



# North Carolina Code Officials Qualification Board

## Staffed by the NC Department of Insurance

1202 Mail Service Center | Raleigh, NC 27699-1202 | Tel: (919) 647-0000 Fax: (919) 715-0067

### **Complaint Information Applicable to NC Code Enforcement Officials**

Anyone who believes that a Code Enforcement Official (CEO) is or has been engaged in any conduct as set out in [General Statute 143-151.17\(a\)](#) may file a written complaint against that CEO, signed by the complainant, dated and certified by a Notary on the form provided. Complaints shall include the complainant's mailing address and a daytime phone number. Complaints shall also identify the street address of the structure if the complaint pertains to an inspection of the structure, even if the property is the same as the complainant's mailing address. Complaints shall specifically identify the CEO and describe the conduct complained about and alleged violations of the General Statutes, using the checklist as a guide provided in the accompanying complaint form. Supporting documentation must be included such as reports by independent consultants. Complaints are processed in the order they are received by the Engineering Division. A copy of the complaint is provided to the CEO for a written response.

**Prior to submitting a complaint against a CEO, we recommend that you to contact one of the Board's investigators to discuss the nature of the complaint and the supporting documentation required. They are, Sam Whittington, via email [sam.whittington@ncdoi.gov](mailto:sam.whittington@ncdoi.gov) or phone (919) 647-0028 or Kevin Durigon, via email [kevin.durigon@ncdoi.gov](mailto:kevin.durigon@ncdoi.gov) or phone (919) 647-0105.**

Pursuant to NC General Statute § 143-151.19(a), the Engineering Division of the NC Department of Insurance provides technical and administrative staff to the Board and investigates complaints on behalf of the Board. Upon receipt of a complaint, the Engineering Division's staff will review it to ensure that it complies with the requirements of North Carolina General Statute § 143-151.17 and 11 NCAC 08.0801. You may be contacted to provide more information. Staff does not conduct a complete building, electrical, mechanical and plumbing inspection of houses or buildings which are the subject of a complaint against an inspector. The purpose of the investigation is to determine whether there is sufficient evidence to support the allegations listed in the complaint. At the conclusion of the investigation staff will report to the Board. The Board will determine further action which may include a disciplinary hearing. As an alternative the Board's staff and the CEO may attempt to resolve the complaint by means of a voluntary settlement agreement (VSA). Such VSA may impose upon the CEO a penalty, or penalties, including the following: requiring the inspector to take training or educational courses, probation, letter of reprimand, suspension or revocation of certificates. Consent agreements presented to the Board may be accepted as written, modified and sent back to the licensee for agreement, or rejected.

Please use the attached form for your complaint and include documentation to support all allegations.

**North Carolina General Statute § 143-151.17:**

- (a) The Board shall have the power to suspend, revoke or refuse to grant any certificate issued under the provisions of this Article to any person who: [grounds for complaint]
- (1) has been convicted of a felony against the State of North Carolina or the United States, or convicted of a felony in another state that would also be a felony if it had been committed in this state;
  - (2) has obtained certification through fraud, deceit, or perjury;
  - (3) has knowingly aided or abetted any person practicing contrary to the provision of GS Chapter 143, Article 9C, or of the state building code;
  - (4) has defrauded the public or attempted to do so;
  - (5) has affixed his signature to a report of inspection or other instrument of service if no inspection had been made by him or under his immediate and responsible direction; or
  - (6) has been guilty of willful misconduct, gross negligence, or gross incompetence.
- (b) The Board may investigate the actions of any qualified Code-enforcement official or applicant upon the verified complaint in writing of any person alleging a violation of subsection (a) of this section. The Board may suspend, revoke, or demote to a lower level any certificate of any qualified Code-enforcement official and refuse to grant a certificate to any applicant, whom it finds to have been guilty of one or more of the actions set out in subsection (a) as grounds for disciplinary action.
- (c) A denial, suspension, revocation, or demotion to a lower level of a certificate issued under this Article shall be made in accordance with Chapter 150B of the General Statutes.
- (d) The Board may deny an application for a certificate for any of the grounds that are described in subsection (a) of this section. Within 30 days after receipt of a notification that an application for a certificate has been denied, the applicant may make a written request for a review by a committee designated by the chairman of the Board to determine the reasonableness of the Board's action. The review shall be completed without undue delay, and the applicant shall be notified promptly in writing as to the outcome of the review. Within 30 days after service of the notification as to the outcome, the applicant may make a written request for a hearing under Article 3A of Chapter 150B of the General Statutes if the applicant disagrees with the outcome.
- (e) The provisions of this section shall apply to Code-enforcement officials and applicants who are employed or seek to be employed by a federally recognized Indian Tribe to perform inspections on tribal lands under G.S. 153A-350.1. (1977, c. 531, s. 1; 1987, c. 827, s. 228; 1993, c. 504, s. 36; 1993 (Reg. Sess., 1994), c. 678, s. 36; 1999-78, s. 5; 2007-120, s. 3.)

**11 NCAC 08 .0801 DISCIPLINARY POWERS**

- (a) As used in this Section "Board" and "Code" have the same meanings as those terms are defined in G.S. 143-151.8(a); and "official" means a qualified Code-enforcement official as defined in G.S. 143-151.8(5).
- (b) **Any person who believes that an official is or has been in violation of G.S. 143-151.17(a) may file a complaint against that official. Copies of this Section and G.S. 143-151.17 shall be mailed to any person requesting complaint information from the Board.**
- (c) The complaint must specifically refer to one or more of the grounds in G.S. 143-151.17(a). The name of the official, if known, and the name of the local inspection department must be listed. If the official is unknown, the complaint must refer to "the inspector who performed the building (or electrical, mechanical, plumbing, or fire prevention) inspection."
- (d) Supporting information must be included to justify the complaint. If the complaint involves violations of the Code that the official did not discover, a list of those violations must be submitted with the complaint. Such information may be provided by the complainant, an architect, professional engineer, licensed contractor, certified inspector, or other person with knowledge of the Code. Supporting information must refer to specific violations of the Code or of the General Statutes.
- (e) The complaint must be in writing, signed by the complainant, and dated. The complaint must include the complainant's mailing address and a daytime phone number at which the complainant may be reached. The street address of the structure must be included. There must be a notarized verification at the end of the complaint.



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## Complaint Form

I am hereby filing a complaint against the following inspector for violation(s) of GS 143-151.17(a):

Name of Inspector: \_\_\_\_\_

If unknown please state "the inspector who performed the (building, electrical, Mechanical, plumbing, or fire prevention inspection)"

Inspection Department: \_\_\_\_\_

I allege that this inspector: (mark applicable grounds.)

- (1) has been convicted of a felony against the State of North Carolina or the United States, or convicted of a felony in another state that would also be a felony if it had been committed in this state;
- (2) has obtained certification through fraud, deceit, or perjury;
- (3) has knowingly aided or abetted any person practicing contrary to the provision of GS Chapter 143, Article 9C, or of the state building code;
- (4) has defrauded the public or attempted to do so;
- (5) has affixed his signature to a report of inspection or other instrument of service if no inspection had been made by him or under his immediate and responsible direction; or
- (6) has been guilty of willful misconduct, gross negligence, or gross incompetence.

By signing this complaint, I agree that the information contained herein is true to the best of my knowledge.

\_\_\_\_\_  
(Complainant Signature)

### VERIFICATION

Sworn to and subscribed before me,

This, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public (Printed Name)

\_\_\_\_\_  
Notary Public (Signature)

My commission expires: \_\_\_\_\_

Complainant Contact Information:

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Name

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Address

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Daytime Phone Number

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Email address (optional)

**The violations alleged in this complaint occurred during the inspections of the structure at:**

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(Address of property involved)

**List Complaint Allegations:**

**Attach additional sheets as necessary and any and all documentation to support your complaint.**