

**North Carolina Office of the State Fire Marshal
Engineering and Building Codes Division**

RE:	)	
Appeal of the August 24, 2026,	)	
Decision by the Town of Black	)	OSFM DECISION
Mountain Planning &	)	
Development Department's Stop	)	
Order Regarding the Property	)	
Located at 1120 Montreat Road.,	)	
Black Mountain, NC 28711.	)	
	)	
	)	

In accordance with N.C.G.S. § 160D-1114, Frank Cappelli has appealed the Town of Black Mountain Planning & Development Department's decision to issue a Stop Order requiring the cessation of construction work at a single-family residence on the property located at 1120 Montreat Road., Black Mountain, NC 28711 to the Office of the State Fire Marshal, Engineering and Building Codes Division ("OSFM").

N.C.G.S. § 160D-1114 allows appeals from a Stop Order alleging violation of the North Carolina State Building Code or any approved local modification thereof to the State Fire Marshal or his designee.

PARTIES

Appellant: Frank Cappelli
1120 Montreat Road.
Black Mountain, NC 28711

Appellee: Town of Black Mountain Planning & Development Department
304 Black Mountain Avenue
Black Mountain, NC 28711

BACKGROUND

On August 31, 2026, the appellant submitted an appeal to the Office of the State Fire Marshal of the decision by the appellee to issue a Stop Order on August 24, 2026, requiring the cessation of construction work at a single-family residence on the property located at 1120 Montreat Road., Black Mountain, NC 28711.

The appellee maintains that the Stop Order was validly issued by law because an electrical permit is required pursuant to law based on the conditions observed and photographed at the property while investigating a complaint filed with the Town of Black Mountain by a citizen.

The appellant contends that the entirety of the construction work performed at the property does not exceed \$40,000 and therefore does not require a permit by law. Additionally, the appellant contends that the limited electrical work performed within the entirety of the construction work is also exempt from a permit declaring that the limited electrical work aligns with the permit exemptions listed in law.

The appellee is unsure if the entirety of the construction work performed requires any other permits as the appellant has prohibited the appellee from visiting the property since the Stop Order was issued.

On September 29, 2026, both the appellant and the appellee concurred in email and phone discussions with OSFM that an electrical permit is required by law and would result in a release of the Stop Order by the appellee contingent upon the appellant obtaining one electrical permit to complete the intended electrical work.

ISSUE RAISED IN APPEAL

The appellant is appealing the appellee's decision to issue the Stop Order based on the appellant's actions of proceeding with electrical work without securing an electrical permit pursuant to law based on conditions observed and photographed at the property while investigating a complaint filed with the Town of Black Mountain by a citizen.

The appellant's appeal reads in most relevant part as follows:

"2018 NC Residential Code — specific section not identified in the local stop-work order; N.C.G.S. §§160D-1110(c) and 160D-1114; 2018 NC Administrative Code §204.10.

Appeal of the Town of Black Mountain stop-work order issued August 24, 2026, at 1120 Montreat Road. The order states only "working without a permit — evidence of sheetrock," without identifying a specific Code provision, the particular permit-required work, or clear conditions for resuming work. See attached Notice of Appeal and supporting documents.

NOTICE OF APPEAL OF STOP-WORK ORDER
N.C.G.S. §160D-1114

Appellant: Frank Cappelli

Property: 1120 Montreat Road, Black Mountain, NC 28711

Building: Existing owner-occupied single-family residence

Local inspection department: Town of Black Mountain

Local inspector: Ronnie McAbee

Order: Stop-work order issued and posted August 24, 2026, at approximately 5:00 p.m.

To the North Carolina Office of the State Fire Marshal:

I am the owner of 1120 Montreat Road. Pursuant to N.C.G.S. §160D-1114, I appeal the stop-work order issued by the Town of Black Mountain and posted at my property on August 24, 2026.

The posted order states: “Working without a permit — evidence of sheetrock.” It does not identify a specific North Carolina State Building Code provision, specify which portion of the work violated the Code, identify a condition endangering life or property, or clearly state the conditions under which the work may resume.

The work observed was ceiling drywall work at an existing single-family residence. N.C.G.S. §160D-1110(c) generally excludes qualifying construction, repair, replacement and alteration work costing \$40,000 or less from permitting unless a listed exception applies. The order does not identify an applicable exception or facts establishing one.

The Town subsequently asserted that a photograph showed “new electrical wiring.” The photograph does not establish when any visible cable was installed, whether it was installed as part of the drywall work, or whether electrical wiring was installed, extended, altered, connected or energized. I dispute that the photograph establishes permit-requiring electrical work.

I contend that the order lacks an adequate factual and legal basis and is broader than the alleged condition observed.

I respectfully request that OSFM:

1. Accept this appeal;
2. Direct the Town to provide its complete inspection and enforcement record;
3. Determine whether the order complies with applicable State law;
4. Reverse and vacate the stop-work order; and
5. Provide a written decision setting forth the facts found, decision reached and reasons for the decision.

The order was issued Monday, August 24. This appeal is being filed Monday, August 31, the fifth business day after issuance when the intervening weekend is excluded. The Town’s later electrical rationale and supporting photographic production were not

provided to me until after issuance of the order and are not mentioned anywhere in the stop work order.

I reserve the right to supplement this appeal after receiving the Town's complete file. This appeal does not constitute consent to enter, inspect, search or photograph my home.

Respectfully submitted,

Frank Cappelli
1120 Montreat Road
Black Mountain, NC 28711
828-442-3908
frankcappelli@gmail.com
Date: August 31, 2026"

FINDINGS

Based on information submitted by the appellant and appellee and phone discussions with the appellant and appellee, the undersigned makes the following findings.

1. N.C.G.S. §160D-1110(a)(4) notes that installation, extension, alteration, or general repair of any electrical wiring associated with lighting fixture replacement requires a permit unless the lighting fixture replacement is with a fixture or device having the same voltage and the same or less amperage and the work is performed in accordance with current edition of the North Carolina State Building Code, including the North Carolina Electrical Code by a person licensed as an electrical contractor under N.C.G.S. §87-43.
2. The permit exemption in N.C.G.S. §143-138(b16) notes that no permit shall be required for the repair or replacement of lighting fixtures provided that the repair or replacement does not require the addition or relocation of electrical wiring and the work is performed in accordance with current edition of the North Carolina State Building Code, including the North Carolina Electrical Code by a person licensed as an electrical contractor under N.C.G.S. §87-43.
3. N.C.G.S. §160D-1110(c)(3) and §143-138(b5)(3) requires a permit regardless of construction cost for the addition, replacement or change in the design of heating, air conditioning, or electrical wiring, appliances, or equipment, other than a like-kind replacement of electrical devices and lighting fixtures.

....

§ 160D-1110. Building permits.

(a) Except as provided in subsection (c) of this section, and subsection (h) of G.S. 160D-1110.1, no person shall commence or proceed with any of the following without first securing all permits required by the North Carolina State Building Code and any other State or local laws applicable to any of the following activities:

- (1) The construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any building or structure.
- (2) The installation, extension, or general repair of any plumbing system, except that in any one- or two-family dwelling unit a permit is not required for the connection of a water heater that is being replaced if (i) the work is performed by a person licensed under G.S. 87-21 who personally examines the work at completion and ensures that a leak test has been performed on the gas piping and (ii) the energy use rate or thermal input is not greater than that of the water heater that is being replaced, there is no change in fuel, energy source, location, capacity, or routing or sizing of venting and piping, and the replacement is installed in accordance with the current edition of the North Carolina State Building Code.
- (3) The installation, extension, alteration, or general repair of any heating or cooling equipment system.
- (4) The installation, extension, alteration, or general repair of any electrical wiring, devices, appliances, or equipment, except that in any one- or two-family dwelling unit a permit is not required for repair or replacement of electrical lighting fixtures or devices, such as receptacles and lighting switches, or for the connection of an existing branch circuit to an electric water heater that is being replaced if all of the following requirements are met:
 - a. With respect to electric water heaters, the replacement water heater is placed in the same location and is of the same or less capacity and electrical rating as the original.
 - b. With respect to electrical lighting fixtures and devices, the replacement is with a fixture or device having the same voltage and the same or less amperage.
 - c. The work is performed by a person licensed under G.S. 87-43.
 - d. The repair or replacement installation meets the current edition of the North Carolina State Building Code, including the North Carolina Electrical Code.

However, a building permit is not required for the installation, maintenance, or replacement of any load control device or equipment by an electric power supplier, as defined in G.S. 62-133.8, or an electrical contractor contracted by the electric power supplier, so long as the work is subject to supervision by an electrical contractor licensed under Article 4 of Chapter 87 of the General Statutes. The electric power supplier shall provide the installation, maintenance, or replacement in accordance with (i) an activity or program ordered, authorized, or approved by the North Carolina Utilities Commission pursuant to G.S. 62-133.8 or G.S. 62-133.9 or (ii) a similar program undertaken by a municipal electric service provider, whether the installation, modification, or replacement

is made before or after the point of delivery of electric service to the customer. This exemption applies to all existing installations.

....

(b16) Exclusion for Electrical Devices and Lighting Fixtures. - No permit shall be required under the Code or any local variant approved under subsection (e) of this section for the repair or replacement of dishwashers, disposals, water heaters, electrical devices, or lighting fixtures in residential or commercial structures, provided that all of the following apply:

- (1) The repair or replacement does not require the addition or relocation of electrical wiring.
- (2) The work is performed by a person or employee of a company licensed under G.S. 87-43.
- (3) The repair or replacement is performed in accordance with the current edition of the North Carolina State Building Code.

....

§ 160D-1110. Building permits.

(c) No permit issued under Article 9 of Chapter 143 of the General Statutes is required for any construction, installation, repair, replacement, or alteration costing forty thousand dollars (\$40,000) or less and performed in accordance with the current edition of the North Carolina State Building Code in any single-family residence, farm building, or commercial building unless the work involves any of the following:

- (1) The addition, repair, or replacement of load-bearing structures. However, no permit is required for replacement of windows, doors, exterior siding, or the pickets, railings, stair treads, and decking of porches and exterior decks that otherwise meet the requirements of this subsection.
- (2) The addition or change in the design of plumbing. However, no permit is required for replacements otherwise meeting the requirements of this subsection that do not change size or capacity.
- (3) The addition, replacement, or change in the design of heating, air-conditioning, or electrical wiring, devices, appliances, or equipment, other than like-kind replacement of electrical devices and lighting fixtures.
- (4) The use of materials not permitted by the North Carolina State Building Code.
- (5) The addition of roofing, excluding replacement.
- (6) Any changes to which the North Carolina Fire Code applies.

....

§ 143-138. North Carolina State Building Code.

(b5) Permit Exclusion for Certain Minor Activities. - No permit shall be required under the Code or any local variance thereof approved under subsection (e) for any construction,

installation, repair, replacement, or alteration performed in accordance with the current edition of the North Carolina State Building Code and costing forty thousand dollars (\$40,000) or less in any single family residence, farm building, or commercial building unless the work involves any of the following:

- (1) The addition, repair, or replacement of load bearing structures. However, no permit is required for replacements of windows, doors, exterior siding, or the pickets, railings, stair treads, and decking of porches and exterior decks that otherwise meet the requirements of this subsection.
- (2) The addition or change in the design of plumbing. However, no permit is required for replacements otherwise meeting the requirements of this subsection that do not change size or capacity.
- (3) The addition, replacement or change in the design of heating, air conditioning, or electrical wiring, appliances, or equipment, other than a like-kind replacement of electrical devices and lighting fixtures.
- (4) The use of materials not permitted by the North Carolina State Building Code.
- (5) The addition (excluding replacement) of roofing.
- (6) Any changes to which the North Carolina Fire Code applies.

....

CONCLUSIONS

1. Accordingly, this appeal does arise from “a stop order involving alleged violation of the North Carolina State Building Code or any approved local modification thereof” within the meaning of N.C.G.S. § 160D-1114. See N.C.G.S. § 160D-1114(a).
2. The two NM cables for luminaires as shown in the photo attached to this letter should have been in an outlet box before and the outlet box is not shown for the ceiling replacement and luminaire reinstallation or replacement. The existing luminaires also should have been supplied by an outlet box, unless the existing luminaires were of the type that did not need an outlet box. If the new luminaires need an outlet box, then the existing outlet boxes should have been there already, or a new outlet box is required to be installed. The work appears to require a permit since wiring is rerouted and altered and outlet box work is required for the ceiling replacement and luminaire reinstallation or replacement.
3. On September 29, 2026, both the appellant and the appellee concurred in email and phone discussions with OSFM that an electrical permit is required by law and would result in a release of the Stop Order by the appellee contingent upon the appellant obtaining one electrical permit to complete the intended electrical work.

APPEAL DECISION

Based on the foregoing, the appeal is hereby UPHeld until an electrical permit pursuant to N.C.G.S. §160D-1110(a)(4)(c), N.C.G.S. §160D-1110(c)(3), §143-138(b5)(3) and §143-138(b16)(2) is obtained by the appellant.



This 30th day of September 2026.

David Rittlinger, PE, LEED AP
Division Chief – Codes & Interpretations
North Carolina Office of State Fire Marshal

FURTHER APPEAL RIGHTS

The appellant and appellee have the right to appeal this decision to the NC Building Code Council, the Wake County Superior Court, or the superior court of the county in which the property at issue is located. Please refer to N.C.G.S. §§ 160D-1114, 160D-1127, and 143-141 and the NC Administrative Code and Policies, Section 202.9.2 for appeal rights. In accordance with N.C.G.S. § 143-141, you have 30 days in which to appeal this decision to the NC Residential Code Council.

cc:

Michelle Kennedy, Planning Director, Town of Black Mountain,
michelle.kennedy@tobm.org

Nathan Childs, NCDOJ, counsel for NC Building Code Council, nchilds@ncdoj.gov

Nicki Shaffer, NCDOJ, counsel for NC Residential Code Council, wshaffer@ncdoj.gov



**APPENDIX E
APPEALS
NORTH CAROLINA
BUILDING CODE COUNCIL**
1429 Rock Quarry Road, Suite 105
Raleigh, North Carolina 27610
(919) 647-0008
david.rittlinger@ncdoi.gov

APPEAL TO NCDOI/NCBCC

Hearing Date ____ / ____ / ____

GS 153A-374, GS 160A-434

GS 143-140, GS 143-141

Formal Interpretation by NCDOI _____

Appeal of Local Decision to NCBCC _____

Appeal of Local Decision to NCDOI _____

Appeal of NCDOI Decision to NCBCC _____

APPELLANT FRANK CAPPELLI PHONE (828) 442-3908 x
REPRESENTING SELF - OWNER OF 1120 MONTREAT RD.
ADDRESS 1120 MONTREAT RD.
CITY BLACK MOUNTAIN STATE NC ZIP 28211
E-MAIL FRANK.E.CAPPELLI@GMAIL.COM FAX (____) _____

North Carolina State Building Code, Volume _____ - Section _____

REQUEST ONE: ☐ Formal Interpretation by NCDOI ☒ Appeal of Local Decision to NCBCC
☐ Appeal of Local Decision to NCDOI ☐ Appeal of NCDOI Decision to NCBCC

Type or print. Include all background information as required by the referenced General Statutes and the attached policies. Attach additional supporting information.

2018 NC Residential Code — specific section not identified in the local stop-work order; N.C.G.S. §§160D-1110(c) and 160D-1114; 2018 NC Administrative Code §204.10.

REASON:

Appeal of the Town of Black Mountain stop-work order issued August 24, 2026, at 1120 Montreat Road. The order states only "working without a permit — evidence of sheetrock," without identifying a specific Code provision, the particular permit-required work, or clear conditions for resuming work. See attached Notice of Appeal and supporting documents.

APPEAL TO NCDOI/NCBCC

Signature Frank Cappelli

DATE: 8/31/26 FORM 3/14/17

202.9 Appeals

202.9.1 Engineering Division. A written technical interpretation shall be provided as specified in Section 203.2.1.2. Any person may appeal in writing an order, decision, or determination pertaining to the code or any state building law by filing written notice with the Commissioner of Insurance or his designee within ten (10) days after the order, decision, or determination. A copy of the appeal shall be furnished to each party.
(General Statutes 143-140, 153A-374 and 160A-434)

203.2.1 Interpretations

203.2.1.1 Informal Interpretations. The Engineering Division shall provide informal interpretations on code related matters either by e-mail, letter or telephone. These informal interpretations may be accepted by the local code enforcement official or party requesting the interpretation. Either party may request a formal interpretation of the code.

203.2.1.2 Formal Interpretations. Any person may request in writing a formal interpretation of the code. The request shall be addressed to the Chief Code Consultant for the Department of Insurance. The request shall be specific and shall reference the code sections in question. All formal interpretations shall be in writing. A formal interpretation shall be binding on all parties unless appealed to the Building Code Council as specified in Section 201.9.2. Formal interpretations determined to be of a general nature may be posted on the Department website. (General Statute 143-140)

203.2.2 Appeals. Any person may appeal in writing an order, decision, or determination of a code enforcement official pertaining to the code or any state building law. The appeal shall be addressed to the Chief Engineer for the Department of Insurance by filing written notice within ten (10) days after the order, decision, or determination. The appeal shall contain the type and size of the building in question, the location of the building, and shall reference the code sections in question. The decision shall be in writing and shall set forth the facts found. The decision rendered shall be based on the technical provisions of the code, public health and safety and shall be construed liberally to those ends. A decision shall be binding on all parties unless appealed to the Building Code Council as specified in Section 201.9.2. A copy of the appeal and written decision shall be furnished to each party. (General Statutes 153A-374 and 160A-434)

202.9.2 Building Code Council. The Building Code Council shall hear appeals from the decisions of State enforcement agencies relating to any matter related to the code. Any person wishing to appeal a decision of a State enforcement agency to the Building Code Council shall give written notice of appeal as follows:

202.9.2.1 Twenty one (21) copies including an original of the Notice of Appeal shall be filed with the Building Code Council c/o NC Department of Insurance, Engineering Division, 325 North Salisbury Street, Room 5_44, Raleigh, NC 27603 and one (1) copy shall be filed with the State enforcement agency from which the appeal is taken.

202.9.2.2 The Notice of Appeal shall be received no later than thirty (30) days from the date of the decision of the State enforcement agency.

202.9.2.3 The Notice of Appeal shall be legibly printed, typewritten or copied and shall contain the following:

- (1) Name, address of the party or parties requesting the appeal.
- (2) The name of the State enforcement agency, the date of the decision from which the appeal is taken, and a copy of the written decision received from the enforcement agency.
- (3) The decision from which the appeal is taken shall be set forth in full in the Notice of Appeal or a copy of the decision shall be attached to all copies of the Notice of Appeal.
- (4) The contentions and allegations of fact must be set forth in full in a clear and concise manner with reference to the sections of the code in controversy.
- (5) The original Notice of Appeal shall be signed by the party or parties filing appeal.
- (6) The Notice of Appeal shall be received by the first day of the month prior to the Building Code Council's quarterly scheduled meeting in order to be placed on the agenda for that meeting. The Chairman may schedule a special meeting to hear an appeal.

202.9.2.4 Upon the proper filing of the Notice of Appeal, the Building Code Council Secretary shall forward one (1) copy of the Notice of Appeal to each member of the Building Code Council. The Chairman may appoint a Hearing Committee to hear appeals. The Secretary shall send notice in writing to the party or parties requesting an appeal and to the Building Code Council Hearing Committee members at least fifteen (15) days prior to the Hearing Committee meeting. A written decision of the Hearing Committee meeting shall be provided to all Building Code Council Members. The actions of the Hearing Committee shall be final, unless appealed to the full Building Code Council in writing within 30 days of the Hearing Committee's action. If a Hearing Committee consists of at least seven Council members, it will constitute a quorum of the full Council. Further appeals shall be as specified in Section 202.9.3.

202.9.2.5 The Building Code Council shall, upon a motion of the State enforcement agency or on its own motion, dismiss appeals for the following reasons:

- (1) Not pursued by the appellant or withdrawn;
- (2) Appeal not filed in accordance with these rules; or
- (3) Lack of jurisdiction.

202.9.2.6 When the Building Code Council finds that a State enforcement agency was in error in its interpretation of the code, the Building Code Council shall remand the case to the agency with instructions to take such actions as the Building Code Council directs. When the Building Code Council finds on appeal that materials or methods of construction proposed are equivalent to those required by the code, the Building Code Council shall remand the case to the State enforcement agency with instructions to permit the use of such materials or methods of construction. The Building Code Council shall immediately initiate procedures for amending the code to permit the use of such materials or methods of construction.

202.9.2.7 The Building Code Council shall provide a written decision setting forth the findings of fact and the Building Code Council's conclusions to each party or parties filing the appeal and to the State enforcement agency from which the appeal was taken.

202.9.3 Superior Court. Whenever any person desires to appeal a decision of the Building Code Council or a decision of a State or local enforcement agency, he may appeal either to the Wake County Superior Court or the Superior Court of the county in which the proposed building is to be situated in accordance with the provisions of Chapter 150B of the General Statutes.
(General Statute 143-141(d))

NOTICE OF APPEAL OF STOP-WORK ORDER

N.C.G.S. §160D-1114

Appellant: Frank Cappelli

Property: 1120 Montreat Road, Black Mountain, NC 28711

Building: Existing owner-occupied single-family residence

Local inspection department: Town of Black Mountain

Local inspector: Ronnie McAbee

Order: Stop-work order issued and posted August 24, 2026, at approximately 5:00 p.m.

To the North Carolina Office of the State Fire Marshal:

I am the owner of 1120 Montreat Road. Pursuant to N.C.G.S. §160D-1114, I appeal the stop-work order issued by the Town of Black Mountain and posted at my property on August 24, 2026.

The posted order states: “Working without a permit — evidence of sheetrock.” It does not identify a specific North Carolina State Building Code provision, specify which portion of the work violated the Code, identify a condition endangering life or property, or clearly state the conditions under which the work may resume.

The work observed was ceiling drywall work at an existing single-family residence. N.C.G.S. §160D-1110(c) generally excludes qualifying construction, repair, replacement and alteration work costing \$40,000 or less from permitting unless a listed exception applies. The order does not identify an applicable exception or facts establishing one.

The Town subsequently asserted that a photograph showed “new electrical wiring.” The photograph does not establish when any visible cable was installed, whether it was installed as part of the drywall work, or whether electrical wiring was installed, extended, altered, connected or energized. I dispute that the photograph establishes permit-requiring electrical work.

I contend that the order lacks an adequate factual and legal basis and is broader than the alleged condition observed.

I respectfully request that OSFM:

1. Accept this appeal;
2. Direct the Town to provide its complete inspection and enforcement record;
3. Determine whether the order complies with applicable State law;
4. Reverse and vacate the stop-work order; and

5. Provide a written decision setting forth the facts found, decision reached and reasons for the decision.

The order was issued Monday, August 24. This appeal is being filed Monday, August 31, the fifth business day after issuance when the intervening weekend is excluded. The Town's later electrical rationale and supporting photographic production were not provided to me until after issuance of the order and are not mentioned anywhere in the stop work order.

I reserve the right to supplement this appeal after receiving the Town's complete file. This appeal does not constitute consent to enter, inspect, search or photograph my home.

Respectfully submitted,

Frank Cappelli
1120 Montreat Road
Black Mountain, NC 28711
828-442-3908
frankekappelli@gmail.com

Date: August 31, 2026

Signature: Frank Cappelli

From: [Rittlinger, David B](#)
To: ["frankekappelli@gmail.com"](mailto:frankekappelli@gmail.com); ["michelle.kennedy@tobm.org"](mailto:michelle.kennedy@tobm.org)
Subject: RE: [External] URGENT — G.S. 160D-1114 Stop-Work Appeal — 1120 Montreat Road
Date: Tuesday, September 29, 2026 3:50:00 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
Importance: High

Frank,

Good afternoon. Based on our conversation just now concerning the requirement for an electrical permit by law as opined earlier today by the State Electrical Engineer, a site visit tomorrow morning is not necessary.

I will issue a legally binding response letter concerning the appeal you filed under NCGS 160D-1127 to you and the Town of Black Mountain requiring an electrical permit and a release the Stop Order by the Town of Black Mountain contingent upon you obtaining one electrical permit to complete the intended electrical work.

Let me know if you have any questions or require further assistance with this matter.

David Bruce Rittlinger, PE, LEED AP
Division Chief – Codes and Interpretations



North Carolina
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0008

david.rittlinger@ncdoj.gov

Link to free view of 2018 NC Codes

<https://codes.iccsafe.org/codes/north-carolina>

From: Rittlinger, David B
Sent: Tuesday, September 29, 2026 1:12 PM
To: frankekappelli@gmail.com; michelle.kennedy@tobm.org
Subject: RE: [External] URGENT — G.S. 160D-1114 Stop-Work Appeal — 1120 Montreat Road
Importance: High

Frank / Michelle,

Good afternoon.

Are we still scheduled for 10:30am tomorrow morning for a walkthrough of the work?

Thank you

David Bruce Rittlinger, PE, LEED AP
Division Chief – Codes and Interpretations



North Carolina
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0008

david.rittlinger@ncdoi.gov

Link to free view of 2018 NC Codes

<https://codes.iccsafe.org/codes/north-carolina>

From: Rittlinger, David B

Sent: Monday, September 28, 2026 1:30 PM

To: frankecapelli@gmail.com; michelle.kennedy@tobm.org

Subject: FW: [External] URGENT — G.S. 160D-1114 Stop-Work Appeal — 1120 Montreat Road

Importance: High

Frank / Michelle,

Please read below. I discussed this matter with the State Electrical Engineer, and he offered the following interpretation based on the information and photo provided concerning the electrical work in this appeal. Do either of you have any additional details to offer?

Thank you for your work on this.

David Bruce Rittlinger, PE, LEED AP
Division Chief – Codes and Interpretations



North Carolina
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0008

david.rittlinger@ncdoi.gov

Link to free view of 2018 NC Codes

<https://codes.iccsafe.org/codes/north-carolina>

From: Wesley, Ben <ben.wesley@ncdoi.gov>

Sent: Monday, September 28, 2026 9:21 AM

To: Rittlinger, David B <david.rittlinger@ncdoi.gov>

Subject: RE: [External] URGENT — G.S. 160D-1114 Stop-Work Appeal — 1120 Montreat Road

Good morning, Mr. David,

This is a complex question based on the photograph provided. The two NM cables shown should have been in a box before and now I do not see a box. The old luminaires also should have been supplied by an outlet box, UNLESS the old fixtures were of a type that did not need an outlet box. Typically, they do. If the new luminaire fixtures need a box, then ones should have been there already, or a new outlet box installed. This doesn't appear to be a like-for-like installation. If I read the description correctly, there used to be a drop ceiling and now there is going to be sheetrock. So, an outlet box would be needed since either the old outlet box was above the drop ceiling and now the circuit was reworked to remove the existing outlet box...or, the NM cables for the old lay-in recessed lighting were just "daisy-chained together" which means the NM cables were routed directly between the fixtures without using an outlet box. However, now that either the old outlet boxes were removed or nonexistent, new outlet boxes are required. I'm going to say just with the information and photograph provided an electrical permit would have been need for these reasons.

However, even if it is determined that a permit is not needed, an appropriately licensed electrical contractor or the proper homeowner still needs to install the work correctly using the State Electrical Code. As noted above, this installation is missing the Code mandated outlet boxes.

Let me know if you need anything else from me Mr. David,

Benjamin (Ben) Wesley
Chief Electrical Code Consultant
State Electrical Inspector
Deputy State Fire Marshal
Division of Engineering | Field Operations

North Carolina
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.532.4175

From: Rittlinger, David B <david.rittlinger@ncdoi.gov>

Sent: Monday, September 28, 2026 8:51 AM

To: Wesley, Ben <ben.wesley@ncdoi.gov>

Subject: FW: [External] URGENT — G.S. 160D-1114 Stop-Work Appeal — 1120 Montreat Road

Importance: High

Ben,

Please read below and see attached?

Do you think an electrical permit is required for the described scope of work?

Thank you for your thoughts on this.

Let me know if you have any questions.

David Bruce Rittlinger, PE, LEED AP
Division Chief – Codes and Interpretations



North Carolina
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0008

david.rittlinger@ncdoi.gov

Link to free view of 2018 NC Codes

<https://codes.iccsafe.org/codes/north-carolina>

From: Frank Cappelli <frankecappelli@gmail.com>

Sent: Tuesday, September 15, 2026 10:16 AM

To: Rittlinger, David B <david.rittlinger@ncdoi.gov>

Subject: Re: [External] URGENT — G.S. 160D-1114 Stop-Work Appeal — 1120 Montreat Road

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David,

Thank you. Work remains stopped.

Scope of the project that was underway:

The project is ordinary interior finish work on the first floor: removal of an existing drop ceiling and like-for-like replacement of the first-floor ceiling drywall. We were also replacing existing light fixtures in a few rooms in their same locations — not adding new lights or new lighting locations. No rooms were being added. No exterior work, addition, or change of use was involved.

Construction cost

Labor and materials for the work that was actually contracted totaled \$4,200. That is well under \$40,000.

Work performed, by trade

Building: drop-ceiling removal and first-floor ceiling drywall replacement. Drywall was in progress when the order was posted. Standard drywall materials. No load-bearing framing was added, repaired, or replaced.

Mechanical / HVAC: none.

Plumbing: none.

Fuel gas: none.

Electrical: Existing first-floor ceiling light fixtures were taken down so the drywall could be installed. Those fixtures were already there. The plan was to reinstall the same fixtures, or replacement fixtures, in the same existing locations after the drywall was finished — not to add lights. When the fixtures came down, there was extra slack cable at a couple of the existing locations and the fixture leads were in poor condition. We cut the existing cable back to where the sheath still covered the conductors in those two spots. We were not going to reattach the fixtures until the drywall work was complete. Reinstallation has not been done because work is stopped.

The posted order:

The reason written on the stop-work order was “working without a permit — evidence of sheetrock.” It did not cite a Building Code section or identify any mechanical, plumbing, fuel-gas, or completed electrical installation.

Please tell me if you need anything else that is not already in the August 31 filing.

Thank you,
Frank Cappelli

On Tue, Sep 15, 2026 at 9:34 AM Rittlinger, David B <david.rittlinger@ncdoj.gov> wrote:

Michelle,

Good morning. I hope you are well.

Please send me any and all reports concerning this stop work order.

Let me know if you have any questions.

Thank you for any information you can provide.

David Bruce Rittlinger, PE, LEED AP
Division Chief – Codes and Interpretations



North Carolina
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0008

david.rittlinger@ncdoi.gov

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From: Rittlinger, David B
Sent: Tuesday, September 15, 2026 9:18 AM
To: Frank Cappelli <frankcappelli@gmail.com>
Cc: ronnie.mcabee@tobm.org; Michelle Kennedy <michelle.kennedy@tobm.org>; Hicks, Richard N; town.clerk@tobm.org
Subject: RE: [External] URGENT — G.S. 160D-1114 Stop-Work Appeal — 1120 Montreat Road

Frank,

Good morning. I hope you are well.

What is the scope of work for the project you are working on and what is the construction cost?

Please include detailed information of the work performed including any and all building, mechanical, electrical, plumbing, fuel gas, etc.

I need to this information to properly ascertain whether permits are required or not. If permits are required, the local government has the authority to issue a stop work order.

I also may want to visit the site to investigate this as well should I need additional information.

Let me know if you have any questions.

Thank you for any information you can provide.

David Bruce Rittlinger, PE, LEED AP
Division Chief – Codes and Interpretations



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919.647.0008

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<https://codes.iccsafe.org/codes/north-carolina>

From: Frank Cappelli <frankcappelli@gmail.com>

Sent: Monday, August 31, 2026 3:36 PM

To: Rittlinger, David B <david.rittlinger@ncdoi.gov>

Cc: ronnie.mcabee@tobm.org; Michelle Kennedy <michelle.kennedy@tobm.org>; Hicks, Richard N <richard.hicks@tobm.org>; town.clerk@tobm.org

Subject: Re: [External] URGENT — G.S. 160D-1114 Stop-Work Appeal — 1120 Montreat Road

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David,

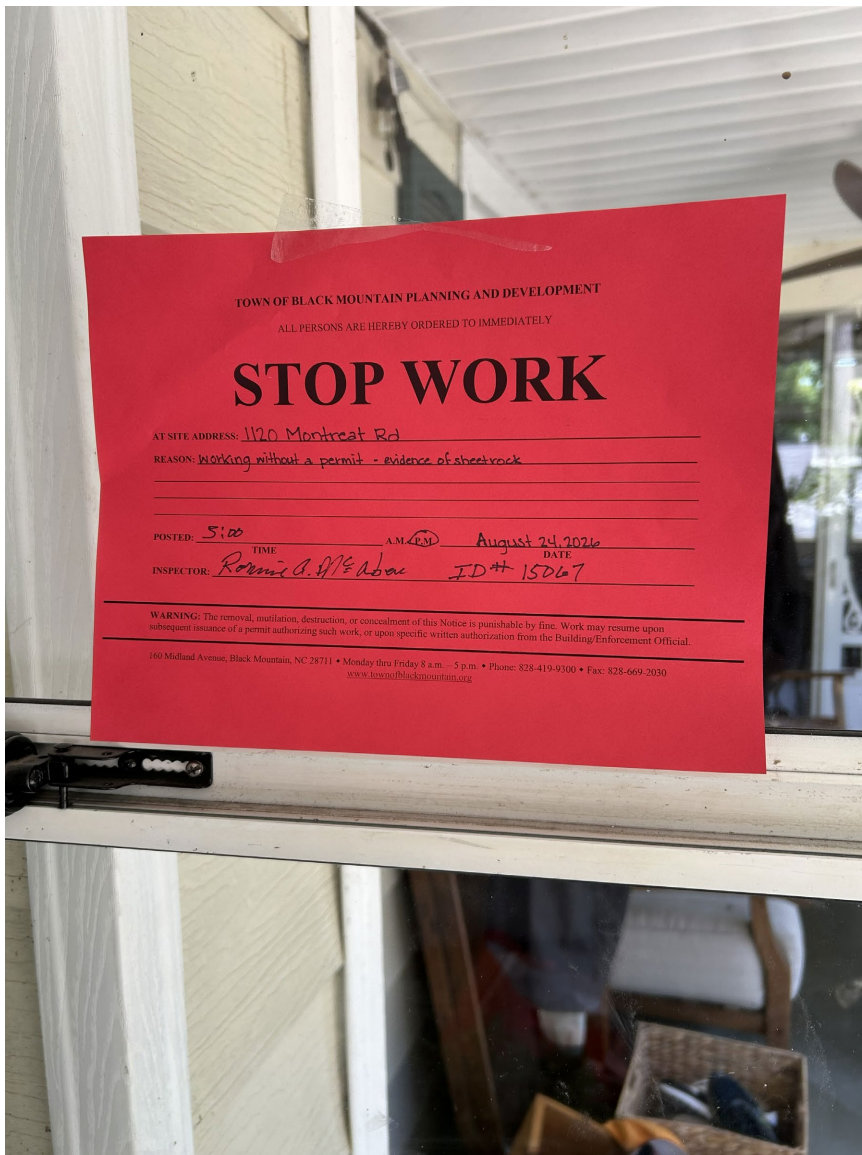
Thank you for your prompt response. Attached are the completed appeal form, my signed Notice of Appeal and the relevant stop-work-order documentation.

I am copying the local inspector and Town officials. Please confirm that this submission completes the filing requirements and that the appeal is recorded as received today, August 31, 2026. Please also provide any case or reference number and advise whether anything further is presently required.

Thank you,

Frank Cappelli

[828-442-3908](tel:828-442-3908)



On Mon, Aug 31, 2026 at 2:53 PM Rittlinger, David B <david.rittlinger@ncdoi.gov> wrote:

Frank,

Good afternoon.

I hope you are well.

Please complete the form at the link below and attach the letter and any other relevant information and return to me via email.

<https://www.ncosfm.gov/appeals-and-formal-interpretations>

Let me know if you have any questions.

Thank you for your work on this.

David Bruce Rittlinger, PE, LEED AP
Division Chief – Codes and Interpretations



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919.647.0008

david.rittlinger@ncdoi.gov

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From: Frank Cappelli <frankekappelli@gmail.com>

Sent: Monday, August 31, 2026 2:41 PM

To: Rittlinger, David B <david.rittlinger@ncdoi.gov>

Cc: Hicks, Richard N <richard.hicks@tobm.org>; ronnie.mcabee@tobm.org; Michelle Kennedy <michelle.kennedy@tobm.org>; town.clerk@tobm.org

Subject: [External] URGENT — G.S. 160D-1114 Stop-Work Appeal — 1120 Montreat Road

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Mr. Rittlinger,

Attached is my written appeal under N.C.G.S. §160D-1114 from the stop-work order issued by the Town of Black Mountain at 1120 Montreat Road on August 24, 2026.

Please treat this email and the attached signed notice as my filing. The local inspector and Town officials are copied as required.

Because of the statutory filing period, please confirm receipt today, identify the assigned reviewer or case number, and advise immediately if OSFM requires submission through another channel.

Thank you,
Frank Cappelli
[828-442-3908](tel:828-442-3908)



