

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

October 23, 2012

The quarterly meeting of the NC Code Officials Qualification Board was held at 1:00 PM on Tuesday, October 23, 2012 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	Allen Kelly
Richard Blackburn	Hayden Lutterloh, III
Richard Ducker	Tracy McPherson
Valoree Eikinas	Ray Rice
Charles Horne	Ken Stafford
Jerry Jones	Bill Thunberg

Members absent:

Ronnie Bailey	Andy Matthews
Tim Bradley	Robert Nunez
Mark Hicks	Victor Shaw
John Kirkland	Sherrill Smith

Others in attendance were as follows:

Chris Noles	Department of Insurance	Raleigh, NC
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
Celestine Phill	Department of Insurance	Raleigh, NC
Sarah van Doornewaard	Department of Insurance	Raleigh, NC
Bobby Croom	Department of Justice	Raleigh, NC
Colin Triming	Charlotte Fire Department	Charlotte, NC
Dale Carter	Charlotte Fire Department	Charlotte, NC

Preliminary Matters

Chairman Hayden Lutterloh presided over the meeting and welcomed guests.

Mr. Lutterloh dealt with Board membership matters first as he introduced a new Board member. Mr. Jerry Jones, Mayor from Morehead City, is replacing Bill Thunberg as an elected official. Mr. Thunberg has been moved to fill the position of a citizen of the State. Mr. Lutterloh mentioned that Mr. Harry Schrum would also be joining the Board once he is passed upon by the Ethics Commission. Mr. Schrum will be replacing Mr. Shaw as a licensed electrical contractor. Mr. Lutterloh stated that Mr. Bradley will no longer be a member on the board; he has been replaced by the Commissioner of Insurance with Mr. Christian Noles.

Mr. Lutterloh then asked the Board members to introduce themselves. Mr. Lutterloh asked the Board if there were any conflicts of interest that needed to be made known. None were noted. Mr. Lutterloh asked for descriptive materials from the Ethics commission. Ms. Ewens stated that she has only received a few Statements of Potential Conflict from the Ethics commission. Mr. Lutterloh requested Ms. Ewens to read at the next Board meeting for any that have come in.

Item 1: Approval of July 24, 2012

Ms. Eikinas made a motion to approve the minutes of the July 24, 2012 Board meeting. Mr. Barbour seconded the motion. The motion was approved.

Item 2: Approval of New Standard Certificate Applicants

Mr. 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. Mr. Thunberg seconded the motion. The motion was approved.

Fifth Level III Standard Inspection Certificate

There were no individuals that received their fifth level III certificate

Item 3: Committee Reports:

- a) Executive Committee: The committee had not met and had no report.
- b) Policies and Procedures Committee: The committee had not met and had no report.
- c) Education and Research Committee: The committee had not met. They are continuing the business on the issues that were recorded from the last minutes until the next meeting.
- d) Qualification and Evaluation Committee: The committee had not met and had no report.

Item 4: Staff Reports

Samantha Ewens made the following Director's Report

Board Training

Five members were trained for the 150B-5 training, that is required every other year along with the Ethics Training. Additional training as previously advised will be held in January by the Manufactured Housing Board. The Departments RPD section is working to post those materials on-line and hope that will be available soon.

Staff is not notified when Board members complete their Ethics training, we are requesting that all Board members to notify staff once they have taken the training.

Fire Level 3 Exam Security Breach

In September a security breach with the Fire Level 3 exam was discovered. There were 39 questions that were exposed and potentially available to the public. Many of these questions appeared on either the Level 1 or Level 2 exams as well. The three exams were pulled and the 39 questions were removed from the exam, staff resubmitted the exam with new questions. Fortunately, there were enough questions in the test bank to replace the questions without convening the Exam Development Committee.

Mr. Lutterloh asked for ICC's response about how this breach transpired, and why it transpired? Also, how is ICC making sure that it is not going to happen again? Ms. Ewens stated that ICC has updated the materials for the review sessions, and what was found was that the requirements for security were very clear to the applicants for the exam. When the examinee comes in to take the exam they click a screen acknowledging the security protocols. There was not a similar screen for the challenge session. They have also determined that there was not adequate preparation on the part of the proctor, and they have gone over those protocols with that particular proctor. Staff will work with ICC on updating the on-line bulletin so it adequately reflects the security protocols for the exam as well as review process. ICC views it as a singular event. Staff is also updating the review procedure for everyone.

Mr. Lutterloh is requesting certification of each site and the training of the proctors from ICC, to ensure that it has been done.

Kathy Williams made the following report concerning certification 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. This quarter 69 certificates expired.

STANDARD AND LIMITED RENEWALS

Staff has renewed 400 standard and 7 limited certificates during this quarter. Our current data system allows and requires electronic payments for all renewal fees for code enforcement officials and jurisdictions.

STANDARD EXAM UPDATES

Due to the late approval date of the 2011 NEC Code, release date for the updated electrical exams was moved to March 1, 2013 to correspond with the updated courses.

STANDARD CERTIFICATE TESTING –July 11, 2012 – October 9, 2012

Examination Summary

127 exams were taken and 25 exams were reviews during this quarter. The results of the State exams given July 11, 2012 – October 9, 2012 are summarized below:

<u>Area/Level</u>	<u>Number Taking</u>	<u>Number Passing</u>	<u>High Score</u>	<u>Low Score</u>	<u>% Pass</u>	<u>Reviews</u>
Building Inspector I	15	9	88	57	60.0	4
Building Inspector II	4	2	75	57	50.0	1
Building Inspector III	9	3	77	50	33.3	3
Electrical Inspector I	4	2	89	65	50.0	1
Electrical Inspector II	8	3	82	62	37.5	2
Electrical Inspector III	11	3	73	55	27.3	5
Fire Inspector I	26	20	100	53	76.9	2
Fire Inspector II	14	12	94	47	85.7	0
Fire Inspector III	8	6	85	66	75.0	5
Mechanical Inspector I	3	2	93	64	66.7	0
Mechanical Inspector II	6	5	81	68	83.3	1
Mechanical Inspector III	8	7	89	64	87.5	1
Plumbing Inspector I	2	2	93	86	100.0	0
Plumbing Inspector II	3	3	94	74	100.0	0
Plumbing Inspector III	5	5	88	74	100.0	0
Totals	127	84				25

Standard Certificates Earned

<u>Area</u>	<u>Active Inspectors</u>	<u>Pre-Qualification</u>	<u>Reciprocity</u>
Building	14	0	1
Electrical	8	0	0

Fire	32	5	1
Mechanical	15	0	1
Plumbing	<u>10</u>	<u>0</u>	<u>0</u>
Total	79	5	3

Active Inspectors (GS 143-151.13(a)):	79
Pre-Qualification (GS 143-151.13(a)):	5
Exempt from Exam (GS 143-151.13(f)):	0
Reciprocity (G.S. 143-151.14)	<u>3</u>
Total Standard Certificates Issued:	87

***Note:** Applicants are no longer seated one exam cycle prior to the expiration of their probationary certificate. Individuals are able to take exams upon their own schedule. If an applicant does not pass the exam, the CEO is eligible to retake the exam in as little as 2 months. This provides the applicant with two opportunities to pass the state exam before the certificate expires.

Exam Complaint Summary

The staff received nine complaints concerning exams conducted between July 11, 2012 and October 9, 2012. Some complaints were simply comments that did not involve or require any type of action. A summary of the complaint is below:

1. Exam Operational Issues:

- a. Seven individuals experienced problems when registering for an exam. Each issue has been resolved, but it did take several days. In each case, a software issue occurred between the Qboard system and the ICC system. IT is continuing to work on this issue so that each system communicates appropriately.
- b. One individual was not able to schedule an exam review without assistance. It was due to a computer issue. This issue has been resolved.
- c. Staff attempted to make a change on an eligibility date for an individual and now find that this is no longer an option. It took almost two weeks to resolve the issue.

Mr. Thunberg is requesting that staff prepare a report on the communication between ICC, and staff in regards to the service that is provided to the test takers, and how the exceptions have been addressed at the next meeting.

Fifth Level III Standard Inspection Certificate

There are no individuals receiving their fifth level III certificates today.

Celestine Phill made the following report concerning Continuing Education to the Board.

EDUCATION SECTION

These statistics run from July 21, 2012-October 19, 2012. We have 74 Continuing Education courses that were approved for the period, as well as two New Instructors approved, there were no new Sponsors. There were a total of 58 course rosters that were submitted for the period.

There were 81 total Standard Courses scheduled for the period, 15 for Building, 15 for Electrical, 19 for Fire, 11 for Mechanical, 11 for Plumbing, and 10 for Law and Administration. A total of 25 Standard

courses were canceled for the period. There were 58 Standard Course grades that we have received, and there are 27 Standard Course grades still pending for the period.

The course notices were published in the Council of Code Officials newsletter, which is available online at the NC Department of Insurance website at www.nc.doi.com/OSFM/Engineering/COQB/engineering_cqb_home.asp.

Instructor Certification Workshop

The Standard Code Course Instructor Certification Workshop was held on Thursday, October 18, 2012. The training was held at the Board's office from 8:30 am to 3:30 pm, with registration commencing at 8:00 am. The workshop has been and will continue to be revised to provide for the addition of more robust content and to increase credibility of the certification process. A total of 4 people attended the workshop. One individual was approved in the areas of Building, Electrical, Mechanical and Plumbing, while another individual was approved in Electrical and the remaining individuals were approved in Fire.

Continuing Education Workshop

Continuing Education Workshop, previously the Sponsor Workshop, is scheduled for Thursday, October 25, 2012. The workshop will provide attendees with an overview of the history and importance of the Continuing Education program, as well as in-depth training in the use of the newly implemented web-based system that will provide for the submission, approval, scheduling and reporting of CE and Standard Code courses. The overall goal of the workshop is to assist sponsors, coordinators and instructors in becoming more proficient in the course approval process, the scheduling of courses and the submission of end-of-course documentation. We are looking into the possibility of video-taping the Workshop and posting it on the NCDOT website so that it is accessible for viewing by prospective Sponsors, Coordinators and Instructors and as a review item for currently approved Sponsors, Coordinators and Instructors.

Mr. Lutterloh stated that it seems that the cancellations are an ongoing issue. Ms. Phill stated that there are some issues with the new system which requires her to cancel courses that were mistakenly entered. Ms. Phill stated that she will check the numbers out again to see if there were 25 true cancellations.

Mr. Lutterloh stated that the new on-line systems seem to have incorrect dates that are 10-15 years into the future. Ms. Phill indicated that this issue has been resolved and that the IT department has fixed the problem.

Suzanne Taylor made the following report concerning investigations to the Board.

INVESTIGATIONS AND HEARINGS

Investigations Begun – Not Completed

Smith vs. Bradley
Varma vs. Pettiford/Sawyer
Rivera vs. Wake Co.
Humphrey vs. Harrell

Investigations Begun – No Basis in Fact

Swaringen vs. Morgan

Charles Horne motioned to accept No Basis in Fact. Bill Thunberg seconded the motion. Motion was approved by all.

Taylor vs. Union Co.

Bill Thunberg motioned to accept No Basis in Fact. Charles Horne seconded the motion. Motion was approved by all.

Wakeman vs. Wade

Richard Ducker motioned to accept No Basis in Fact. Charles Horned seconded the motion. After a vote to approve by all members 7 accepted the motion to accept No Basis in Fact, there were 4 that voted against the No Basis in Fact.

Wakeman vs. Bailey

Charles Horne motioned to accept No Basis in Fact. Bill Thunberg seconded the motion. Motion was approved by all.

Sasser vs. Lacey/Moody/Morris

Bill Thunberg motioned to accept No Basis in Fact. Richard Ducker seconded the motion. Motion was approved by all.

Cliff Isaac made the following report concerning investigations to the Board.

Alexander vs. Jones

Richard Blackburn motioned to accept the No Basis in Fact. Valoree Eikinas seconded the motion. Motion was approved by all.

Johnson vs. Wood

Bill Thunberg motioned to accept the No Basis in Fact. Richard Blackburn seconded the motion. Motion was approved by all.

Williams vs. Smart

Bill Thunberg motioned to accept the No Basis in Fact. Dean Barbour seconded the motion. Motion was approved by all.

Jerry Jones motioned to award the Standard Fire Level 3 Certificate to Tony Smart, based upon the No Basis in Fact investigation. Charles Horne seconded the motion. The motion was approved by all.

Investigations Begun – Basis in Fact

Hart vs. Straughn

Rowan Co. terminated Mr. William Straughn, Jr. on October 3, 2012. Mr. Isaac stated that the investigation needs to be deferred until he becomes employed as a Code Enforcement Official.

William vs. McCartney

James McCartney resigned and turned in all certificates issued by the Board. He conducted 157 inspections without proper certification. Calabash will be re-performing the inspections that Mr. McCartney completed without proper certification. This case has been turned over to criminal investigation to determine if Mr. McCartney will be charged with criminal charges. Mr. Isaac stated that the investigation needs to be deferred until he becomes employed as a Code Enforcement Official.

VOLUNTARY SETTLEMENT AGREEMENT

None

CONSENT AGREEMENTS

None

DISCIPLINARY HEARINGS

Seascope vs. Aycock
Smith vs. Aycock

Hearing regarding Smith vs. Aycock and Seascope vs. Aycock will be scheduled for January.

Item 5: Other Items

Item A: Reddick vs. Hall

Mr. John Hall had a Basis in Fact case 6 months ago. Mr. Hall signed a Voluntary Settlement agreement; he agreed that he would take a Standard Building Level 1 class, Law and Administration class, and a Standard Building Level 1 State exam. Mr. Hall contacted Ms. Taylor the previous week (before the Board meeting). Mr. Hall was not aware that when he signed the Voluntary Settlement Agreement that his Jurisdiction would not pay for the classes, and the exam. He has completed the two classes, but he has not taken the exam. The date that the classes and exam were due is today. Mr. Hall has asked for an extension, so he is able to take the exam. The reasoning is that it is a financial hardship.

Mr. Blackburn motioned to extend to 60 days from today. Charles Horne seconded the motion. Mr. Lutterloh took a vote from the Board members; all but one approved the motion. The motion passed.

Item B: Historical Report on Sanctions

Ms. Taylor created a Historical Report on Sanctions regarding inspectors and presented it to the Board.

Item C: Committee Assignments

Mr. Jerry Jones has been assigned to the Education and Research Committee.

Item D: Secretary

Mr. Lutterloh questioned Mr. Croom on whether or not the Board should elect a new secretary due to Mr. Tim Bradley resigning from the Board. Mr. Croom stated that it should be left at this time with Mr. Tim Bradley as Secretary, and a new Secretary can be appointed at the next Board meeting.

Item E: ICC Contract

Mr. Thunberg stated that if we have a contract that is with ICC, and then ICC contracts with Pearson Vue we need to hold ICC accountable for the performance with Pearson Vue. There needs to some Performance mechanism within the contract that covers subcontractors in regards to performance, testing, and evaluation, etc... Ms. Ewens stated that she will review the contract and get back to the Board. Ms. Ewens stated that there is language in the contract that ICC has the opportunity to defend the fairness of the testing. Mr. Thunberg stated that ICC should provide a report annually to the Board on any subcontractors that they employ. Mr. Noles suggested putting a committee together to start the process on the RFP. Mr. Lutterloh stated that there are current committees to assign it to, and an Adhoc committee should not be created. Mr. Lutterloh also suggested that staff could write the RFP.

Adjournment

Dean Barbour motioned for the meeting to be adjourned. There being no further business, the meeting was adjourned by Hayden Lutterloh.

Respectfully submitted,



Tim Bradley
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

Lisa Arnold
Jessica Cummings
George Hatcher
Susan L. Hickman
Joseph K. McMahon
Kenneth E. Muse
Dwight D. Smith

Randall Stewart
Phillip Tilley
James White

Building Level II

Ruth Bek
Dean M. Lombreglia

Building Level III

Michael D. Arnold
James J. Nicholas
Brandon B. Weston

Electrical Level I

Matthew D. Boswell
Michael J. Slate

Electrical Level II

Junior F. Davis
Brian D. Stark
Robbie L. Young, Jr.

Electrical Level III

William D. Gibert
Edmond W. Greene, III
Jessie S. Lowder

Fire Level I

Larry Brunson
Darren Buff
Edward Byrd
Chad R. Furr
Justin Hargett
Steven K. Hodges
Scott R. Justus
James Martin
Jeremy Martin
William Pegram
Kenneth M. Reeves
Keith Richard

Fire Level I

Jesse M. Robinson
Angela D. Smith
Jeffrey Willis

Fire Level II

Benny Coleman
Kevin L. Conner
Michael T. Furr
Joel Gullie
Raymond J. Kerley III
Mark Parlier
Matthew Pendergraph
David R. Stanley
Tariq Stowe
Michael J. Tatum, Jr.
Buddy R. Thompson Jr
Aaron Wilson

Fire Level III

Matthew P. Crawford
Robert L. Griffis
Michael LaCount
Brian K. Morgan
Chris L. Warren

Mechanical Level I

Randal L. Gray
Anthony W. Williams

Mechanical Level II

Ruth Bek
John P. Burns
Kenneth E. Muse
William B. Norris
Matthew S. Sechler

Mechanical Level III

Gregory M. Baldwin
Larry D. Blickenstaff
Dennis K. Bordeaux
Michael Buffett
Mark Fortenberry
Anne F. Graham
Edmond W. Greene, III
Robert C. Laton

Plumbing Level I

Sergio Borrayo
William J. Scoggins

Plumbing Level II

John P. Burns
Kenneth E. Muse
Robbie L. Young, Jr.

Plumbing Level III

Kevin E. Caison
Anne F. Graham
Benjamin Jones
Matthew S. Sechler
Terry Sparrow

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.

Justin Carlyle Gilgo	Fire Prevention I
Matt Scott McGuire	Fire Prevention I
Justin Wayne Grubbs	Fire Prevention I
Daniel Lane Watkins	Fire Prevention I
Brian Kendall Morgan	Fire Prevention III

Reciprocity Granted to Applicants Meeting the Standard Certification Requirements

The following applicants has met all the education and experience requirements to receive a Standard certificate as a code enforcement official based on certification obtained from an approved reciprocal certification agency.

Kenneth Foody	Mechanical II	Illinois
Kenneth Foody	Building II	Illinois
Ryan Kissell	Fire I	Texas