

NORTH CAROLINA CODE OFFICIALS QUALIFICATION BOARD DRAFT MINUTES



October 22, 2024 - 1:00 PM

The quarterly meeting of the N.C. Code Officials Qualification Board (“Board”) was held via WebEx at 1:00 PM on October 22, 2024.

Chairman Thunberg recognized Sam Whittington for his work in the Western part of the state after Hurricane Helene. Whittington stated that the Board should be proud by the work being done by Code-Enforcement Officials in the state. Whittington stated a few jurisdictions have requested assistance. Thunberg thanked Whittington for all his work done in the Lake Lure area. Thunberg also thanked Mike Hejduk for quickly generating a list of Code Officials from surrounding areas who were available to assist when and where needed. Thunberg thanked all the Code Officials who have gone above and beyond to serve the community at large. Thunberg stated that it is going to be a long recovery, and we may continue to be called upon to assist in those jurisdictions.

ITEM 1 – INTRODUCTIONS, ROLL CALL and CONFLICT OF INTEREST STATEMENT

Chairman Thunberg asked for a roll call. Thunberg 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.

No conflicts were noted.

The following members of the Board participated in the meeting and provided a quorum:

Bill Thunberg	Allen Kelly	Les Everett
Montrena Hadley	Richard White	Andy Matthews
Adam Lovelady	Michael Slate	
Danny Couch	Fleming El-Amin	
Kenny Weatherington	Jeffrey Tracey	

The following members of the Board were absent:

Mack Summey, Rob Roegner, Mark Patterson, Joshua Robbins, Russell Fox, Mark Smith, James Steele, Stephen Terry, PE, PhD

Board legal counsel Nick Sorensen (NCDOJ) was present.

Visitor in attendance Harley Masters.

Staff in attendance:

Mike Hejduk	Jeff Griffin	Kyle Heuser
Beth Williams	Bonnie Bentley	Charlie Johnson
Anna Basile	Jeff Johnson	Kathy Vincent
Sarah Barcenas	Renita Denton	
Sam Whittington	Rich Hall	

ITEM 2 – APPROVAL OF MINUTES

Fleming El-Amin made a motion to approve the minutes of the July 23, 2024, Board meeting. Allen Kelly seconded the motion. Thunberg asked for any discussion on the motion. The minutes were approved by acclamation.

ITEM 3 - FIFTH LEVEL III CERTIFICATE

The number of active code enforcement officials who have five (5) level III certificates is 213. The Board recognized the following code officials in receiving their Fifth Level III certificate this quarter.

- | | | |
|--------------------------|----------|-------------|
| • Stacey Wayne Carey | Fire III | Granville |
| • Laura Elizabeth Gray | Fire III | Garner |
| • Gregory Shane McDaniel | Fire III | Morrisville |
| • Robert Gary Rosch | Fire III | Morrisville |
| • Caleb Nicholas Wilson | Fire III | Rutherford |

ITEM 4 - PUBLIC COMMENT

No public comment.

ITEM 5 - COMMITTEE REPORTS

Executive Committee - Chair Bill Thunberg reported that the committee met on September 20, 2024, via WebEx.

Topics discussed:

- Proposed rule changes/updates
- Rules Review Commission on 9/25/24
- Introduced 5 new rules.
- Amended 3 existing rules.
- Met with RRC Staff Attorney regarding §150B-21.2. Procedure for adopting a permanent rule. (g) Adoption.
- RRC Staff Attorney recommended to block adoption of the following rules:
 - 11 NCAC 08.0707 Special Circumstances
 - 11 NCAC 08.0737 Building Inspector Level I, II, III
 - 11 NCAC 08.0740 Plumbing Inspector Level I, II, III

- 11 NCAC 08.0741 Fire Inspector Level I, II, III
- Substantial changes resulted in having to resubmit proposed rule changes.
- Staff to the Board recommends that all submitted rules be pulled, in advance of the RRC meeting and begin the public comment process over again.

Policies and Procedures (P&P) and Rules Review-- Chair Richard White reported that the committee met on October 8, 2024, via Webex.

Topics discussed:

- General Statutes update
- Rulemaking update
 - Revised timeline
 - 11 NCAC 08.0735 TEMPORARY CERTIFICATE
 - 11 NCAC 08.0736 SPECIAL CE REQUIREMENT
 - By-Law amendments

Qualifications and Evaluation (Q&E) – Chair Fleming Al-Amin reported that the committee did not meet.

Education and Research (E&R) – Chair Danny Couch reported a meeting was held on October 7, 2024, via WebEx.

Topics Discussed:

- Board course development update
- Building Code Council
 - NC Electrical Code and State Exam
- Law and Administration
 - UNC School of Government
- Fire Standard courses
 - New Courses begin July 2025
- CE completion update
 - 546 Standard Certificates Renewed
 - 11 CAC 08.0735 TEMPORARY CERTIFICATE
- By-law update
 - By-Law amendments
 - Anson County Court of Appeals case

Chairman Couch reported that the committee discussed Board course development update, Standard certificates, and continuing education completion. Hejduk thanked all the volunteers that are working on the code changes. Couch thanked staff and all the volunteers for all the work. Couch stated the 2023 NEC (National Electrical Code) would become effective January 1, 2025. There is a six-month grace period for the 2024 North Carolina Building Code. Hejduk requested the Board vote for the new code to be taught July 1, 2025.

Couch made a motion for all the new Standard courses to be taught July 1, 2025. Kenny Weatherington seconded the motion. Thunberg asked the Board if anyone opposed the motion. The motion passed by acclamation.

Investigation Review (IRC) – Chair Rob Roegner was absent. Les Everett reported for the committee. IRC meetings were held on September 3, 2024, and October 15, 2024, via WebEx.

Topics Discussed:

- **465** Hayes outstanding incomplete VSA, (Whittington) Amended the VSA to remove “Pass the state exam.”
- **617** Hardee outstanding incomplete VSA, (Whittington) Mr. Hardee has passed away. Close the case no further action.

Everette motioned to approve the committee’s recommendation. El-Amin seconded the motion. The motion passed by acclamation.

- **636** Winchester (Angel) – Mitchell County (Hejduk) Basis, Move to a Hearing.

Everett motioned to approve the committee’s recommendation to Move to a Hearing. Montrena Hadley seconded the motion. The motion passed by acclamation. Nick Sorenson recommended that the Hearing be held in January, at the (DOI) Department of Insurance, on Beach Leaf Court in Raleigh, NC. Thunberg asked Everett to amend his motion to schedule the hearing at the earliest date possible, and leave the time and location up to legal counsel. Everrettso moved. Hadley seconded and the motion passed by acclamation.

- **641** Carolina Beach (Sanderford) – Carolina Beach (Bentley) No Basis, Dismiss.
- **644** Conner (Davis) – Surry Co. (Whittington) No Basis, Dismiss.
- **659** Raleigh (Wooten) – Raleigh (Whittington) No Basis, Dismiss.

Everett motioned to dismiss the three cases. Allen Kelly seconded the motion. The motion passed by acclamation.

- **649** Dalton (Nichols) – Alleghany Com (Whittington) Basis, VSA: Building Level I Course.

Everett motioned to accept the VSA. Michael Slate seconded the motion. The motion passed by acclamation. Thunberg thanked Everett for his report.

ITEM 6 – ON-GOING BUSINESS

Legislative Updates

1. G.S. 143-151.13 requires licensed professionals and contractors to pass the State exam for Standard Certificates. [S463](#), [H850](#)
2. G.S 143-151.13A Establishes fees for the review and approval of Board courses. [S463](#), [H850](#)
3. G.S. 143-151.13 Voluntary apprenticeship program. [H850](#)
4. G.S. 143-138.1 Voluntary apprenticeship program. [S463](#)
5. [S677](#) Expedited Commercial Building ([SL 2023-142](#)) 10/21/2023 EFFECTIVE JULY 1, 2024
§ 160D-1110.1 Commercial and multifamily building permits for applications with sealed plans; third-party plan review alternatives; at-risk building foundation permits; at-risk building structure permits.

G.S. 143-151.8(a)(3) reads as rewritten:

e. A person who is contracting with a local government to perform third-party plan review under G.S. 160D-1110.1(d). f. A person who is contracting with a permit applicant to perform third-party plan review under G.S. 160D-1110.1(e)."

SECTION 2. (c) G.S. 143-151.13 is amended by adding a new subsection...

(g) A licensed architect or licensed professional engineer who possesses a valid certificate under subsection (f) of this section but is not employed by the State or a local government, may utilize that certificate for the limited purpose of performing independent third-party plan review under subsections (d) and (e) of G.S. 160D-1110.1. “

SECTION 2. (g) This section becomes effective July 1, 2024, and applies to permit applications submitted on or after that date.

6. H320 = [S712](#) Create Bldg. Code Permit Tech Cert.

SECTION 1. G.S. 143-151.12 reads as rewritten:

§ 143-151.12. Powers.

(3a) Certify persons as being qualified under the provisions of this Article to be 19 State Building Code Permit Technicians

§ 143-151.22. State Building Code Permit Technician; certification program; professional 10 development requirements; renewal of certificates; fees; exam waivers.

7. [H893](#) Private Commercial Inspections § 143-151.12 and G.S. 143-15.14A, 14B, 19A

8. SL 2023-151 State Fire Marshal changes

9. S166 Ratified

Proposed Rule Changes – Comments received; edits discussed

- 11 NCAC 08 .0602 NATURE OF PROBATIONARY CERTIFICATE
- 11 NCAC 08 .0607 RETURN OF CERTIFICATE WHEN LEAVE EMPLOYMENT
- 11 NCAC 08 .0706 REQUIRED QUALIFICATION TYPES AND LEVELS
- 11 NCAC 08 .0707 SPECIAL CIRCUMSTANCES
- 11 NCAC 08 .0737 BUILDING INSPECTOR I, II, III
- 11 NCAC 08 .0738 ELECTRICAL INSPECTOR I, II, III
- 11 NCAC 08 .0739 FIRE INSPECTOR I, II, III
- 11 NCAC 08 .0740 MECHANICAL INSPECTOR I, II, III
- 11 NCAC 08 .0741 PLUMBING INSPECTOR I, II, III

Hejduk presented and discussed the Board course development progress chart below.

On-Going Business – cont.

• Board Course Updates

On-Going Business – cont.

• Board Course Updates

	10% Syllabus	40% Slides	10% Worksheets	20% EOC	20% State Exam	TOTAL 100%				
Board Course % Completion	10	20	30	40	50	60	70	80	90	100
1. LAW AND ADMIN										
2. FIRE LEVEL I										
3. FIRE LEVEL II										
4. FIRE LEVEL III										
5. BLDG LEVEL I										
6. BLDG LEVEL II										
7. BLDG LEVEL III										
8. MECH LEVEL I										
9. MECH LEVEL II										
10. MECH LEVEL III										
11. PLBG LEVEL I										
12. PLBG LEVEL II										
13. PLBG LEVEL III										
14. ELEC LEVEL I										
15. ELEC LEVEL II										
16. ELEC LEVEL III										
17. RCI										

Thunberg requested that Hejduk set up a meeting with him and Rob Roegner to discuss funds available for temporary staff. Couch stated that he didn't think the General Assembly had approved the aid package yet to the Western part of the state. Thunberg referred the permit tech to the Education & Research Committee and to the Qualification and Evaluation Committee for further discussion. Thunberg asked about the status of private commercial inspections. Hejduk responded that only third-party plan review was enacted.

Thunberg stated that he wanted to discuss OSFM changes further with Roegner and Kyle Heuser, Assistant General Counsel. Heuser reported that there will be a public comment period through November 13, 2024. A Special Board Meeting needs to be scheduled between December 17, 2024, and December 20, 2024.

Heuser went over 11 NCAC 08.0735 TEMPORARY CERTIFICATE

Any code-enforcement official who currently possesses a probationary certificate that expires between October 1, 2024, and October 1, 2025. This rule gives code officials a temporary certificate that shall be effective for a period of two years and shall not be renewed.

Heuser submitted the changes to the Rules Review Commission, rules will be effective October 31, 2024. Heuser reported that an emergency rule is good for (90) ninety days and the temporary rule is good for (270) two hundred seventy days.

Couch made a motion to approve the emergency rule to assist those impacted due to Hurricane Helene. Richard White seconded the motion. The motion passed by acclamation.

Thunberg recommended amending the motion to approve scheduling the appropriate public hearing dates. Thunberg asked the Board if anyone was in opposition. The motion passed by acclamation.

ITEM 7 – NEW BUSINESS

A. Probationary requests

- **Bonnie Bentley (#27003)** - Probationary Fire Level III P-35918 expired 9/1/2024

- **Beau Chollet (#13611)** - Probationary Electrical Level II P-15255 expired 6/19/2010
Probationary Fire Level I P-16797 expired 5/2/2019
- **Matthew Crawford (#16057)** - Probationary Electrical Level II P-24647 expired 7/8/2017
- **Carl Martin (#6658)** - Probationary Electrical Level II P-12279 expired 6/17/2006
Probationary Mechanical Level II P-12279 expired 6/17/2006
Probationary Fire Level III P-12279 expired 6/17/2006
- **Gerry Sutton (#11479)** - Probationary Electrical Level II P-36561 expires 11/16/2024
Probationary Mechanical Level II P-36562 expires date 11/16/2024
- **Jeremy Woodell (CEO#25492)** - Probationary Electrical Level I P-31558 expired 4/17/2022

Hejduk presented the Probationary requests. Les Everett recused himself from the vote. Michael Slate recused himself from the vote. They stated that they know people on the probationary list. Kenny Weatherington made a motion to approve the requests. Seconded by Fleming El Admin. Thunberg asked the Board members if anyone was in opposition of the motion. The motion passed by acclamation.

B. Bylaw Draft Changes

Thunberg asked Nick Sorensen to report on the Bylaws. There is a draft change to the Bylaws. There was a decision back in August from the N.C. Court of Appeals regarding action taken by the Anson County Commissioners to appoint a Sheriff. An emergency meeting was held to appoint the Sheriff. When they later reneged on that, a new sheriff was put into the position. When the Court of Appeals ruled on the nature of the emergency meeting, they made two holdings that concerned county boards in terms of emergency meetings and remote participation in quorums. They looked at that case and stated that emergency meetings did not exist based on the context on how it was held.

Mike Hejduk, Kyle Heuser, and the Department of Justice met to discuss how future COQB and other boards can continue to meet virtually and vote and action items. Ensure the internal rule is in place for these boards to allow participation be made remotely or via phone (WebEx). There should be no issue internally on how it is structured. At the next meeting, the Board may vote on the changes. Couch made a motion to move forward with the changes and vote on them at the January meeting. Hadley seconded the motion. Thunberg asked the members if anyone had any opposition to the motion. None noted. The motion passed by acclamation.

ITEM 8 – STAFF REPORT - DASHBOARD

Hejduk gave the staff report for the first quarter. Applications are at record levels. The number of CEO's has increased. Partnership with UNC Benchmark 2.0 project is moving forward. Numbers of Military/Spouses are moving upwards.

COQB	Total FY 2022-2023	Total FY 2023-2024	1st QTR Jul - Sep	2nd QTR Oct - Dec	3rd QTR Jan - Mar	4th QTR Apr - Jun	Total FY 2024-2025
CEOs	4,094	4,094	4,326				4,326
Applications	1,881	1,209	562				562
Pre-Qualification	79	178	18				18
Probationary	942	565	273				273
Standard	860	466	271				271
Military/Spouses	65	126	68				68
Criminal History	30	11	5				5
Board courses	197	99	55				55
Students	2,379	1,006	514				514
Exam eligibilities	1,677	586	448				448
Exams taken	1,440	471	423				423
Exams passed	740	372	362				362
Certificates Issued	2,497	1,134	873				873
Probationary	1,445	624	487				487
Standard	1,052	510	385				385
Certificates Total	9,379	10,062	10,442				10,442
Probationary		2,970	3,154				3,154
Standard		7,085	7,282				7,282
Complaints	18	10	1				1
Disciplinary actions	3	3	5				5

ITEM 9 -- ADJOURNMENT

Thunberg adjourned the meeting.



Secretary, NCCOQB