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September 30, 2020

Joint Legislative Administrative Procedure Oversight Committee
North Carolina General Assembly
16 West Jones Street
Raleigh, NC 27601
Att'n: virginia.barlow@ncleg.gov

Joint Legislative Commission on Governmental Operations
North Carolina General Assembly
16 West Jones Street
Raleigh, NC 27601
Att'n: govops@ncleg.net

Office of State Budget and Management
MSC 20320
Raleigh, NC 27699-0320
Att'n: susie.eseluka@osbm.nc.gov

RE: Covid-19 Regulatory Flexibility Report
Senate Bill 704—Session Law 2020-3
State Board of Examiners of Plumbing, Heating & Fire Sprinkler Contractors

Dear Committee Members:

Pursuant to Section 4.38(c) of Senate Bill 704 of the 2019 General Assembly, we provide this Regulatory Flexibility Report on behalf of the State Board of Examiners of Plumbing, Heating & Fire Sprinkler Contractors. We are counsel to the Board.

The Board of Examiners of Plumbing, Heating & Fire Sprinkler Contractors is responsible for the issuance of licenses to engage in business as plumbing, heating & fire sprinkler contractors in the State of North Carolina. It also functions to investigate complaints of incompetence or misconduct against persons with license as well as violations by persons

without license. In addition, the Board tracks compliance with requirements relative to renewal of licenses.

Soon after the pandemic arrived in North Carolina, in March 2020, the Board began to assess the impact of Covid-19 and the steps which might be necessary to meet the needs of the public for competent plumbing, heating & fire sprinkler contractors and the need for flexibility with respect to conduct of the Board examinations and compliance with the continuing education requirements.

The Board has taken steps to:

- Delay the licensing fee increases scheduled by rule to start on July 1, 2020. The fee increases will be implemented for the 2021 licensing renewal, subject to further changes;
- Waive the late processing fees for 2020 license renewals (made retroactive to March 10, 2020). Late fees already paid by licensees have been refunded;
- Provide, at no cost, copies of complaint files to homeowners for use in small claims court cases to recover money from unlicensed contractors;
- Postpone the requirement in probation orders to purchase codebooks until January 1, 2021;
- grant extensions to all approved exam applicants of the normal 30-day examination window until all Covid-19 restrictions have been removed and the exam testing center scheduling backlog has been reduced to pre-pandemic levels;
- Granted waivers to licensees for disciplinary educational requirements based on Covid-19 concerns;
- Reduced size of classes per the Governor's orders and held additional education classes. Doubled the number of courses for the November 2020 class schedule to safely accommodate attendees (2 classes in Raleigh and 2 in Statesville).
- Canceled examinations for applicants with possible exposure to Covid-19 and granted extensions of time without required reapplication,
- Implemented a new online platform to allow licensees to submit forms and pay for the following administrative processes:
 - Trade Name Changes,
 - Activating new licenses, and
 - Addition/deletion of sublicensees.
- Utilized SB 704 to allow virtual oath and testimony for a citizen/witness at a September 8, 2020 formal hearing.
- Utilized SB 704 to allow virtual participation and testimony by a licensee/respondent at a September 9, 2020 formal hearing.
- Created a Public information campaign on Covid-19 on Board website homepage to inform users of the latest information regarding matters such as:
 - Permits and Inspections Procedures
 - Business Meeting Change of Venue
 - Board Operations & Current Staffing
 - Essential Businesses & Services Designation
 - Examination Testing Center Closures

- Guide to Understanding Coronavirus Exposure

In addition to steps taken with direct impact on the public and the industry, the Board made numerous changes to protect staff and assure ongoing operations in response to Covid-19, as follows:

- Installed secured vestibule drop box and large exterior mail box to allow general public, licensees, postal service and mail services to deliver documents safely;
- Purchased the following items for safety of general public, licensees, board members and board staff when entering the board's facilities or to meet with board staff (office or field):
 - Gloves;
 - Hand sanitizer and wipes;
 - Bleach and disinfectants;
 - N95 masks, face coverings;
- Implemented rotating telecommute plan for office staff to minimize staff-to-staff contact, but allowed staff flexibility to safely access the office when necessary;
- Held bi-monthly virtual staff meeting to:
 - Discuss Wake County Stay at Home Order;
 - Items of concern for all;
 - Individual reporting of tasks completed, challenges encountered, solutions developed;
 - Discussion of individual needs in order to work effectively & efficiently;
- Held virtual Field Staff Cybersecurity training, in light of increased risk;
- Field staff:
 - Used digital environment to perform investigations (i.e. Facetime, Skype, GoToMeetings, phone calls, etc.);
 - Used discretion when entering structures and meeting with homeowners;
 - Performed meeting in public spaces, outside, vehicle to vehicle, etc.;
- Implemented additional cleaning & disinfecting with staff and janitorial service;
- Director participated in on-line virtual meeting with a national association of other state directors to collaborate in responding to Covid-19 and use of best practices;
- Created and distributed laminated "Travel Authority as Essential Government Service" documents for each staff member granting them authority to travel to and from the office and throughout the state in the performance of their duties;
- Purchased additional equipment for continued operation during Stay at Home Orders in response to Covid-19 Pandemic:
 - Printers;
 - Laptop Computers;
 - Hand-Held UV Germicidal Wands;
 - Additional high-speed scanner;
 - Additional Identification cards for staff
- Increased meeting room sizes for Resolution Review Conferences (RRC) to maintain minimum social distancing requirements as required by the Governor's orders.

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It is fortunate for licensees of the Board that the construction industry has been able to continue work without the disastrous economic consequences facing the travel industry, retail establishments and food service.

We appreciate the opportunity to provide this information and appreciate the trust reposed in the Board by the General Assembly and as well as the industry and the general public as we carry out the mission of the Board under very trying circumstances.

Sincerely yours,

YOUNG MOORE AND HENDERSON, P.A.

By:

A handwritten signature in dark ink, appearing to read "John N. Fountain", is written over a series of horizontal, slightly wavy lines that serve as a background for the signature.

John N. Fountain

JNF/kse

cc: Dale Dawson

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