

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

**January 24, 2012**

The quarterly meeting of the NC Code Officials Qualification Board was held at 1:00 PM on Tuesday, January 24, 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:

Ronnie Bailey	Hayden Lutterloh, III
Dean Barbour	Andy Matthews
Richard Blackburn	Tracy McPherson
Richard Ducker	Victor Shaw
Valoree Eikinas	Ken Stafford
Charles Horne	Bill Thunberg
Allen Kelly	

Members absent:

Tim Bradley	Robert Nunez
Mark Hicks	Ray Rice
John Kirkland	Sherrill Smith
Kenneth Mullen	

Others in attendance were as follows:

Samantha Ewens	Department of Insurance	Raleigh, NC
Kathy Williams	Department of Insurance	Raleigh, NC
Suzanne Taylor	Department of Insurance	Raleigh, NC
Celestine Phill	Department of Insurance	Raleigh, NC
Sarah van Doornewaard	Department of Insurance	Raleigh, NC
Chris Noles	Department of Insurance	Raleigh, NC
Bobby Croom	Department of Justice	Raleigh, NC
Benjamin Strickland	City of Southport	Southport, NC
Kari Lanning	Town of Waxhaw	Waxhaw, NC
Russ Overton	Town of Cary	Cary, NC
David Thomas	Town of Cary	Cary, NC
Bryan Simpson	Town of Cary	Cary, NC

**Preliminary Matters**

Chairman Hayden Lutterloh presided over the meeting and welcomed guests. Mr. Lutterloh noted two new Board members. Mr. Andy Matthews who is replacing Hiram Williams, and Mr. Allen Kelly who is replacing Jeff Curtis. He 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 has asked that if any Board Members have any conflicts or any potential conflicts of interest to bring them to the following Board meeting, so they may be noted.

**Item 1: Approval of October 25, 2011 Minutes**

Richard Blackburn made a motion to approve the minutes of the October 25, 2011 Board meeting. Charles Horne seconded the motion. The motion was approved.

## **Item 2: Approval of New Standard Certificate Applicants**

Bill Thunberg 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. Charles Horne seconded the motion. The motion was approved.

## **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 has met and has a report. Please see Item 5: Other Items – Item A
- 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**

#### **Comity Changes**

General Statute 143-151.14 restricts who can receive a certificate without examination to those who are certified by "another state, district, or territory." Per the advice of the Board's attorney, this precludes issuing certifications without exam to people certified by the International Code Council (ICC), the Department of Defense (DOD), the International Fire Service Accreditation Congress (IFSAC), and other national accrediting agencies as they do not represent a state, district, or territory. This understanding is significantly different from the way comity was applied in the past. There is no conflict with the General Statute and the Board's Rules. Staff has begun implementing that change.

Mr. Lutterloh asked for a definition for Reciprocity and for Comity. Ms. Ewens stated that our general statute references Comity. It states that people may be certified with the same experience requirement, but without taking the state exam. Ms. Ewens read the statute it reads: "The Board may, without requiring an examination, grant a standard certificate as a qualified Code-enforcement official to any person who, at the time of application, is certified as a qualified Code-enforcement official by a similar board of another state, district or territory where standards are acceptable to the Board and not lower than those required by this Article."

Ms. Kari Lanning was introduced. Ms. Lanning presented her issue regarding Reciprocity/Comity to the Board. This information can be found under Item 5: Other times – Item B

#### **Complaints Against Board Investigators**

During the last meeting in October, the Board was notified that there was an outstanding complaint against a Board investigator. That particular complaint report will be presented at the appropriate portion of today's meeting. However, the Board requested information about how similar licensing Board's deal with this issue.

- NC Licensing Board for General Contractors: investigators can be licensed General Contractors, but they do not have a formal policy dealing with complaints
- NC Board of Examiners for Engineers and Surveyors: investigators are not Professional Engineers.

#### **Board Communication Changes**

There are several Board members that have issues with using email to receive the various documents sent out prior to each Board meeting. They would like to use the "Info for Board Members" section of the website to post these documents from this point forward.

**Kathy Williams made the following report concerning certification to the Board.**

**EXPIRED 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. The probationary certificates for 75 individuals have expired this quarter.

**STANDARD AND LIMITED RENEWALS**

Staff has received and renewed 96 percent of the standard and limited renewals which were invoiced for renewal year 2011. The 2011 renewal year has been closed out. 17 limited certificates and 259 standard certificates remain suspended.

**STANDARD CERTIFICATE TESTING –October 12, 2011 – January 10, 2012**

**Examination Summary**

144 exams were taken and 26 exams were reviews. The results of the State exams given October 12, 2011 – January 10, 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	14	3	80	52	21.4	4
Building Inspector II	4	2	80	63	50.0	2
Building Inspector III	11	7	90	53	63.6	2
Electrical Inspector I	3	1	75	55	33.3	1
Electrical Inspector II	8	2	77	46	25.0	3
Electrical Inspector III	5	1	82	66	20.0	4
Fire Inspector I	49	45	100	69	91.8	0
Fire Inspector II	12	8	88	63	66.7	1
Fire Inspector III	9	5	82	60	55.6	3
Mechanical Inspector I	4	4	99	83	100.0	0
Mechanical Inspector II	6	3	88	52	50.0	1
Mechanical Inspector III	7	2	78	56	28.6	3
Plumbing Inspector I	4	4	88	74	100.0	0
Plumbing Inspector II	4	4	87	75	100.0	0
Plumbing Inspector III	4	4	91	72	100.0	0
Totals	144	97				26

**Standard Certificates Earned**

<u>Area</u>	<u>Active Inspectors</u>	<u>Pre-Qualification</u>	<u>Reciprocity</u>
Building	11	1	0
Electrical	3	1	0
Fire	48	12	0
Mechanical	9	0	0
Plumbing	<u>12</u>	<u>0</u>	<u>0</u>
Total	83	14	0

Active Inspectors (GS 143-151.13(a)):	83
Pre-Qualification (GS 143-151.13(a)):	14
Exams with Grade Changes	1
Exempt from Exam (GS 143-151.13(f)):	0



## **Exam Administrative Technical Issues**

Staff encountered two issues regarding the ability to transmit approval letters to applicants. For a period of approximately 5 business days, staff was unable to notify any applicants that they were approved to sit for an exam. During a second period of time, approximately 4 business days, the approval letter omitted the ICNC number, which is a necessary piece of information needed for registration.

Each issue has been corrected and the entry portal is working appropriately at this time.

## **EDUCATION SECTION**

### **Celestine Phill made the following report regarding Continuing Education to the Board.**

These statistics run from October 7, 2011 – January 24, 2012. We have 46 Continuing Education courses that were approved for the period, as well as five New Instructors approved, and one Sponsor approved. There were a total of 194 Continuing Education Courses submitted for the period. There were 43 Continuing Education Courses scheduled to begin after 1/24/2012. There were no courses approved in multiple trades.

There were 74 total Standard Courses scheduled for the period, 15 for Building, 15 for Electrical, 13 for Fire, 13 for Mechanical, 13 for Plumbing, and 12 for Law and Administration. A total of 20 Standard courses were canceled for the period. None of the Courses were rescheduled. There were 28 Standard Course grades that we have received, and there are 26 Standard Course grades still pending for the period. There are a total of 154 Standard Courses scheduled to begin after 1/24/2012.

*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/COOB/engineering\\_coqb\\_home.asp](http://www.nc.doi.com/OSFM/Engineering/COOB/engineering_coqb_home.asp).*

### **Sponsor Workshop**

A Sponsor Workshop is scheduled for Thursday, January 26, 2012. The goal of the workshop is to assist sponsors and coordinators in becoming more proficient in the submission of end-of-course documentation, as well as familiarize and encourage sponsors and coordinators to utilize the NCDOI website for the advertising of their respective Continuing Education courses. There are five people who have expressed interest in attending the workshop.

### **Instructor Certification Workshop**

The Standard Code Course Instructor Certification Workshop was held on Thursday, January 19, 2011. 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 revised to provide for more robust content and certification process. A total of six people attended the workshop.

### **Continuing Education Website Advertising**

The IT Department continues to provide support in the advertising of upcoming CE courses and workshops on the NCDOI website. Information continues to be updated as new courses and workshops are scheduled. Course and workshop information can be found and updated by accessing the following:

## **INVESTIGATIONS AND HEARINGS**

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

#### **Investigations Begun – Not Completed**

Kille vs. Canova  
Reddick vs. Watson & Smith  
Lord vs. Walsh  
Felts vs. Cabarrus co.  
Seascape Community vs. Aycock  
Pace vs. Walker, Walker, and Sanders  
Underwood vs. Hanna  
Criner vs. Speight  
Alvarez vs. Helms  
Danner vs. Norton  
Blanton vs. Smith  
Miller vs. Waynesville  
Wakeman vs. Bailey/Wade  
Jerkins vs. Leonardt/Atkins

#### **Investigations Completed –Basis in Fact**

Reynolds vs. Edwards/Satterfield  
Miller vs. Crawford & Glance  
York vs. Cook

McMahon vs. Cash

In McMahon vs. Cash Mr. Horne motioned to send a letter of caution. Mr. Thunberg seconded the motion. The motion was approved.

The other three Basis in Fact reports will be presented at the next quarterly Board meeting.

#### **Investigations Completed –No Basis in Fact**

Lord vs. Walsh

In Lord vs. Walsh Mr. Horne motioned to accept the No Basis in Fact. Mr. Matthews seconded the motion. The motion was approved.

McMahon vs. Schell

McMahon vs. Phelps

In McMahon vs. Phelps Mr. Thunberg motioned to accept the No Basis in Fact. Mr. Blackburn seconded the motion. The motion was approved.

## **VOLUNTARY SETTLEMENT AGREEMENTS**

Olive vs. Town of Cary

The Voluntary Settlement Agreement states Mr. Thomas from the Town of Cary agrees to take and pass the International Code Council (ICC) Accessibility Inspector/Plans Examiner Certification class

and examination within six months. Mr. Thomas shall also take and pass the ICC Accessibility Inspector/Plans Examiner Certification examination within six months.

Mr. Barbour motioned to accept the Voluntary Settlement Agreement. Mr. Thunberg seconded the motion. The motion was approved.

## **CONSENT AGREEMENTS**

Phelps vs. Strickland

The Consent Order states Mr. Strickland shall surrender permanently his Standard Level III Fire Certificate. No other action will be taken against his remaining certificates.

Mr. Barbour motioned to accept the Consent Order. Mr. Thunberg seconded the motion. The motion was approved.

## **DISCIPLINARY HEARINGS**

None

### **Item 5: Other Items**

#### **Item A: Evaluation and Research Committee Report:**

Ms. McPherson reported that at the October 25, 2011 Board meeting there were two requests to be brought before the Education and Research Committee. The first request was presented by Mr. Lloyd Prince from New Hanover Inspection Department to receive approval for a course that included interpersonal skills and documentation skills. Mr. Prince asked the Board to consider this type of training as necessary to the inspector in the execution of his/her job. At present, the staff does not approve this type of training because it does not adhere to 11 NCAC 08.0720 which states “(t) o be approved for credit in the continuing education program, a course shall be directly related to State Building Codes, inspections, administration, or enforcement of State Building Codes; construction or design of buildings or electrical, mechanical, plumbing, or fire prevention systems; or certification courses approved for CEOs”.

Ms. McPherson made the following motion: Deny issuance of continuing education credit for Mr. Prince’s interpersonal and documentation portion of the course. The Committee would like the Board to allow the Education and Research Committee continue to study this issue and bring a proposal to the April 24, 2012 meeting with specific recommendations. The issue that the Committee discussed was allowing the Law and Administration Standard Course to count as continuing education credit. At present, it is not an approved course. Staff agreed with giving continuing education credit to individuals who repeat this course after a standard certificate is earned. This item will need additional thought regarding the number of credit hours to grant as well as how to administer course credit in the staff’s recordkeeping system. We would also like to investigate further the benefit of including interpersonal skills as a component in a continuing education course. Mr. Horne seconded the motion. The motion was approved.

Ms. McPherson presented the second issue which was prepared by the staff regarding the high cancellation rates of standard courses within the NC Community College System. As a result there are inspectors, and instructors that are having a hard time getting the courses that they need to maintain their Certifications. The report which was given at the October 24, 2011 Board meeting, identified contributing factors that impact the high cancellation rates and proposed options to increase course opportunities. The Committee discussed various options that staff brought to the table, and also options that the Committee members had presented. After discussing all of the options it was narrowed down to two that were most viable. Ms. McPherson motioned for the Education and Research Committee to

further study on the following options: The first is that the Board direct the Education and Research committee to continue to investigate ways to reduce Standard Course cancellations, and to increase overall course availability, and stability for inspectors and instructors, and to bring specific recommendations to the Board at the next quarterly meeting. The committee's research should focus on, but does not have to be limited to the following: Possibility of scheduling classes on a state wide, or on a regional basis, and the possibility of using distance learning technology such as The Information Highway, and or internet based classes for Standard course delivery. The second part of the motion is that the Board direct staff to send a memo from the Board to the administration of the NC Community College System covering the following points: 1) Acknowledging the importance of the training partnership with the community colleges 2) Identifying the current challenges 3) Seek system level assistance in researching, and implementing possible solutions. Bill Thunberg seconded the motion. The motion was approved.

#### **Item B: Kari Lanning Reciprocity/Comity Request:**

Mr. Shaw recused himself from this discussion, because Ms. Lanning is from his hometown. Ms. Lanning stated she holds Certificates with ICC, and has held Certificates which are expired in other states. Ms. Lanning would like the Board to approve her Reciprocity/Comity for her Level 2 Plumbing, and Level 2 Mechanical without exam. She stated that she has submitted all of the required paperwork, and received notification in the form of 4 separate letters from the NC Code Officials Qualification Board acknowledging that she would have received Reciprocity/Comity by holding her ICC Certificates.

Ms. McPherson asked if an implementation date was set regarding the new policy. Ms. Ewens stated that staff had been following the incorrect way of approving applications under Reciprocity/Comity, and it has come to the attention of staff from the Board's attorneys that the procedure was followed incorrectly, so now it has been corrected and staff is currently reviewing applications according to General Statute 143-151.14.

Mr. Lutterloh suggested that the Policies and Procedures Committee and staff take a look at what possibilities to change General Statute 143-151.14.

It was determined that the Board could take any action on Ms. Lanning's request since it is a General Statute.

#### **Item C: Committee Assignments**

Mr. Lutterloh has asked Mr. Allen Kelly to sit on the Policies and Procedures committee.

#### **Item D: Varied Effective Dates of the Codes**

The NC Building Code Council voted on December 12<sup>th</sup> to delay the mandatory effective dates of all Codes, except the Electrical Code, to June 1, 2012. Subsequently, it was determined that SL 2011-269 required the mandatory effective date of the Energy and Residential Codes to be March 1, 2012. However, there is every indication that the actual Code books will not be available at that time.

There are two main issues for the Board to consider, which may or may not require any action:

- Requiring inspectors to enforce a Code for which they do not have the book.
- When to update the Certification Exams to reflect the new Code editions.

Staff recommendation is to proceed to test on the 2009 Code.

Mr. Shaw motioned to accept the staff's recommendation. Ms. Eikinas seconded the motion. The motion was approved.

**Adjournment**

Mr. Barbour motioned for the meeting to be adjourned. Mr. Blackburn seconded the motion. There being no further business, the meeting was adjourned by Hayden Lutterloh.

Respectfully submitted,

A handwritten signature in black ink that reads "Tim Bradley". The signature is written in a cursive style with a prominent initial "T" and a long, sweeping underline.

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

Kristin Cutrell  
Emily Weidner

#### Building Level II

Eddie Garner  
William Scoggins

#### Building Level III

Christopher Dotson  
John Eakins  
Anthony Rabon  
Edyth Stokes  
Timothy Taylor  
Scott Westbrook  
Robbie Young, Jr.

#### Electrical Level II

David Currie  
Diane Meek

#### Electrical Level III

Richard Cummings

#### Fire Level I

Brandy Alexander  
Ryan Baker  
Joshua Burgess  
Jeremy Burris  
Jerome Caudill  
Walter Childress  
Sean Cowley  
Richard Cox  
Jereme Daniels  
Charles Fountain  
Stalin Germosen  
Eric Graziano  
Sam Hall  
Timothy Hurlocker  
Daniel Jarvis  
Robert Lynn  
Andrew Messer  
Earl Moore  
John Moyers  
William Norris  
Ricky Parson  
Fire Level I(Cont)

William Piper  
Robert Pudney  
Michael Riley  
Michael Ritter  
Anthony Salas  
Ignatious Scarborough  
Freddie Silver  
James Smith  
Jeremy Smith  
Timothy Spivey  
Desmond Teal  
Charles Terry  
Daniel Tucker  
James Whisnant

#### Fire Level II

Rick Barkley  
Kendall Caison  
Harold Henrich  
Scott Infinger  
Manley Jack  
Michael Jordan  
Phillip McDaniel  
Dustin Nicholson  
Aaron Patrick

#### Fire Level III

Paul Buchanan  
Wesley Harrington  
Robert Key  
Allen Middleton  
Jerry Myers

#### Mechanical Level I

Matthew Boswell  
Brandon Burgin  
Kimberly Sauer  
Andrew Ventresca

#### Mechanical Level II

David Currie  
Bryan Gaskins  
Diane Meek

#### Mechanical Level III

James Nicholas

Carey White

**Plumbing Level I**

Kristin Cutrell  
Leonard England  
Robbie Galloway  
John Nevill

**Plumbing Level II**

Sheila Austin  
Clarence McAllister  
Walter McGervey  
William Moeller

**Plumbing Level III**

John Hall  
James Nicholas  
Jeffrey Wade  
Brandon Weston

**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.

Phillip Spencer	Building I
Ernest Wilkes	Electrical I
Alvin Bailey , II	Fire I
Patrick Boland	Fire I
Charles Bunn	Fire I
John Craver	Fire I
Joseph Engler	Fire I
Patrick Jackson	Fire I
Bryan Kindley	Fire I
Anthony Ladd	Fire I
Tim Shropshire	Fire I
Russell Smith	Fire I
Nicholas Strong	Fire I
Daniel Tucker	Fire I