is based on the time of the year.

#### **E. Ad Hoc Committee Update**

Williams gave the update on the Ad Hoc Committee meeting held October 22, 2019 at 9:00. The Committee agreed to meet twice a year. She stated that it was a good to keep both Boards advised of the initiatives reviewed earlier in the year.

#### **F. Computer-Based Testing RFP**

Williams stated the computer-based testing RFP has been sent to NCDOI Purchasing and Contract for review. Some suggested changes were made. We are in the first year of the first-year extension option. The original contract was for 5 years with 3 one-year extension options. The residential changeout inspector certification was included in the RFP. The RFP also must go through NCDOI legal division as well.

Williams asked the Board's permission to go ahead with the release of the RFP once all reviews are performed. Williams discussed the timetable shown in Table 1 and the review criteria shown in Table 2. She discussed that the timetable will need to be flexible due to the need for review. Williams explained that Board members will be included in the review process.

Thunberg stated during the previous RFP that a member of each committee participated.

Mike Hejduk asked if the RFP included course development related to the exams. He stated that Pearson-Vue originally had the cost of course development included in their contract at a cost of \$172 per exam. PSI currently administers the exam with no course development and charges \$125 per exam. The maximum allowed by statute is \$175. Thunberg asked if he would like to include it in the scope of the current RFP being developed. Hejduk answered yes, because there is no budget for course development, but the statute provides a funding mechanism. McPherson asked if he thought the current course material was sufficient. He mentioned the development of the fire course and that it will be a model for the other courses.

McPherson mentioned there seems to be a need to provide more consistent training material for instructors. Roegner responded that there is no good instructor training material as provided in the fire and rescue division. There is work to be done for instructor training materials.

Isaac responded that departments will balk at the increase in the fee. The staff has the experience to review slides if they had the time. Consistency is important but going up on the test price will be a problem. Isaac stated the speed of the test may need adjusting from 150 to 120. He believes this will help the passing rate for exams and still maintain competency.

McPherson commented that no vendor is going to have the technical knowledge to create an online course. Vendors are excellent on the formatting of the content. The content must be developed first before going to a vendor. We can't create a consistent online course if the classroom course content isn't consistent.

Hejduk stated that the weakest group are those that take the exam based on 6 months of inspection experience.

Thunberg polled the members to see if they have any thoughts on the education discussion. Griffin stated that there are some things that could be provided to prepare the student to go to class. Bender stated that Charlie Johnson has done an excellent job for the Fire courses. These courses can be used as a model for the other courses. Roegner stated his suggestion is to ask the Education and Research Committee to discuss forming a committee for each discipline with a group of SMEs to develop what needs to be developed. El-Amin is concerned about the 30% pass rate. It is problem number one.

Thunberg asked McPherson to work with Rob to figure out what we need to do.

Williams asked if she received the permission to go ahead with the RFP once it has been approved. Thunberg stated yes.

### **Item 8 – New Business**

Issue discussed previously in the meeting.

### **Item 9 – Staff Reports**

#### **Examination Report – K. Williams**

Williams provided the exam grades achieved during the quarter. There were small increases in the passing percentage for the Building I, Electrical I, and Fire I inspection exams. Williams stated there are existing reasons for lower pass rates for Electrical I and Fire I. Williams asked Tim Norman about the pass rate for the Limited electrical exam. He stated it was 40%. He stated the Intermediate and Unlimited exams were at 35%. Norman stated he feels it is the experience the new candidates receive in the field.

44 requests were made to review exam questions. 29 reviewers submitted exam question challenges to be reviewed by the Chief Code Consultants.

McPherson stated that there is discussion about work performed prior to going into a course. She asked why the industry is able to move along with the low pass rates. Roegner stated that the supply of inspectors is shrinking and that others are looking at the privatization of inspections, so we need to increase our pool of inspectors to perform needed inspections. Rich Hall stated there aren't any prepared booklets or training materials.

Starling stated there is a wealth of knowledge available for purchase to teach people how to do calculations, etc. It teaches you how to use the NEC®. People have been hired to perform a job that they are not trained to do. The electrical section is providing training material on calculations for inspectors to use. You can't replace experience with how to take the test. You need to know how to do the job.

**Certification Report – 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 2,477 active probationary certificates, 6,353 active standard certificates. There is a total of 8,842 active certificates.

**Education Report – B. Williams**

Williams shared a short video used during the Code College held September 23-27, 2019. The video included an introductory message from Commission Causey followed by several code consultants explaining their responsibilities .

Statistics Period: July 1, 2019 – September 30, 2019

<b>CONTINUING EDUCATION COURSES</b>	
<b>Courses Submitted Denied</b>	21
<b>Courses Approved</b>	93
<b>Courses Approved FY</b>	93
<b>Course Rosters Submitted</b>	156
<b>New Con. Ed. Sponsors Approved</b>	3
<b>New Con. Ed. Instructors Approved</b>	6

<b>STANDARD EDUCATION COURSES</b>			
<b>Area</b>	<b>Course Count</b>	<b>Total # Students (avr. class)</b>	<b>Total # Students (April -June)</b>
<b>Law and Administration</b>	6	103 (17)	87 (9)
<b>Building</b>	12	74 (6)	145 (8)
<b>Electrical</b>	12	34 (3)	92 (6)
<b>Fire</b>	18	123 (7)	249 (13)
<b>Mechanical</b>	10	57 (6)	80 (8)
<b>Plumbing</b>	13	73 (6)	87 (7)
<b>Total Courses Held</b>	<b>72</b>		
<b>Courses Canceled</b>	10		
<b>Standard Courses Scheduled</b>	66		
<b>Standard Course Grades Pending</b>	5		

Additional Educational Updates:

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

**Investigations**

**Investigations Report – Thomas Cooney**

**Case #494 - O’Kelly and Smith (Rowan County and Salisbury)**

Cooney presented the complaint items to the Board and the staff recommended no basis in fact for O’Kelly and Smith. Cooney reported that the complainant disagreed with his finding. The Board members asked a few questions regarding the complaint. Bender made a motion to accept the staff’s recommendation of no basis in fact. Kelly seconded the motion and the motion carried.

**Case #496 – Cordell (Black Mountain)**

Cooney reported that this complaint had been withdrawn.

**Investigations Report – Whittington**

Whittington stated that the number of cases under investigation has increased, probably due to the new online complaint process.

**Case #495 – Alamance County**

Whittington outlined the complaint concerning the Smith residence. Whittington stated there are existing code violations in the home and that it shouldn’t have passed inspection.

The complainant, Jessica Smith and Aaron Smith, addressed the Board. Jessica Smith presented the issues concerning her home and that the issues are major which include plumbing, septic, grading/draining, and broken trusses.

They have incurred major financial expenses. The owner reported problems with the builder and that he hasn’t been responsive and/or denied the problems.



Thunberg addressed the complainants and thanked them for appearing before the Board regarding their inspection issues.

Whittington presented the complaint items to the Board and the staff recommended basis in fact for willful misconduct for Curts and Allison. Staff recommended no basis in fact for Durham. Whittington reported that staff is negotiating a voluntary settlement agreement, but no final resolution has been achieved. Board members asked questions.

Jessica Smith reported to the Board that there are 15 homes built by the same builder and they are experiencing issues with their homes. Felling addressed the member's question concerning the condition of the other homes. He stated that staff is limited to the allegations that are in the complaints. Other homeowners must file complaints for the investigator to look at their homes.

Crotts stated that he agreed with the staff's recommendation. Griffin stated that he agreed with the staff's recommendation as well.

McIntosh made a motion to accept the staff's recommendation of basis in fact for Curts and Allison and no basis in fact for Durham. Ducker seconded the motion and the motion carried. The voluntary settlement agreement, if achieved, will be presented at the next meeting for consideration.

#### **Case #501 – Bertie County**

Whittington reported that during the site visit, the crawl space was not accessed because of a wasp's nest and that he used the home inspector's report during the investigation and to support conclusions. Whittington reported that Pittman has retired and works part-time. He reported he also questioned Surgins' field training under Pittman. Staff recommended basis in fact for Pittman and Surgin. Staff negotiated a voluntary settlement agreement for Pittman to take a Law and Administration course and a Building I course. Surgin agreed to a voluntary settlement agreement requiring the completion of a BI course and perform at least 24 hours of training with a staff-picked jurisdiction. Ducker asked how much time Pittman is allowed to complete the course. Staff responded that he was given 1 year to complete the courses and Surgin was given 1 year to complete the required training.

Crotts made a motion accept the staff's recommendation regarding the finding and the negotiated voluntary settlement agreements. El-Amin seconded the motion and the motion carried.

#### **Case #465 – Hayes (Beaufort County)**

Whittington updated the Board on the Hayes case. The Board extended the previous VSA until November, 2019. He has not taken a second attempt on the BIII state exam.

Hejduk addressed the Board. He indicated that the memo from the E&R Committee was omitted from the agenda. Thunberg stated he hasn't had a chance to look at the memo. Hejduk stated they are trying to fix the deficiencies for the Building I course. There were recommendations made by the instructors: increase the BI course to 5 days for each code – residential and commercial. He also stated that there could be an opportunity to do things a little differently when considering the rules for the residential changeout inspector.

Bender thanked the staff for assistance during the Q&E Committee meetings.

El-Amin made a motion to adjourn. Griffin seconded the motion and the meeting was adjourned.