MINUTES OF THE
NORTH CAROLINA CODE OFFICIALS QUALIFICATION BOARD

January 22, 2013

The quarterly meeting of the NC Code Officials Qualification Board was held at 1:00 PM on Tuesday, January 22, 2013 at the Board's office at 322 Chapanoke Road in Raleigh, NC.

The following members of the NC Code Officials Qualification Board were present:
- Dean Barbour
- Allen Kelly
- Richard Blackburn
- John Kirkland
- Richard Ducker
- Hayden Lutterloh, III
- Valoriee Eikinas
- Tracy McPherson
- Mark Hicks
- Christian Noles
- Jerry Jones
- Ray Rice

Members absent:
- Ronnie Bailey
- Charles Horne
- Andy Matthews
- Robert Nunez
- Sherrill Smith
- Ken Stafford
- Bill Thunberg

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
- Cliff Isaac, Department of Insurance, Raleigh, NC
- Celestine Phill, Department of Insurance, Raleigh, NC
- Sarah van Doornwaard, Department of Insurance, Raleigh, NC
- Bobby Croom, Department of Justice, Raleigh, NC
- Allison Naftel, City of Charlotte, Charlotte, NC
- Michael Hogan, City of Charlotte, Charlotte, NC
- Henry Gorham, Attorney, Raleigh, NC
- David Francis, Pinebluff Inspections Department, Pinebluff, NC
- Michelle Porter, ICC, Birmingham, AL
- Timothy Evans, Town of Holden Beach, Holden Beach, NC
- Adam Lovelady, UNC School of Government, Chapel Hill, NC

Preliminary Matters
Chairman Hayden Lutterloh presided over the meeting and welcomed guests. Mr. Lutterloh noted a new Board member, Mr. Christian Noles who is replacing Tim Bradley. He asked the Board members to introduce themselves.

Item 1: Election of Secretary
Mr. Blackburn nominated Mr. Chris Noles for Secretary of the Board. Mr. Barbour seconded the motion. Mr. Kelly motioned for the nominations to be closed Ms. Eikinas seconded the motion. The motion was approved to have Mr. Chris Noles as Secretary of the NC Code Officials Qualification Board.
**Item 2: Approval of October 23, 2012 Minutes**
Mr. Rice made a motion to approve the minutes of the October 23, 2012 Board meeting. Mr. Kelly seconded the motion. The motion was approved.

**Item 3: Approval of New Standard Certificate Applicants**
Mr. Kirkland made a motion that the Board grant Standard Inspection Certificates to those applicants who have met the Board's education, experience, and examination requirements as contained in 11 NCAC 08 .0706. The applicants are listed in an attachment to the minutes. Ms. Eikinas seconded the motion. The motion was approved.

**Fifth Level III Standard Inspection Certificate**
Mr. David Allan Francis is receiving his fifth Level III certificate today.

**Item 4: 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 not met and has no report, but there is an update. Please see Item 6: Other Items – Item A
- d) Qualification and Evaluation Committee: The committee had not met and had no report.

**Item 5: Staff Reports**

**Samantha Ewens made the following Director’s Report**

**Conflicts of Interest of Board Members**

Per the Chairman’s request, portions of the North Carolina Ethics Commission evaluations of real or potential conflicts of interest for the following Board members will be read into the record:

- Clarence Allen Kelly
- Nathan Andrew Matthews
- Gerald A. Jones, Jr.
- Christian M. Noles

**Conflicts of Interest noted under Item 6: Other Items – Item B**

**Standard Exam Updates**

The NC Electrical Inspector Certification Exams will be updated to reference the 2011 National Electrical Code beginning March 1, 2013. Staff members have received updated course materials for the Standard Courses and are in the process of getting those posted to the website.

A message will be sent to all Directors of Inspection noting the change.

**Fire Exam Security Breach**

On November 8, 2012 an applicant appeared at a Pearson VUE testing center to challenge a score of 69 on the Fire I exam. He left the testing center with a hand-written copy of 10 test questions. Staff was notified of this breach on or about December 18th, after the applicant mailed the questions and his challenges in to ICC. After reviewing the materials available and after speaking with the applicant, staff determined that he was following instructions of the proctor on site and did not intentionally jeopardize the security of the exam.

The ten questions were removed from all Fire exams (Levels I, II and III) by December 20th and substituted with new questions from the test bank. No interruption of the exams was required.
Kathy Williams made the following report concerning certification to the Board.

**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. Eighty-three probationary certificates expired this quarter.

**STANDARD CERTIFICATE TESTING — October 10, 2012 – January 8, 2013**

**Examination Summary**

<table>
<thead>
<tr>
<th>Area/Level</th>
<th>Number Taking</th>
<th>Number Passing</th>
<th>% Passing</th>
<th>High Score</th>
<th>Low Score</th>
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<tbody>
<tr>
<td>Building Inspector I</td>
<td>10</td>
<td>8*</td>
<td>80</td>
<td>97</td>
<td>64</td>
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<tr>
<td>Building Inspector II</td>
<td>7</td>
<td>5</td>
<td>71</td>
<td>86</td>
<td>60</td>
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<tr>
<td>Building Inspector III</td>
<td>8</td>
<td>8</td>
<td>100</td>
<td>84</td>
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<tr>
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<td>20</td>
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<td>47</td>
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<tr>
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<td>2</td>
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<tr>
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<td>Fire Inspector I</td>
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<td>47</td>
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<tr>
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<td>85</td>
<td>93</td>
<td>64</td>
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<td>5</td>
<td>100</td>
<td>94</td>
<td>73</td>
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<td>4</td>
<td>100</td>
<td>87</td>
<td>71</td>
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<td>98</td>
<td>77</td>
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<td>5</td>
<td>5</td>
<td>100</td>
<td>93</td>
<td>72</td>
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<tr>
<td>Plumbing Inspector III</td>
<td>6</td>
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<td>143</td>
<td>112</td>
<td>78</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Three BI exams were taken as part of disciplinary actions and so did not result in a certificate issuance, even though all three inspectors passed the exam.

**Standard Certificates Earned**

<table>
<thead>
<tr>
<th>Area</th>
<th>Active Inspectors</th>
<th>Pre-Qualification</th>
<th>Reciprocity</th>
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<tr>
<td></td>
<td>GS 143-151.13(a)</td>
<td>GS 143-151.13(a)</td>
<td>GS 143-151.14</td>
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<tr>
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<td>0</td>
<td>2</td>
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<tr>
<td>Fire</td>
<td>50</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Mechanical</td>
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<td>0</td>
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<td>Plumbing</td>
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<td>1</td>
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<tr>
<td>Totals</td>
<td>104</td>
<td>5</td>
<td>3</td>
</tr>
</tbody>
</table>
Fifth Level III Standard Inspection Certificate

Mr. David Allan Francis is receiving his fifth Level III certificate today, in the Fire trade. Mr. Francis has been a certified inspector since 2003 and currently works for the Pinebluff Building Inspections Department. Mr. Francis is the 219th inspector to earn this achievement.

Exam Complaint Summary

The staff received three complaints concerning exams conducted this quarter. All three complaints dealt with applicants unable to schedule an exam due to a discrepancy in their eligibility status. One complaint was resolved the same day, one took two days to resolve, and one took nine days.

Reciprocity Challenge

See Part C under Other Items, below.

EDUCATION SECTION

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

These statistics run from October 20, 2012 – January 17, 2013. We have 54 Continuing Education courses that were approved for the period, as well as two New Instructors approved, and three new Sponsors approved. There were a total of 72 Continuing Education Course Rosters submitted. There were a total of two courses approved in multiple trades.

There were 53 total Standard Courses scheduled for the period, 10 for Building, 10 for Electrical, 13 for Fire, 8 for Mechanical, 7 for Plumbing, and 5 for Law and Administration. A total of 22 Standard courses were canceled for the period. There were 38 Standard Course grades that we have received, and there are 11 Standard Course grades still pending for the period.

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.

Instructor Certification Workshop

The Standard Code Course Instructor Certification Workshop was held on Thursday, January 17, 2012. Due to the small number of attendees, the venue and time of the workshop were changed. The workshop was held in the 2nd floor Engineering Conference Room from 10:00am – 3:00 p.m. Two people attended and were certified in the areas of Fire and Plumbing individually.

Continuing Education Workshop

Continuing Education Workshop, previously the Sponsor Workshop, is scheduled for Thursday, January 24, 2013. The workshop will provide attendees with an overview of the history and importance of the Continuing Education program, as well as in-depth training in the use of the newly implemented web-based system that will provide for the submission, approval, scheduling and reporting of CE and Standard Code courses.

INVESTIGATIONS AND HEARINGS

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

Investigations Begun – Not Completed

Baldwin vs. Gentry
Senger vs. Franklin County
Parulis vs. Onslow (2nd complaint)

Investigations Begun – No Basis in Fact

Rivera vs. Wake County

Mr. Christian Noles recused himself from voting on Rivera vs. Altman
Mr. Christian Noles recused himself from voting on Rivera vs. Wilkerson
Mr. Dean Barbour recused himself from voting on Rivera vs. Altman
Mr. Dean Barbour recused himself from voting on Rivera vs. Wilkerson

Mr. Kirkland motioned to accept the report Rivera vs. Altman as No Basis In Fact. Mr. Kelly seconded the motion. The motion was approved.

Mr. Blackburn motioned to accept the report Rivera vs. Wilkerson as No Basis in Fact. Mr. Ducker seconded the motion. The motion was approved.

Cliff Isaac made the following report concerning investigations to the Board

Humphrey vs. Harrell

Mr. Kirkland motioned to accept the report as No Basis in Fact. Mr. Jones seconded the motion. The motion was approved.

Investigations Begun – Basis in Fact

Varma vs. Chapel Hill

Mr. Lutterloh stated that the No Basis in Fact needs to be presented.

VOLUNTARY SETTLEMENT AGREEMENTS

None

CONSENT AGREEMENTS

Bobby Croom made the following report concerning investigations to the Board

Scion Anthony Wicker – Docket 104

The consent order states that Mr. Wicker shall attend and pass a Law & Administration class within six months. The Board shall issue a letter of Caution to Mr. Wicker cautioning him to use greater care in conducting inspections.

David Meacham Stanley – Docket 105

The consent order states that that Mr. Stanley shall attend and pass a Law & Administration class within six months. The Board shall issue a letter of Caution to Mr. Stanley cautioning him to use greater care in conducting inspections.

Mr. Christian Noles recused himself from voting or the Consent Agreements for Mr. Wicker and Mr. Stanley.
Mr. Kirkland motioned to accept the consent order for Mr. Wicker and Mr. Stanley. Mr. Rice seconded the motion. The motion was approved by all.

**DISCIPLINARY HEARINGS**

Seascape vs. Aycock  
Smith vs. Aycock

**Item 6: Other Items**

**Item A: Evaluation and Research Committee Update:**  
Ms. McPherson has been working with staff regarding continuing research of course cancellations. The first time the surveys were sent out there was a low response; it was probably due to the fact that the surveys were sent out during the summer. The surveys were sent out again, and there was a better response. There were two conference calls where more than 15 colleges participated to receive feedback with the situation of course cancellations. Ms. McPherson would like to call a committee meeting to look and compile the information that has been received, and present a recommendation at the next Board meeting.

**Item B: Evaluations of Statement of Economic Interests**

The following information was taken from the State Ethics Commission letter:

**Clarence Allen Kelly**
Mr. Kelly will serve as a licensed heating contractor on the Board. He is the Owner and President of Allen Kelly & Company, Inc., and his company regularly works with code enforcement officials. Accordingly, he has the potential for a conflict of interest, and should exercise appropriate caution in the performance of his official duties. This would include recusing himself to the extent that those interests would influence or could reasonably appear to influence his actions.

**Nathan Andrew Matthews**
Mr. Matthews will serve as a licensed general contractor on the Board. He is the Executive Vice President of Matthews Construction Company, Inc., and his company regularly works with code enforcement officials. Accordingly, he has the potential for a conflict of interest, and should exercise appropriate caution in the performance of his official duties. This would include recusing himself to the extent that those interests would influence or could reasonably appear to influence his actions.

**Gerald A. Jones, Jr.**
Mayor Jones is the Mayor of Morehead City and will fill the role of an elected official representing a city with a population over 5,000. Since local governmental entities employ inspectors, Mayor Jones should exercise appropriate caution in the performance of his public duties should code enforcement officials of Morehead City come before the board for official action. This would include recusing himself to the extent that this interest would influence or could reasonably appear to influence his actions.

**Christian M. Noles**
State Ethics Commission did not find an actual conflict of interest or the potential for a conflict of interest. In addition to conflicts standards noted above, N.C.G.S. §138A-32 prohibits public servants from accepting gifts, directly or indirectly (1) from anyone in return for being influenced in the discharge of the official responsibilities, (2) from a lobbyist or lobbyist principal or (3) from a person or entity which is doing or seeking to do business with the public servant’s agency, is regulated or controlled by the public servant’s agency, or has particular financial interests that may be affected by the public servant’s official actions. Exceptions to the gifts restrictions are set out in N.C.G.S. §138A-32(e).

**Item C: Reciprocity Appeal**
Mr. Michael Corey Hogan is here today to appeal a staff decision to deny his request for reciprocity for a Standard Building Level 1 Certificate. Mr. Hogan currently holds a New York State Certified Code Enforcement Official certification. Staff determined that the New York program was not equivalent to the North Carolina program because it did not have any experience requirement and therefore denied his request. Staff also determined he is qualified to take the NC Standard Building Level 1 State exam, as long as he takes the courses.

Mr. Hogan provided a brief explanation of his experience, and why his experience and his certifications in New York are equivalent to receive reciprocity in North Carolina.

For reference:

§143-151.14 states, in part:

*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.*

11 NCAC 08 .0707(c) states, in part:

*Pursuant to GS 143-151.14, the Board will, without requiring an examination, issue a standard certificate to any person who successfully completes the Board’s prescribed short course concerning state building code regulations and code enforcement administration and who holds a currently valid certificates as a qualified code enforcement official from another state or territory whose standards are acceptable to the Board and not lower than those required of North Carolina applicants.*

Mr. Ducker motioned to deny reciprocity. Mr. Barbour seconded the motion. The motion was approved.

Ms. McPherson recused herself from voting on the reciprocity matter.

**Item D: Testing Concerns**

Mr. Lutterloh had previously asked Staff to contact the International Code Council, so they may answer questions that the Board may have regarding test security/breaches.

Ms. Michelle Porter appeared at the meeting, representing International Code Council (ICC) apologized to the Board for the security breaches, and answered questions that the Board had concerning the breaches and other general questions about the exam review process and exam questions.

**Adjournment**

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

Respectfully submitted,

Christian Noles
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**
- Tina Maria Alexander
- Clarence Lamonte Harris
- Brian Keith Heilig
- David George Leonetti
- Wilbert C Pratt

**Building Level II**
- Allen Thomas Cooley
- Travis Evan Dalton
- Kelly Hunter Harwood
- Susan Lopez Hickman
- Brian Thibideaux Thompson

**Building Level III**
- Dennis Kerr Bordeaux
- Michael Rand Buffett
- Melanie Bodenheimer Butler
- Michael Allen Cook
- Eric James Evans
- Kenneth Lloyd Morrison
- Walter Coleman Perkinson
- William Troy Wood

**Electrical Level I**
- Gregory Scott Parr

**Electrical Level II**
- Crystal Gail Lyda
- Brian Thibideaux Thompson

**Electrical Level III**
- Larry David Blickenstaff
- Michael Rand Buffett
- Eddie Lynn Gamer
- Jeffrey Ryan Simpson

**Fire Level I**
- Kevin Paul Lowther
- David B. Mastin
- Patrick Wayne McDonald
- David Gordon Moore
- Kenneth Lloyd Morrison
- Joshua Adam Owens
- Rickey Allan Rhoney
- Robert Gerald Shackelford
- Mason D. Smith
- Chase C. Swaim
- Michael Leland Tucker
- Bradley Alan Watson
- Brandon G. Watson

**Fire Level II**
- Ebenezer, Adesiyan
- Jody Allen Bell
- Melvin Eugene Burris
- Gary Lee Cannon
- James William Farley
- Avelino Marc Fernandez
- Michael D. Flippin
- Ryan Jesse Harrelson
- Daniel David Kelley
- Michael Lenwood Smith
- Zachary Taylor Smith
- Mark Anthony Thompson
- Bryan L. Willard
- Jason Wade Williams

**Fire Level III**
- Barry Edwin Alston
- Gregory Lee Britt
- Robert Bennett Carmon
- Jason Alan Fariss
- David Allen Francis
- John Alexander Heinan
- Tabitha Jane Patton
- Joseph Marvin Register
- Wayne Robert Sherrod
- Jeffrey Aaron Youngblood

**Mechanical Level I**
- Sergio Borrayo
- Lewis Winfred Costin
- Shawn Dwight Lucas
- Gregory Scott Parr
- Ronnie Leonard Tipton
**Mechanical Level II**
Gary Dean Holland  
Daniel Jeromy Pope  
Hans E. Schult  
Brian Thibideaux Thompson

**Mechanical Level III**
Jonathan Nigel Briggs  
Eric James Evans  
William Dale Gibert

**Plumbing Level I**
Clint Keith Houser  
Tomasine Keala Jones  
Robert Stanley Michaleski  
Gregory Scott Parr  
Dwight Douglas Smith  
Ronnie Leonard Tipton

**Plumbing Level II**
David Samuel Holland  
Daniel Jeromy Pope  
John Michael Roper  
Brian Thibideaux Thompson  
Timothy Glenn Vaughan

**Plumbing Level III**
Dennis Kerr Bordeaux  
Brady Mitchell Byrd  
Brian Kelley Dillon  
Jessie Scott Lowder  
Keith Leo Marion  
David Eugene Ricks

**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.

- James Bradley Benton  Fire Prevention I
- Matthew Ward Holland  Fire Prevention I
- Chad Jason Houston  Fire Prevention I
- Steve Anthony Kiddy  Fire Prevention I
- Kim Lerch Fleitman  Fire Prevention III

**Reciprocity Granted to Applicants Meeting the Standard Certification Requirements**
The following applicants has met all the education and experience requirements to receive a Standard certificate as a code enforcement official based on certification obtained from an approved reciprocal certification agency.

- Douglas Eugene Maples  Building III  Utah
- Douglas Eugene Maples  Plumbing II  Utah
- Patrick Joseph Moran  Building III  Florida