

MINUTES OF THE

NORTH CAROLINA CODE OFFICIALS QUALIFICATION BOARD

October 23, 2018

The quarterly meeting of the NC Code Officials Qualification Board was held at 1:00 P.M. on Tuesday, October 23, 2018 in the Albemarle Building Training Room 240 at 325 N Salisbury St, Raleigh, NC 27603.

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. Chairman Thunberg introduced two new members to the Board. Fleming El-Amin fills the Board's county elected position over 40,000 population. He was appointed by the Governor's office and replaces Dan Brummitt. Helen McIntosh is a Town of Burnsville elected Councilman. She fills the city elected official under 40,000 population position. She was appointed by the Governor and replaces Brenda Lyerly on the Board. Ray Rice has agreed to fulfill his term through 6/30/2019 on the Board. There is one vacancy on the Board at this time."

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
Taher Abu-Lebdeh	Helen McIntosh		

A. Members absent:

Mack Summey	Mark Smith
Andy Matthews	

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
Tom Cooney	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

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.

Item 2- Approval of Minutes

July 24, 2018 regular quarterly meeting,

Thunberg asked for a motion to approve the July 24, 2018 minutes as written.

Brummitt motioned to approve the July 24, 2018 minutes. Ducker seconded the motion. The minutes were approved unanimously.

October 19, 2018 Education and Research Committee

Thunberg decided to defer approval on the Education and Research Committee minutes until the next meeting as two members were not present.

October 23, 2018 Policies and Procedures Committee

Ken Stafford stated that the Policies and Procedures Committee met to review the minutes and then vote. Danny Couch motioned to approve the minutes. Ken Stafford seconded the motion. The minutes were approved unanimously by the by the Policies and Procedures sub-committee.

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

The next item on the agenda is the resresentation of certificates to inspectors who have earned their fifth Level III Standard Inspection Certificate. Ronald Schaecher received his Fire III Certificate on July 30, 2018. Ronald is an inspector with the Currituck County Inspections Department. Ronald was unable to attend the board meeting.

Agenda Item 4 – Public Comment

No public comments were provided.

Agenda Item 5 – Committee Reports

Executive Committee has not met and has no report.

Policies and Procedures – Ken Stafford is chairman.

The committee met on October 23, 2018 and the following topics were discussed:

Stafford motioned to direct our attorney to submit the four proposed rules. Three of these rules which of substantially unchanged and one which has substantial changes. This would be for their review and comment. (NCAC .0602 .0707,.0708, 0714) to rules review for comment (if any) and present their response to our committee and then bring to Board for action if needed. The motion was voted on and approved unanimously.

Stafford motioned to give direction to staff to be allowed to make changes on the matrices on Levels of Certifications when issuing Standard Certifications.

Issac motioned to change the matrix to give an option in lieu of the ICC plans examiners that the CEO has (8) eight years' experience in residential and commercial construction inspections in any given trade doing Level III buildings. (effective immediately) Thunberg seconded the motion. The motion was voted on and approved unanimously.

Education and Research – Tracy McPherson, Chairman

The committee met October 19, 2018 by teleconference.

Eduvation (Third Party)-Law and Admin course and Fire Level I course recommended to bring forward to the board. Using the model that the NCCCS would use a third-party vendor to create the online courses. The development fee will be free and would recoup the money over time as students enroll for the course.

Thomas Bender motioned to work with Eduvation (Third Party) concerning the Law and Admin course and Fire Level I in creating a pilot program with the NCCCS – North Carolina Community College System and staff to work with the content and criteria. The Board will get to determine after reviewing criteria and content if it is ready for release.

After the review of the final product, if the staff says it is going to cost too much, or this is going to be “whatever” we (QBoard) can pull the plug on the project.

The review of the final product will determine if the Board is going to authorize the Community College to use it. (which is already part of a law). The motion was voted on and approved unanimously.

Qualification and Evaluation – Ray Rice is chairman. The committee did not meet.

Fleming El-Amin and Helen McIntosh were assigned to the Qualification and Evaluations committee.

Agenda Item 6 – Unfinished Business

Jeff Griffin reported on the October 4, 2018 Section 107 Ad Hoc Committee meeting. He reported the Committee's main goal is to provide better understanding of Section 107 in the NC Administrative Code and Policy code.

The Committee discussed better definitions of each section to ensure everyone remains on the same page when out in the field regarding one and two-family dwellings. During this meeting the following issues were discussed standards of practices, what is working well, and preliminary discussions around remote inspections. Discussions about defining “intent” around House Bill 948. Additional discussion will occur around “footers” which will happen

during the next scheduled meeting. Inspectors receiving engineering letters that are not signed properly, unclear, missing information, or confusing language within the letters. Utilizing a standardized letter may be an option.

Established next meeting timeframe, expectations, and outcomes in discussing Section 107 recommendations. Next meeting is scheduled for November 8th, 2018.

Agenda Item 7 – Staff Reports

Director Report – Kathy Williams

Introduced Tom Cooney, PE as the Board's new investigator. She reported that Tom is a graduate of University of South Carolina and has, 29 years of Government experience which includes 14 years of Law Enforcement experience as a South Carolina police officer, 13 years with Cumberland County as an Assistant Engineer and Director of Public Utilities, and 2 years as the Director of Public Works and Chief Code Official for Spring Lake. Williams also reported that she and Terri Tart traveled to Catawba County and conducted training on certification for their field staff and other nearby jurisdictions were invited to attend. There were approximately 20-25 participants who attended the training session on how to complete and submit application for certification.

Williams also reported on the 2018 Recovery Act which was passed on October 15th. This Act is in effect until December 31st, 2018. She reported on DCERT efforts on Hurricane Florence recovery and ask Sam Whittington to share his activities to the Board. Sam Whittington gave a presentation about the DCERT process and demonstrated how code officials are impacted by the effects of the hurricanes.

Examination Report – Kathy Williams

Williams reported that Building I was slightly higher than last quarter. Electrical Level I was not as good as last quarter. Fire Level I was slightly lower than last quarter. Mechanical Level I was 50% which is less than normal. All other trades remained constant during this quarter. 53 people reviewed their exams, 29 requested challenges and 1 of those challenges resulted in a change. As a result, that change in score, change his score from a 69 to a 70 and he passed then exam. Plumbing and Mechanical Exam Development Committees met and reviewed exam questions which will be sent to PSI. Hurricane Florence did affect two examinee's exam dates, but they have been rescheduled. ICC full page tabs are not permitted in the testing centers

Certification Report – Terri Tart

Terri Tart reported the following quarterly variances: +24.2 for probationary certificate applications; - 7.2% for standard applications; and 0% 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. 155 standard certificates were earned this quarter. 7 individual met requirements through pre-qualification. There are 2,362 active probationary certificates, 6,187 active standard certificates and 18 active limited certificates. There is a total of 8,567 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.

Due to HB948, the number of CE hours required for a COE to reactivate a standard certificate has changed. The new amounts of CE needs are: 6, 4, and 2 hours.

Education Report – Beth Williams

Combined courses Law and Admin, Building, Electrical, Fire, Mechanical, Plumbing—Total Courses held 71
Total Courses Cancelled—11
Total Number of Students that Attended Courses – 370
Level I-Students 166
Level II-Students 62
Level III-Students 43
Continuing Education
Courses Approved 49 / Courses Denied 27
Course Rosters Submitted 53 / Total CE's
Total Active Certificates 1838
79 Online courses taken this quarter

Investigation Report – Sam Whittington

Case 489 - Whittington reported that is on hold due to the request of the complainant.

Case 491 - Whittington reported it is currently still under investigation due to Hurricane Florence.

Case 485 - Williams and Webster revolves around a zoning dispute. Due to zoning laws two separate houses can't exist on one lot. The owner called for an inspection but found a violation of zoning laws. Staff recommends a finding no basis. Staff recommends for a "Letter of Caution" it is not a disciplinary action. El-Amin made the motion to accept the recommendation of no-basis and to issue a Letter of Caution on the identified concern and Griffin seconded the motion. The motion was voted on and approved unanimously.

Case 486 - Shaw, Ray, and Lowcher (Merryman) Merryman began doing work/repairs on a property without permits or inspections. He was required to get permits and licensed personnel to complete the work. There were other issues that occurred which resulted in a restraining order against Mr. Merryman. Whittington requested information and could not obtain a return response. Staff recommends a finding of no basis. Mr. Couch made a motion to accept the staff's recommendation of no basis. Mr. McIntosh seconded the motion. The motion was voted on and approved unanimously.

Case - 487 Johnston Co (Anderson) The home is inside a track development. The complainant sited issues with a mechanical system. One allegation was confirmed due to the damper behind the wall. It was noted in an inspection log that it was a violation and that it needed to be corrected. A subsequent inspection by a different inspector allowed it to pass. One violation that the inspector did miss. However, it doesn't rise to level of willful or gross negligence. Staff recommends of a finding of no basis. Mr. Issac made a motion to accept the staff's recommendation of no basis. Mr. Ducker seconded the motion. The motion was voted on and approved unanimously.

Case - 488 Winston-Salem (Jones) Whittington did not conduct this investigation within this report. This is a drainage issue, while it is a legitimate issue, it is beyond the scope of the building code. The building inspectors have tried to assist as well. It meets the requirements of the code. Staff recommends a finding of no basis. Mr. Kelly made the motion to approved staff's recommendation of no basis. Terry seconded the motion. The motion was voted on and approved unanimously.

Case - 484 Furman and Cook (Lockie) Code violations were found within this house. House is in a high wind zone. Whittington can prove some of these violations in addition to the violation regarding the fireplace (life-safety) violation. Staff recommends of a finding of basis and issue a VSA (Voluntary Settlement Agreement). In addition, the inspector will need to re-take and successfully pass a Building Level I course and exam. Course must be completed within one year. Mr. Griffin made a motion to accept the staff's recommendation finding of basis and issue a VSA (Voluntary Settlement Agreement), and complete/pass the Building Level I course/exam. Mr. El-Amin seconded the motion. The motion was voted on and approved unanimously.

Case - 490 Holmes (Brown) The complaint states that Mr. Holmes falsified his educational credential. The jurisdiction attempted and could not verify his education. He had the option to surrender. Whittington sent him the surrender form and asked him send in the form along with the certificate, surrendering his credentials. Staff recommends acceptance the surrender form. Counsel said he was okay with accepting these documents. Mr. Couch made a motion to accept the staff's recommendation in the acceptance of the surrender form. Mr. El-Amin seconded the motion. The motion was voted on and approved unanimously.

Agenda Item 8 – Moodle Report

Mike Hejduk presented an updated video on Moodle created by PIO. Hejduk also shared updates to Online Code modules, supplemental modules, and the website. This is a resource where it is a one-stop shop for learning and resources. Mike demonstrated Sharefile where instructors can retrieve instructional PowerPoints.

Agenda Item 9 – New Business

Tom Felling motioned to make the change from Mike Hejduk to Kathy Williams as Rule Coordinator. He stated that he could draft a memo to be signed as well. McPherson made a motion to accept Board counsel's recommendation. Stafford seconded the motion.

Rob Roegner shared that legislation did not approve OSFM's initial request for additional funding for personnel. Brian Taylor is still moving forward with request to advocate for 15 additional key field personnel. The need will be huge in the next 5 to 6 years.

Adjourn

Chairman Thunberg asked for any other comments. None being heard, announced the meeting adjourned.