

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

October 26, 2021

The quarterly meeting of the NC Code Officials Qualification Board (“Board”) was held at 1:00 P.M. on Tuesday, October 26, 2021 via WebEx teleconference.

Chairman Thunberg opened the meeting and introduced two new Board Members, Russell Fox and Mark Patterson.

Item 1.A.: Roll Call/Conflict of Interest Reminder

Chairman Thunberg asked each member of the Board to answer 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.

Thomas Bender stated he had a conflict of interest involving Complaint Case 554, Chairman Thunberg accepted his recusal.

The following members of the Board participated by teleconference (*or in person):

Bill Thunberg	Thomas Bender	James Steele
Danny Couch	Michael Crotts	Richard Ducker
Allen Kelly	Jeff Griffin	Mack Summey, PE
Rob Roegner*	Karen Tikkanen	Stephanie Luster-Teasley, PhD
Bettie Parker	Russell Fox	Mark Patterson, AIA

The following members of the Board were not present:

Andy Matthews	Mark Smith	Stephen Terry, PhD
Fleming El-Amin	Richard White	

Others in attendance by teleconference (*or in person) were as follows:

<u>Name</u>	<u>Affiliation</u>
Sam Whittington	Department of Insurance
Terri Tart	Department of Insurance
Beth Williams	Department of Insurance
Rich Hall	Department of Insurance
Mike Hejduk	Department of Insurance
Renita Denton	Department of Insurance
Charlie Johnson	Department of Insurance
Joe Starling	Department of Insurance
Gerry Sutton	Department of Insurance
Tom Felling	Department of Justice
Roger Montague	Public

Item 2- Approval of Minutes

Tikkanen made a motion to approve the minutes of the July 27, 2021 Board meeting. Couch seconded the motion and the motion carried as approved by a roll call vote.

Crotts made a motion to approve the minutes of the August 26, 2021 Special Board meeting. Roegner seconded the motion and the motion carried as approved by a roll call vote.

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

Chairman Thunberg recognized the following individual for achieving his fifth level III certificate:

Donald Kevin Somersett - Brunswick County – Fire Prevention

The total number of code enforcement officials who have ever achieved this level of certification is **302**. The number of active code enforcement officials who have five level III certificates is **182**.

Item 4 – Public Comment

Chairman Thunberg opened the public comment portion of the meeting.

Joe Starling: Electrical Exams and the adoption of the 2020 Electrical Code.

The Electrical Licensing Board had approved the change over from the 2017 NEC to the 2020 NEC. Due to delays in the adoption of the 2020 NEC the Licensing Board changed the adoption timeframe from January 1, 2022 to not less than 120 days after the effective date of the 2020 NEC. The 2020 NEC has now been adopted with an effective date of November 1, 2021 and the Licensing Board is going to change over the questions on March 1, 2022. He recommended the Board to follow this lead.

Roegner made a motion to align with the Licensing Board and adopt March 1, 2022 as

the date to change over the Electrical Questions. Crotts seconded the motion and the motion carried as approved by a roll call vote.

Ben Wesley and Mark Griffin: The Electrical Association would like to request a rule change that would affect electrical inspector limitations for things like solar farms and appliance changeouts.

Mark Griffin and Ben Wesley representing the Electrical Inspectors Association requested the Board consider the addition of two notes to rule .0706

11 NCAC 08 .0706 REQUIRED QUALIFICATIONS: TYPES AND LEVELS

Note 2: *Electrical Inspector, Level I and II shall not be authorized to inspect large-scale electrical power production facilities with a generating capacity of 5000kW or greater.

Note 3: *Electrical Inspector, Level I shall be authorized to inspect the wiring for the replacement of a residential appliance as described in 11 NCAC 08.0734(a)(2) for one- and-two family dwellings, and individual residential units of condominiums and apartments provided the individual residential appliance serves only that residential dwelling unit.

The Board discussed the proposal. The matter was referred to the Policy and Procedures committee to study the proposal and make any changes needed to pass through the Rules Review Commission. Chairman Thunberg referred the matter to Policy and Procedures for them to report on it at the January Meeting.

Item 5 – Committee Reports

Executive Committee – Thunberg reported the Executive Committee has not met and has no report.

Policies and Procedures Committee – Couch reported the Committee has not met and has no report.

Education and Research Committee – Tikkanen reported the Committee has met. The Committee recommends the Law and Admin questions be pulled from the state exams. They proposed that NCDOT pilot a course to replace the standard course and report back to the Board. Roegner stated that the start would be to develop an online course with assistance from the UNC School of Government. Removing the Law and Admin questions from the state exams would be a bit of a challenge. Roegner estimated it would take a year to have the pilot course ready. Tikkanen made a motion to direct DOI to develop a Law and Admin class with the aim of removing the Law and Admin questions from the state exams. Roegner seconded the motion and the motion carried by roll call vote.

The Committee also recommended the addition of mandatory self-study elements to the Fire Level I course to assist in making better inspectors and better preparing students for the State Exam. Request to suspend the end of course exam for the pilots and move those items into the Phase I, II, and III exams. Those in the pilot program would take the course like others

but would complete the mandatory study modules as well as the Phase I, II, and III exams. Tikkanen made a motion to suspend rules for the pilot course program. Roegner seconded the motion and the motion carried by roll call vote.

Qualification and Evaluation Committee – Bender reported that the committee had met. There were three felony applicants, the committee reviewed the applications and recommended to the Board to approve the applications. Bender made a motion to approve the applicants. The motion was seconded by Crotts. General Statute §93B-8.1(B6) was discussed in reference to predetermining qualification of applicants while incarcerated. Roegner mentioned background checks. The motion carried by a roll call vote. Chairman Thunberg directed the Qualification and Evaluation Committee to explore the items discussed concerning 93B and background.

Investigation Review Committee – Griffin reported the Committee had met September 17, 2021 and October 19, 2021. Griffin discussed the work of the committee. Griffin reported that the Committee had two recommendations for the Board: Case 558 Johnson (Corriher) – Carolina Beach, Staff Recommends Finding of No-Basis, IRC concurs and recommends the Board Dismiss, Case 561 Connor (Mercer) – Hoke County, Staff Recommends Finding of No-Basis, IRC concurs and recommends the Board Dismiss. Griffin stated he had a potential conflict of interest in relation to Case 558 and recused himself. Crotts made a motion to accept the recommendations and Dismiss the cases. Roegner seconded the motion and the motion carried by roll call vote.

Chairman Thunberg assigned Patterson to Qualification and Evaluation Committee and Fox to Policy and Procedure Committee.

Item 6 – New Business

Felling reported to the Board that Eric Bradley had appealed the certification decision of staff. Felling requested to hold the hearing on January 25th at 10 am, prior to the Boards regular meeting. The Board accepted this recommendation by acclamation and Mr. Felling will draw up the notice and get it to Mr. Thunberg for his signature.

Item 7 – On-Going Business

A. Residential Changeout Inspector Update – Williams

No updates to report at this time.

B. Rules Review Update – Felling

Have submitted rule to Rules Review Commission (RRC), 11 NCAC 08 .0734. We have received a request for technical change. This change is minor and does not affect the text of the rule. Staff attorney is making the change and it is set for hearing by RRC on November 19th. Expect an effective date of December 1 or mid-December.

C. House Bill 865 – Roegner

Roegner commended the Board and the Chairman for their work. Through the efforts of the Chairman and the League of Municipalities the bill was only discussed and seems to be thwarted for the time being. Bill is currently in committee and likely to die at the end of the session but could come to a vote.

Items D and E were addressed during the Committee Reports

D. Changes to Law and Admin course and exam - Roegner

E. Fire 1 course – Rich Hall made a comment that referred to “promotional testing”. End-of-Course Exams and NCDOI State Exams should NOT be advertised or used by any agency as “Promotional Exams”. However, using the course as a prerequisite to fulfilling promotional requirements is okay.

Item 8 – Staff Report

Director

Sam Whittington made the Director’s Report.

Chris McLamb has accepted the position of Investigator. He comes to DOI from the Department of Public Safety working with the National Guard. Chairman Thunberg welcomed McLamb and asked him to introduce himself.

Code College was a success and was well received. Will be evaluating pass rates based on Code College Exam Prep materials.

Congratulations to Terri Tart on her promotion to Program Coordinator. There is an Engineer Supervisor position currently posted that closes Thursday, this will be a chief of investigations. There are two more positions to post soon that will also be part of a reorganization of the Licensing and Certification section that will affect staff for not only this Board but other Boards as well.

Examination

July 1, 2021 – September 30, 2020

Exam Taken Counts between 07/01/2021 and 09/30/2021

Exam Taken

Area/Level	Number Taking	Number Passing	% Passing	High Score	Low Score	Average Score
Building Inspector I	35	16	45.71	87.00	49.00	67.60
Building Inspector II	19	11	57.89	89.00	47.00	70.42
Building Inspector III	12	10	83.33	80.00	46.00	71.83
Electrical Inspector I	46	14	30.43	81.00	39.00	61.89
Electrical Inspector II	17	11	64.71	88.00	58.00	72.47
Electrical Inspector III	15	10	66.67	91.00	61.00	76.60
Fire Inspector I	50	26	52.00	83.00	31.00	68.30
Fire Inspector II	18	12	66.67	89.00	57.00	73.17
Fire Inspector III	11	10	90.91	85.00	68.00	77.64
Mechanical Inspector I	25	15	60.00	81.00	41.00	70.36
Mechanical Inspector II	14	12	85.71	89.00	68.00	80.43
Mechanical Inspector III	5	4	80.00	92.00	69.00	82.20
Plumbing Inspector I	10	8	80.00	87.00	46.00	72.40
Plumbing Inspector II	7	7	100.00	88.00	80.00	83.43
Plumbing Inspector III	4	4	100.00	90.00	75.00	83.00

Exam Taken Totals

Total Taking	Total Passing	Total % Passing
289	171	59.17

Exam Challenges (7/1/2021 - 9/30/2021)			
Trade/Level	# Challengers	# Items Challenged	Changed Scores
Building I	9	47	3
Building II	2	7	0
Building III	1	6	0
Electrical I	8	33	2
Electrical II	1	14	1
Electrical III	1	3	0
Fire I	5	45	1
Fire II	2	7	0
Fire III	1	7	1
Mechanical I	3	12	1

COQB Subject-Matter-Expert (SME) Test Item Development/Validation Committees

Building End-of-Course Items

- Reviews were due 10/15
- Received 4 of 9 reviews
- Sent an email reminder to SMEs

Electrical I, II, III State Items

- Received the Round 1 (274 test items) and Round 2 reviews back from SMEs
- SMEs Referenced test items to the 2020 NEC
- Combined Comments for Round 1
- Final Validation of Round 1 items - November 15 – Joe Starling, Danny Thomas, Mike Hejduk, and myself
- We will need more than one meeting to finalize all of these. Future dates to be set.

To do!

- Combine comments Round 2 test items and follow the same process.
- Determine additional needed test items after that.
- Deliver exams/test items to PSI prior to March 1, 2021

Fire I End-of-Course and State Items

- End of Course test items - full SME committee validated previous to last meeting
- State test items - 4 person SME committee working on these
 - Review completed
 - Need to add about 75 test items to the state test bank to correspond to EOC.
- PowerPoint slides - committee working to update to ensure coverage of all EOC and State test items
- Self-Study Materials - committee working on Phase 2 and 3 materials and implementation of the program
- Committee will meet in November to go through every activity for operation and accuracy

Test Item Template

David Brown creating the program to allow writing, importing, SME reviewing, updating, sorting, etc. to improve test item development and maintenance.

Certifications

Applications Processed

July 1, 2021 – September 30, 2021

Staff processes three types of applications each day. An applicant can apply for a maximum of 5 trades per application. Below is the total number of applications processed during the last quarter.

Certificates Earned This Quarter

Active Certificates between 07/01/2021 and 09/30/2021

Active Trades	All Levels	Probationary	Standard	Limited	Total
Building	I II III	134	189	-	329
Electrical	I II III	115	160	-	285
Fire	I II III	180	469	-	658
Mechanical	I II III	124	186	-	316
Plumbing	I II III	118	182	-	307
Residential Changeout	I II III	9	11	-	20

Active Certificate Totals between 07/01/2021 and 09/30/2021

Totals	All Levels	Probationary	Standard	Limited	Total
Totals	I II III	680	1197	-	1915

PRE-QUALIFICATION

APPLICANTS MEETING THE STANDARD CERTIFICATION REQUIREMENTS

Active Certificates

The table below identifies the number of currently active certificates in all trades as of October 21, 2021.

Active Certificate Totals as of 10/21/2021

Active Trades	Levels	Probationary Certificates	Standard Certificates	Limited Certificates	TOTALS
Building	I II III	599	1,138	3	1,740
Electrical	I II III	503	929	1	1,433
Fire Protection	I II III	896	2,281	8	3,185
Mechanical	I II III	529	1,059	3	1,591
Plumbing	I II III	504	1,100	3	1,607
Residential Changeout	I II III	9	10	0	19
TOTALS		3,040	6,517	18	9,575

Temporary Certificates

Some code officials will have an active Probationary certificate and an active Temporary certificate. The purpose of this certificate is to allow code officials time to take required courses and exams that are not available currently due to COVID-19.

583 Temporary Certificates still active will expire **December 31, 2021**. This certificate is not renewable or extendable. No application was needed for this action.

Expired Probationary Certificates

Notices of expiration are sent to each inspector and his or her City or County Manager.

117 probationary certificates expired this quarter without the CEO completing all requirements for a standard certificate.

Expired Probationary Licenses from 07/01/2021 to 09/30/2021

Trade	Levels	Total
Building	I II III	19
Electrical	I II III	21
Fire Protection	I II III	39
Mechanical	I II III	22
Plumbing	I II III	16
Residential Changeout	I II III	0
TOTAL		117

EDUCATION

This year's NCDOT/OSFM Code College Exam Prep event focused on hosting online and seated courses aimed to increase State Exam scores for the Electrical, Building and Fire Level 1 trades. We had over 300 attendees – most attended virtually.

CONTINUING EDUCATION COURSES		
Status Periods:	4/1/21 – 6/31/21 (Previous Quarter)	7/1/21 – 9/30/21 (Current Quarter)
Courses Submitted Denied	29	33
Courses Approved	28	17
Course Rosters Submitted	123	60
New Con. Ed. Sponsors Approved	1	1
New Con. Ed. Instructors Approved	2	3

STANDARD EDUCATION COURSES (7/1/2021 to 9/30/2021) - Quarterly			
Trade	Course Count	Total # Students (avr. class) (Q)	Total # Students (Total) (Q)
Law and Admin	5		
Building	11	10	104
Electrical	11	6	62
Fire	18	10	110
Mechanical	9	6	38
Plumbing	10	6	63
Total Courses Held	63		
Courses Canceled	16		
Standard Courses Scheduled	64		
Standard Course Grades Pending	7		

Investigations

Sam Whittington has 8 active cases and completed 4 investigations since his last report. Will be in the field in the coming weeks now that McLamb is on board.

Active Cases

<u>Case</u>	<u>Investigator</u>	<u>Jurisdiction</u>
513 City of Raleigh (Denning)	Cooney	Raleigh
549 Lawrence (Martin)	Whittington	Watauga Co.
552 Wetherington (Holsinger)	Whittington	Craven Co.
554 Gunter / 555 Camp (Muehlbach)	Whittington	Chatham Co.
557 Bumgarner (Erie)	Whittington	Caldwell Co.
560 Canady (Smith)	Whittington	North Topsail Beach
565 Evans (Cohen)	Whittington	Holden Beach

Investigations – Completed Since Last Report

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Chairman Thunberg asked Whittington to go over the complaint process and the role of the Board. The Board is the certifying body for code officials, the Commissioner of Insurance through the Department of Insurance has general oversight of inspections departments. Anyone can file a complaint. Most complaints are filed under item six, guilty of gross incompetence, gross negligence, or willful misconduct. The complaints are filed through an online complaint system. Staff investigates the allegations and reports the finding to the Investigation Review Committee (IRC).

Chairman Thunberg thanked the Board for their work and adjourned the meeting.

Respectfully submitted,



Rob Roegner
Secretary, N.C. Code Official Qualification Board