

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

**October 24, 2017**

The quarterly meeting of the NC Code Officials Qualification Board was held at 1:00 P.M. on Tuesday, October 25, 2017 in the Albemarle Building Training Room 240 at 325 N Salisbury St, Raleigh, NC 27603.

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

Bill Thunberg	Stephen Terry	Richard Morris	Richard Ducker
Ken Stafford	Jeff Griffin	Ray Rice	(teleconference)
Chris Raynor	James Steele	Brenda Lyerly	Lance Olive
Allen Kelly	Cliff Isaac	(teleconference)	(teleconference)
Members absent:			
Taher Abu-Lebdeh	Andy Matthews	Mark Smith	Reo Griffith
	Dan Brummitt	Mack Summey	Jerry Myers

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
Jessica Yelverton	Department of Insurance	Raleigh, NC
Sam Whittington	Department of Insurance	Raleigh, NC
Bobby Croom	Department of Justice	Raleigh, NC
Colin Triming	Charlotte Fire Department	Charlotte, NC
Michael Slate	Brunswick County Insp. Dept.	Bolivia, NC
Andrew Thompson	Brunswick County Insp. Dept.	Bolivia, NC
Jay Suttles	Catawba County Insp. Dept	Hickory, NC
Patrick Granson	Mecklenburg County Inspections	Charlotte, NC
Ken Keplar	Wake County Inspections	Raleigh, NC
James Frawley	Wake Technical Community College	Raleigh, NC

**Preliminary Matters**

Chairman Bill Thunberg convened the meeting and welcomed guests.

**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.

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 25, 2017 Minutes**

Allen Kelly made a motion to approve the minutes of the July 25, 2017 regular quarterly Board meeting. Ray Rice seconded the motion. The motion was voted on and approved unanimously.

#### **June 30, 2017 Minutes**

Richard Ducker made a motion to approve the minutes of the June 30, 2017 special Board meeting. Chris Raynor seconded the motion. The motion was voted on and approved unanimously.

### **Item 3: Approval of New Standard Certificate Holders**

Ken Stafford made a motion that the Board issue Standard Inspection Certificates to those applicants presented to the Board who have met the education, experience, and examination requirements. Jeff Griffin seconded the motion. The motion was voted on and approved unanimously.

### **Item 4: Recognition of Fifth Level III Standard Inspection Certificate**

Chairman Thunberg reported there were two CEOs receiving their fifth Level III certificate. Thunberg presented the certificates to Jay Suttles who is from the Catawba County Inspection Department and Eddie Garner who is from the Southern Pines Inspection Department.

### **Item 5: Public Comment/ Stakeholder Presentations**

Chairman Thunberg asked if there were any public comments to be made in front of the board. There were no comments.

### **Item 6: Committee Reports:**

#### **Executive Committee:**

Bill Thunberg stated that the committee has not met and had no report.

#### **Policies and Procedures Committee:**

Ken Stafford stated the committee met on October 24, 2017 at 11:00 AM to discuss two additional rule changes, 11 NCAC 08.0713(e) and .0714b(1), (2), and (3). The Committee discussed changing the amount of CE carryover per year from 6 hours to 12 hours. After much discussion, the committee decided to take no action on either rule change at this time. More discussion was needed. However, the committee wanted to amend General Statute 143-151.13A to allow the Board flexibility to make rule changes without requiring a change to the General Statute each time. Stafford made a motion to direct staff and others to move forward with changes to GS

143-151.13A to give the Board authority to make changes by rules. Chris Raynor seconded the motion. The motion was voted on and approved unanimously.

**Education and Research Committee:**

Chris Raynor stated that the committee has not met and had no report.

**Qualification and Evaluation Committee:**

Ray Rice stated that the committee had met to review five applications and approved four.

**Item 7: Unfinished Business:**

Kathy Williams reported that The NCDOI Submission of Final Determinations report was submitted on October 13, 2017 as part of the Periodic Review from Title 11, Chapter 8, Sections .0500 through .0800. The required copies were delivered to the Office of Administrative Hearings. Documentation for rule changes for 11 NCAC 08 .0602 and 11 NCAC 08 .0708 was submitted to the Office of Administrative Hearings on October 10/17/2017.

**Item 8: Staff Reports**

**Director**

Kathy Williams stated the number of application submittals continues to rise. This is a positive direction because it shows jurisdictions are hiring additional staff to handle the increase in construction.

Williams also provided examples of staff activities and outreach performed by staff. During the past quarter, staff members have:

1. Talked with the Clay County manager to assist with certification needs for the county;
2. Conducted a standard course instructor workshop;
3. Created training material for the upcoming Code College;
4. Developed a block of instruction on the last ten years of complaints;
5. Assisted IT in the development of an online complaint process.
6. Scheduled two special board meetings;
7. Schedule 5 committees to work on training materials;
8. Scheduled one electrical exam development committee for updating exams;
9. Conducted and participated in NC Home Inspector Licensure Board investigations and meetings.

Williams briefly discussed that a reorganization of staff for the Engineering Division occurred September 1, 2017. Staff continues to work through these changes. Williams reported on a staff change. Andy Miller, Board investigator, left NCDOI to take a position with NCDOT. His job has been posted and closed. Applications will be reviewed this week and interviews set up following.

**Examination**

Kathy Williams noted that the passing rates for Building, Fire and Electrical level 1 remain low. 40 individuals reviewed exams and 25 submitted exam challenges. No challenges resulted in a status change. PSI has administered a total of 2,642 exams for the Code Officials Qualification Board as of October 20, 2017. Williams reported the current contract is set to expire 3/3/2019. A new RFB for computer-based testing will need to be developed. Staff received multiple complaints regarding registration. Williams explained that exam eligibility approvals are exported each night to PSI where it is imported. There have been random cases where the exported information didn't get picked up the next day. NCDOI IT and PSI IT are working to remedy this situation. A report will be made at the next meeting regarding this issue.

Williams reported the Electrical Exam Development Committee is set to meet during the first week in December to review and update existing questions as needed according to the 2017 NEC Code which goes into effect April 1, 2018. 5 members have been confirmed and staff is still seeking 2-3 additional members.

Kathy Williams attended the 2017 CLEAR educational conference in Denver, CO from September 14-16, 2017. The Council on Licensure, Enforcement and Regulation (CLEAR) is the premier international resource for professional regulation stakeholders. CLEAR provides education and training programs for regulatory agencies and supports four core areas of licensure: compliance and discipline; testing and examination issues; entry to practice issues, and administration, legislation and policy. CLEAR uses national and international experts to provide the best and most current training available. Williams focused on the area of testing and examination issues.

### **Certification**

Terri Tart noted the following quarterly variances: +19% for probationary certificate applications; -7% for standard applications; and -10% for pre-qualification applications. Tart attributed the influx of probationary applications to an increase in hiring across the state. There are 7,871 active standard certificates. The largest number of certificates belongs to fire. Tart also reported that 126 probationary certificates expired within the last quarter. This represents 39.3% of all probationary certificates issued during this quarter in 2015.

### **Education**

Jessica Yelverton noted the general statistics for the last quarter. Yelverton presented trends on standard course sponsoring community colleges and stated that an increase in the number of Law and Administration courses has occurred since the course is applicable to any trade for CE purposes. There has been a marked decline of cancelled courses due to the communication lines open among the community colleges since the regional meetings held at the beginning of the year. There has also been an increase in the passing level percentages of Build, Electrical and Fire level 1 classes, although there is still a low passing rate in the exam. Yelverton inferred that this could indicate a lack of alignment with content covered in standard courses and content addressed in the state exam. Yelverton held an Instruction workshop on August 23 where six new instructors were certified. Another workshop is scheduled for November 8, 2017. Yelverton attended and participated in the IAEI Ellis Cannady chapter Annual meeting in Atlantic Beach, NC and COCO's 7 C's of Inspection CE course. Yelverton also audited HILB's 2017 annual course and 2018 instructor training for the board developed update course. Yelverton will work with groups of experienced instructor/inspectors each day during the week of October 30 to update standard course materials for the 2018 NC Building Codes. Also during the week of October 30, 2017, the NC Department of Insurance is offering 6 hours of free CE courses, focusing on a different trade each day.

### **Investigations**

Bobby Croom addressed the Board regarding Case #460. A Notice of Hearing is prepared but has not been served. Miller and Croom thought that Mr. Lynch's certification status would negate the need for a hearing, but that status is not correct. A hearing is needed and the Notice of Hearing will be sent to Mr. Lynch's last known address and should be ready for the next Board meeting.

Sam Whittington stated a VSA had been agreed upon for Case #472. Cobb had missed some residential items and bases was found. Whittington and Croom prepared a Voluntary Settlement Agreement where Mr. Cobb would need to take and pass the Building I course. The Board discussed the agreement. Chris Raynor made a motion to accept the VSA as written. Ray Rice seconded the motion. The motion was voted on and approved unanimously.

Cliff Isaac asked to be recused from voting on Case #473 due to prior information. Stephen Terry made a motion to recuse Cliff Isaac from voting on this case. Chris Raynor seconded the motion. The motion was voted on and approved unanimously. Sam Whittington stated that case #473, Pruitt vs. Ogar, was originally investigated by Andy Miller. However, Ogar withdrew the complaint. Two days after Ogar withdrew the complaint, he wanted to reinstate the case. Miller informed Ogar that he would need to submit a new complaint if he wished to pursue

the complaint process further. Stafford made a motion to agree with staff's direction that Ogar would need to submit a new complaint. Chris Raynor seconded the motion. The motion was voted on and approved unanimously.

Whittington presented Case #474 involving Mr. Raybon. This case concerned 12-year-old deck framing where missing bolts and screws were detected. Due to the age of the component, no basis in fact was found. Ray Rice made a motion to accept the staff's decision of no basis. Allen Kelly seconded the motion. The motion was voted on and approved unanimously.

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

Respectfully submitted,

A handwritten signature in black ink that reads "Cliff Isaac". The signature is written in a cursive, slightly slanted style.

Cliff Isaac,  
Secretary, NC Code Officials Qualification Board