



NC DEPARTMENT OF
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OFFICE OF STATE FIRE MARSHAL

North Carolina Code Officials Qualification Board





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Sam Whittington, PE

Investigator

Standard Level III's in Building, Fire Prevention, and Plumbing



Review of Complaints for last 10 years

The goal was to develop empirical data on the number and nature of the complaints, the issues most involved, and the nature of disciplinary actions taken by the Board.



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A Complaint may contain multiple allegations of both violations of Technical Codes and of Administrative Codes and Policies, and may pertain to multiple trades and/or Inspectors.



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Technical Code (Code)

- Missing Flashing
- Wall not Bearing on Piers
- Over-notched Floor Joist
- No Dishwasher Disconnect
- Clearances not Met
- Inadequate Drainage

Administrative Code and Policies (Admin)

- No Inspections
- Insufficient Inspections
- No Certifications
- Above Certifications
- Failure to Perform Duties
- No Records
- Conflict of Interest



Complaints

- Reviewed 139
- Basis 52 (37%)
- No Basis 87 (63%)

- Code 36 (26%)
- Admin 63 (45%)
- Both 40 (29%)

Allegations

- Total 988
- Code 724 (73%)
- Admin 264 (27%)



- Number of Complaints that Allege a Code Violation
 - 76 (55%)
- Number of Complaints that Allege an Administrative violation
 - 103 (74%)
- ❖ Why is this, Code Complaints average 9.7 allegations per complaint while Admin Complaints only average 2.6 allegations per complaint



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All Cases (regardless of Basis)

• Failure to Perform Duties	32
• No / insufficient Inspections	31
• Ethics	28
• No Permit	23
• Actions Above / No Cert	16
• Cert. of Occupancy Issues	14
• Records	10
• Plan Review	9
• Stop Work	7
• NOV	2

Basis Cases

• Failure to Perform Duties	15
• No / insufficient Inspections	14
• Actions Above / No Cert	11
• Ethics	10
• Records	8
• No Permit	7
• Plan Review	6
• Cert. of Occupancy Issues	6
• Stop Work	1
• NOV	1



Cases where the Inspectors Certificates were Reduced in Level, Suspended, or Revoked/surrendered.

- No / Insufficient Inspections 8
- Ethics 7
- Failure to Perform Duties 6
- Actions Above / No Cert 6
- Records 6
- No Permit 4
- Cert. of Occupancy Issues 4
- Plan Review 3
- Stop Work 1



Disciplinary Actions Taken by the Board over the last 10 years

- Letter of Caution/Reprimand 7 (13%)
- Class, Training, or Testing 28 (54%)
- Reduced Level of Cert 4 (8%)
- Suspension 8 (15%)
- Lost or Surrendered Certs 9 (17%)



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Of the Nine Inspectors whose Certificates were revoked/surrendered.

- Actions Above / No Cert 3
- No / Insufficient Inspections 3
- Records 3
- Ethics 3
- No Permit 2
- Failure to Perform Duties 1
- Cert. of Occupancy Issues 1
- Plan Review 1
- Stop Work 1



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- What guides the level of disciplinary action taken
 - Nature and number of violations
 - Past cases



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Disciplinary Actions Taken by COQB

- Inspector M
 - Did not verify all inspections passed prior to issuing CO
 - Crawlspace Access

 - ❖ Law and Admin
 - ❖ Mechanical I Course



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Disciplinary Actions Taken by COQB

- Inspector W
 - Did not inspect Floor framing system
 - Improper foundation vent to Interior
 - Stairway Clearance
 - Crawlspace Access

- ❖ Building I suspended until inspector passes Law & Admin and Building I Standard Course, but not less than three months.



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Disciplinary Actions Taken by COQB

- Inspector D
 - Conducting Inspections with Suspended Certification
 - ❖ (Law and Admin, retake Fire III, 80 hours training with another jurisdiction)
- Inspector S
 - Inadequate Record Keeping (No Records)
 - Failure to Conduct Required Inspections.
 - ❖ (Law and Admin, Permanently Surrendered Fire III, retained BMPE III's)



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Inspector Lost Certifications

- Item 1 – Inadequate Foundation System
- Item 3 – Inadequate Beams
- Item 4 – Insufficient Girder Bearing
- Item 5 – Inadequate Foundation Anchorage
- Item 6 – Foundation Not Dampproofed
- Item 8 – No Crawl Space Drain
- Item 10 – Missing Beams
- Item 11 – Inadequate Wall Support
- Item 13 – Missing Bearing Wall
- Item 14 – Inadequate Floor Framing and Pier Supports
- Item 15 – Egress Window Height Insufficient
- Item 16 – Inadequate Ceiling Joist Support
- Item 18 – Inadequate Bearing Wall Support
- Item 19 – No Engineering for Holes Drilled in LVL Beams
- Item 21 – Inadequately Nailed Sheathing
- Item 22 – Inadequate Stud Bearing
- Item 25 – Inadequate Rafter Support Above Bedroom
- Item 26 – Rafter Support Installed Incorrectly
- Item 27 – Rafters Not Tied to Ceiling Joists
- Item 30 – Inadequate Rafter Support
- Item 31 – Rafters Not Nailed to Support
- Item 32 – Rafters Missing Ties
- Item 33 – Ceiling Joists Over-Notched
- Item 34 – Ceiling Joists Notched Incorrectly
- Item 35 – Rafters Not Nailed to the Band
- Item 36 – Column Anchored Inadequately
- Item 37 – Water Intrusion
- Item 42 – Voids in Bed Joints at Pier
- Item 44 – Safety Glazed Window Required for Master Bath Tub
- Item 45 – Safety Glazed Window Required at Stairs
- Item 47 – No Toilet Facilities for Workers
- Item 49 – Ridge Board Inadequate



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Saying out of Trouble

A Quick Guide



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- I am running behind on some of my inspections. Can I just sign off on the inspections?



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- I am running behind on some of my inspections and I know this contractor does everything right. Can I just sign off on his inspections?



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- But what if he sends me photos of the work, can I pass those?



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- I just got hired by a jurisdiction through a contract and have not called DOI to update my records with the Q-Board. I can go out and make inspections today, correct?



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- The Q-Board is investigating me and would like me to come to Raleigh to sit down and explain my side of the story; however, I am really busy. Can I just tell them I can not make it?



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- If my Probationary Building Level III certificate expired, can I still perform inspections on level 3 buildings because I know what I am doing, right?



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- Engineers know everything and as long as I get a stamped letter I am covered, right?



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- I realize that the changeout of the mechanical system involved removing the sheetrock below the stairs and that the permit was for mechanical and electrical work. Am I to make sure that the sheetrock is back in place before I final the job?



- My mayor told me to “just let that go.” Will I get in trouble if I do?



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- Should I be concerned if I receive a letter from the Q-Board?



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- I will just enter this inspection in the system tomorrow since it is the end of the day. Is this ok?



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- Investigator asks in interview “tell me about the floor framing.”
Pick the best answer
 - A. I don’t know, I didn’t see it
 - B. It looked fine to me
 - C. I must have missed that
 - D. Blank Stare



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- “Upon completion of our analysis, we have concluded that previously installed carport enclosure was of significantly substandard quality, was carried out in a generally haphazard and unconventional manner, and is in violation of current building standards on numerous counts. We recommend that all previously installed work be removed and replaced by a qualified general contractor who is experienced in residential addition work. All work should be carried out in accordance with applicable provisions of the 2012 edition of the *NC Residential Building Code*. “



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- The inspector won't let me build my house





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I can't require guards on top of that retaining wall because it is residential and the residential code doesn't require them.





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- My son is a contractor, can I inspect his work?



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- He does really good work, can I recommend him to people getting a permit?



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Past Investigations

Cliff Isaac, PE
NC Department of Insurance
Deputy Commissioner

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Background

Cliff Isaac

- Graduated in 1994 from North Carolina State University – BS in Civil Engineering (Structures)
- Designed metal buildings and then bridges
- Worked for a family design-build construction company
- Started work at the OSFM in August 2012
- Job position at that time was Investigator for the NC Qualifications Board (Aug. 2012 – April 2014)
- Became the Chief Residential Code Consultant in 2014
- Moved over to NCDOT as the Facilities and Property Manager of the Rail Division in 2015
- Started Deputy Commissioner in April 2017
- Licensed Professional Engineer & General Contractor
- Level III Standard Inspection Certificates in Building, Fire, Plumbing, Mechanical and Electrical
- Certified Floodplain Manager, Past Soil and Water Conservation Supervisor, Serve on the Qualifications Code Officials Board and the Licensing Board for Electrical Contractors



Past Investigations

The objective of the first part of this course is to explain what an investigator does on a day to day basis, to look at real formal complaints and informal situations. The data that will be shown represents 20 months as an investigator.

Things to remember:

- Every situation is different
- Formal complaints may be filed by anyone
- Many more informal complaints than formal
- Cooperation between parties
- Creating solutions
- Protecting the Public



Investigations Summary

Stats:

- 4167 Active Inspectors
- 21 Formal Cases
- 39 Inspectors
- 33 No Basis against Inspectors
- 6 Basis against Inspectors
- 2 Voluntary Settlement Agreements (Completed)
- 1 Voluntary Settlement Agreement (Inspector Fired)
- 3 Retired (Turned in Certificates)
- 1 New Formal Cases per Month
- 62 Days to Finish Investigation and Complete Report



Day to Day

The life of an investigator is an interesting one. The amount of time I spent is broken down below.

- Taking phone calls and answering questions
- Writing formal reports
- Consulting with staff
- Consulting code experts
- Investigations and travel time
- Studying the codes
- 329 hours taking standard courses (weekends - 20%)
- Classroom courses at OSFM
- Studying for the Standard Certificate State Exams
- Investigation training in Texas / Raleigh



Formal Complaints

Case Questions:

- ❖ Has the complaint been notarized?
- ❖ Is the complaint filed with the correct board?
- ❖ Is the complaint a valid one?
- ❖ What is the reason for filing the complaint?
- ❖ Is there political, personal or personnel issues?
- ❖ Is there territorial issues?

- ❖ Does the response answer the complaint?
- ❖ Is the inspector acknowledging wrongdoing?
- ❖ Is there any other inspectors involved?
- ❖ Do I need a site visit and where would I go?
- ❖ Is there enough information for a report?

- ❖ Is there violations of the Code or laws?
- ❖ Conclusions?



Informal Complaints

Informal Complaints:

- ❖ 20:1 or greater (Informal to Formal)
- ❖ Staff is dedicated to working with everyone
- ❖ Situations are broad
- ❖ Situations cover everything
- ❖ Important to communicate
- ❖ Resolve situations if possible
- ❖ Assisting in the process



Informal Complaints

Examples of Informal Complaints:

- ❖ Guardhouse and gate in Montgomery County where it took EMS additional time to get to house
- ❖ Engineer upset at plans being turned down in Fuquay-Varina the fourth time
- ❖ Permit issued without a Code Officials approval in Mt. Olive on a BBQ addition
- ❖ Contractor upset that slab inspections were taking over a week in New Hanover County
- ❖ Plumbing contractor upset over the inspector turning down his job in Guilford County
- ❖ Community pool and restrooms in Bladen County where nothing was handicap accessible



Questions

