



Department of Commerce

Division of Industrial Compliance

Ohio Board of Building Standards

Professional Development Seminar

*Complaints, Investigations and Certification
Maintenance & Building Department Support*

Robert Johnson, NCARB -OBBS Assistant Architect Administrator

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Section Topics Covered in Presentation

1. Complaints
2. Investigations
3. Most Common Violations
4. Investigation Process
5. Disciplinary Process
6. Certification Maintenance
7. Corrective Measures & Support

Ohio Revised Code

3781.10 (E) (1-3, 11)

- The Board of Building Standards has the statutory authority to certify and revoke (decertify) or suspend any Residential and Non-residential BUILDING departments, sub-departments, individuals (personnel), and local board of appeals who:
 - Exercise enforcement authority
 - Accept & approve construction documents
 - Perform inspections
 - Issue orders for non compliance
 - Issue Certificates of Occupancy

Section 1:

Complaints

Definitions,
Complaint types,
and How to initiate a
complaint with the Board.

Definitions

- I. Inquiry:
 - *A question made for clarification about the building department enforcement process, often related to specific code interpretations and rights of owners.*

- II. Complaint:
 - *A written request by anyone directed to the Board for review. The Board can decide on an action including authorizing an investigation as it specifically relates to allegations listed in OAC 4101: 7-3, found on the Board website.*

Typical Complaint Types

- Residential (1,2,and 3 family) and commercial project owners, designers, and contractors regarding enforcement issues.
- Certification holders who inform the Board of violations done by peers who violate certification and chapter 1 rules.
- Chapter 1 Administrative provisions of the OBC/RCO:
 - ❖ Departments having an institutionalized process different from that articulated in the ORC and OAC. Absence of protocol, process, and forms,
 - ❖ Owners denied their legal rights of due process and the ownership of decision making due to their lack of knowledge of code administration,
 - ❖ Ordinance based enforcement in conflict with the code,
 - ❖ Plan examination not complete and thorough, insufficient data submitted for verifying compliance, and incorrect reporting of non compliance to owner, building official and owner authorized agents,
 - ❖ Unprofessional attitudes and communication towards owners and authorized agents, (all certification holders) such as disrespect and demands,
 - ❖ Unaccountable and ineffective enforcement of a building official, such as not issuing certificates of plan approval, and orders or notice of recommended change,
 - ❖ Inspectors requiring or ordering changes to work not in accordance with the approved construction documents (directing work) Building systems inspections comprise about 50% of inspection related complaints.

TYPE OF COMPLAINTS THE BOARD HAS NO AUTHORITY TO REGULATE

- Contractor licensure / registration
- Local ordinance enforcement not in conflict with BBS rules
- Issues related to:
 - Zoning (Easements, Right of ways etc.)
 - Rental Registration and Point of Sale Inspections
 - Civil arbitration and legal disputes , Mechanic's liens
 - OSHA regulations
 - Construction or design contracts with the owner
 - Personal/performance issues related to local department policy
 - Federal laws
 - Utility-supply side design and installation
 - Water/sewer purveyor criteria
 - Streets, traffic engineering
 - Residential issues pre-2006 RCO effective date
 - Ohio fire prevention code enforcement beyond the extent of the referenced standards
 - Property maintenance performed by the political subdivision ('HOW TO MAINTAIN' code.) NOTE: (Not all building maintenance enforcement is exempt from the building official. Both programs shall communicate with each other to coordinate enforcement between the two departments for approvals and serious hazards abatement.)

How to initiate a Formal Complaint with the Board (OAC 4101.2-5,-01)

- Anyone may submit a written letter of complaint against a certified building department, individual, and board of appeals that is substantiated by demonstrable evidence or upon the board's own motion.

Section 2:

Investigations

Definitions, Allegation types, And Examples

Definition

- Investigation:
 - *An action authorized by the Board as a result of a complaint filed, or an action by the Board on its own motion to formally evaluate the actions of a certified building department, sub-building department, non-residential board of appeals, and or Board certified individuals. The complainant is anyone who is affected by the exercise of their authority;*
 - *This includes Building departments, personnel (building officials, plan examiners, inspectors), boards of appeals, and Fire protection system designers.*

Definition (Continued)

- Investigation:
 - *An action authorized by the Board as a result of a complaint filed or by its own motion to formally evaluate the actions of.....*
 - *certified individuals related to the following allegations (Grounds for revocation) as listed in OAC 4101:7-2-5*
 - **What are these violations that prompt the Board to initiate an investigation?**

OAC 4101:7-2 Grounds for Revocation or Suspension

Building Department

A department certification may be revoked or suspended with respect to any and all of the group classifications for which it is certified upon receipt by the board of building standards of a written complaint from any person affected by the exercise of the authority granted under such certification, or by the board on its own motion.

OAC 4101:7-4 Grounds for Revocation or Suspension

Boards of Appeals

- a) The presence of fraud;
- b) Failure to adhere to applicable procedures set forth in Chapters 119. and 3781. of the Revised Code or rules made thereunder;
- c) Failure to render decisions within thirty days of the hearing;
- d) Granting of variances to provisions of rules of the board not adopted pursuant to Chapters 3781, and 3791. of the Revised Code but mandated by other chapters of the Revised Code;
- e) Failure to notify organizations representing people with disabilities pursuant to section 3781.19 of the Revised Code;
- f) Failure to permit an appeal for a de novo hearing before the state board of appeals or a direct appeal to the court of common pleas pursuant to section 3781.19 of the Revised Code.

OAC 4101:7-5 Grounds for Revocation or Suspension

Fire protection System Designers

- (a) Guilty of the practice of fraud or deceit in obtaining the certification; or
- (b) Incompetent to submit and certify plans and specifications for fire protection systems to the appropriate building department under section 3791.04 of the Revised Code; or
- (c) Engaging in any illegal or fraudulent acts in connection with the design, sale, or installation of fire protection systems.

OAC 4101:7-3 Grounds for Revocation or Suspension

Personnel

- (i) The practice of fraud or deceit in obtaining the certification;
- (ii) A felony or crime involving moral turpitude;
- (iii) Gross negligence, incompetence, misconduct in performance of duties, or engaging in conduct that is considered a conflict of interest;
- (iv) Failure to complete the continuing education requirements prior to expiration date of the certificate;
- (v) Violation of the duties described in section 104 of rule 4101:1-1-01 of the Administrative Code for non-residential certifications and section 104 of rule 4101:8-1-01 of the Administrative Code for residential certifications.

1. The practice of fraud or deceit in obtaining the certification;

- Fraud: To trick, pretend or copy the real thing by dishonest methods in an exchange for something of value.
- Deceit: To misrepresent the truth, or provide half truths.
- *To secure a new certification-you either meet the requirements or you don't. It is better to wait, than to lie and 'bait and switch' with false credentials and experience to secure or expedite an application. Some blame social media for projecting false information for these tendencies. It is still wrong.*

1. The practice of fraud or deceit in obtaining the certification;

Example:

An inspector submitted a certification application. In the application, the length of experience provided by the applicant indicated that the requirements were met. The Board granted the certification based on this information. Some years later, a disgruntled peer made a complaint to challenge the authenticity of the application and requested the Board to revoke the inspector certification. Board staff verified the experience and submitted the findings to the Board. The Board determined by maintain the original action taken and dismissed the complaint. (It was later determined the complainant believed that he was denied a promotion that the accused received.)

2. A felony or crime involving moral turpitude;

- Felony: Serious crime punishable by death or imprisonment in excess of one year by the government.
- Crime: illegal act by someone punished by government. (Misdemeanor violation)
- Moral Turpitude: Conduct contrary to moral absolutes and societal ethical standards of honesty, morals and justice.

2. A felony or crime involving moral turpitude;

Example:

A building official was indicted, convicted and sentenced on charges of tax fraud by the IRS. After the actions of the Courts had taken place and the certification holder was imprisoned, the law director of the political subdivision notified the Board of the outcome. The Board intended to take an action to decertify the individual of all certifications held but did not since the individual passed away unexpectedly while incarcerated.

3. Gross negligence, incompetence,

- Gross Negligence: Very obvious failure to exercise lack of normal care or attention in protecting others from a risk of harm.
- Incompetence: Lack of ability, confidence or knowledge to perform something adequately.

3. Gross negligence, incompetence,

Example:

- ❖ A residential building official did not issue certificates of plan approval or certificates of occupancy. He allowed the endorsed stamped plans and final inspections take the place of these requirements. He created 'red line' comments on the documents to direct the design and directed work during inspections to establish "code compliance". After a complaint was made, Board staff discovered he had attended many Board Chapter 1 seminars through the years. When questioned, he said his system worked and the 'BBS way' was too complicated. Instead of changing he retired and gave up his certifications to avoid decertification.

3. (cont.) misconduct in performance of duties,

- Misconduct: mismanagement and improper behavior especially of governmental responsibilities by intentional wrongdoing.
- Malfeasance: law: illegal or dishonest activity especially by a public official, specifically deliberate dismissal of a standard.

3. (cont.) misconduct in performance of duties,

Example:

A building official issued adjudication orders to support policies of elected officials to eliminate existing buildings in part of the city slated for a proposed development. This was done under the guise of maintenance by revoking CO's.

Unreasonable time requirements to comply to abate non serious hazards were enforced by the certified department, even though the property maintenance program was to be responsible to enforce their own ordinances. Some owners desiring to comply were unable to even after securing approvals to restore the buildings.

3. (cont.) or engaging in conduct that is considered a conflict of interest,

- Conflict of interest: a conflict between the private interests of the individual and their official responsibilities of as person in a position of trust for the public good. (To use your position for advantage or personal gain.)

3. (cont.) or engaging in conduct that is considered a conflict of interest,

Example:

- A plans examiner has investment interests in a commercial project in his jurisdiction and is also contracted to “moonlight” with the designer for code analysis on the project. The project is on an aggressive schedule. The designer requests the plans examiner to perform the plan review to expedite the project as part of his contract.

4. Failure to complete the continuing education requirements prior to expiration date of the certificate;

- The majority of certification holders are in compliance with this rule.
- Be proactive in meeting this requirement and documenting your status, and know your expiration dates to report. Do not commit fraud in reporting.

5. Violation of the duties described in OBC Section 104.

- Violation of duties: To not fulfill responsibilities, or use abuse of authority in enforcement, or to not promote the main objectives of the building department process;
 - Building official: Overall Department Administration and Enforcement Authority.
 - Plan examiners: Examination and Code compliance verification.
 - Inspectors: Verification to determine work complies with Approvals of the Building official.

5. Violation of the duties described in OBC/RCO Section 104.

Example:

An inspector noticed a dumpster and a "Lowe's" truck delivering construction materials at a house while driving to his next scheduled inspection. He stopped and entered the house without right of entry to verify if there was a certificate of approval. Having found no certificate, so he issued 'Red tag/stickers' and told the people inside they had to stop work and 'go get a permit'. Receiving resistance he strongly told them, "they better go do it now or I will return with the proper authorities to shut you down".

Section 3:

Most Common Violations

Types /Examples

Top 3 most Common Violation types by Certified Individuals

(Allegations from OAC 4101:7)

- Gross Negligence, Incompetence, and Misconduct in performance of duties,
- Engaging in conduct that is considered a Conflict of interest,
- Violation of duties described in OBC Section 104.

Section 4: Investigation Process

Steps Taken by the Board of Building Standards

Investigation Process (OAC 4101:7 Certification Rules)

1. Board staff reviews the complaint, evidence submitted, and preliminary findings to establish demonstrable evidence.* It is placed on the Board's meeting agenda and a recommendation is made at the next available Board meeting for their action.

*BBS Staff may make additional inquiries if:

- The issues are not well understood,
- additional information or other complaints are received,
- Through verification of Board files for status of the certifications; current YOR's, organizational chart, complete/current contracts; and previous record of recurring problems requires additional evaluation of the allegations in the complaint.

Investigation Process

(Continued)

2. The Board may authorize an investigation*, dismiss the complaint, or table an action to allow for further review by BBS staff. **(OAC 4101:7)**

Complaints appearing to be clear violations to the Boards rules which warrant a potential disciplinary action are generally authorized for an investigation.

*The Board may authorize an investigation on its own motion when knowledge of violations exist or a formal complaint is not submitted, or they could proceed directly to suspend or decertify based on evidence submitted/verified without investigating.

Investigation Process

(Continued)

3. A Board action letter is sent* to the department and/or individual certification holder notifying them that an investigation was authorized. They will be contacted by Board staff to make arrangements for an interview.

(OAC 4101:7)

*In cases involving department certifications, the letter is copied to mayors and County commissioners. Certified individuals are notified separately.

Depending on the scope of the investigation, both types may be notified.

Investigation Process

(Continued)

4. Interviews are conducted as required of the following when applicable;

- Building official;
- Certified personnel; (including contract personnel)
- Non certified department employees;
- Elected officials
- Building contractors and designers (from resident and adjacent jurisdictions as needed);
- Property/building owners;
- Complainant and other witnesses as required.

[Department records, observations of the building department, and other project file sources are documented as evidence for the Board's review.]

Investigation Process

(Continued)

5. When interviews are completed, a review of the file documentation and code research is done. The findings are reported to the Board certification committee indicating the allegation, background information, investigation findings & observations, code requirements, and a conclusion with a recommendation. **(OAC 4101:7)**

Investigation Process

(Continued)

6. During the full Board conference meeting, the certification committee makes a recommendation to the full Board after the report is made by staff. The Board takes an action to dismiss the complaint, table the matter for future action, or initiate an action to suspend or revoke the certification. The Board may also place the certification holder on probationary status. The investigation is then closed as part of the action, unless tabled for future action.
(OAC 4101:7)

Investigation Process

(Continued)

7. A letter is sent from the Board to the complainant of their decision.

Notices of opportunity for hearing are sent by certified mail to certification holders when the Board requires disciplinary action. (OAC 4101:7)

Duration of Investigation Process

The timing, complexity and scope of the investigation if including legal and other governmental involvement can extend an investigation for months or years.

Investigations can expand when other violations are discovered during the course of the investigation involving other department or individual certification holders.

Appeals for hearings involving revocation, suspension and other disciplinary actions of certification holders may extend 2 to 6 months beyond the closing of the investigation.

Section 5:

Disciplinary Process

**Post investigation steps
taken by the Board of
Building Standards**

Revocation and Suspension Process

1. If the Board has taken an action against the certified department and/or individual, a Notice of Opportunity for Hearing is sent to the certification holder by certified mail. The holder has 30 days to request a hearing from date of mailing. The Board will choose to hear the case or may move to assign a hearing officer. A hearing date is set and the hearing is conducted. (OAC 4101:7)

Revocation and Suspension Process

2. The hearing shall be conducted pursuant to the provisions of sections 3781.10, 3781.101, and 119.09 of the Ohio Revised Code; If a hearing officer has been appointed, then the officer shall submit a written report of the findings of fact and recommendations to the Board for its consideration. (OAC 4101:7)

Revocation or Suspension Process

3. Following the hearing, the Board takes action based on the hearing results and communicates by certified mail to the certification holder. The certification holder may appeal the order within fifteen days to the Franklin County Court of Common Pleas pursuant to sections 3781.10, 3781.101, and 119.12 of the Revised Code. (OAC 4101:7)

Revocation and Suspension Process

- OAC 4101:7 Revocation or suspension
- In the event of suspension or revocation of a certification, the individual shall no longer hold out to the public or any jurisdiction that the individual is certified to exercise enforcement authority or hold the board certification which has been suspended or certification revoked.

Revocation and Suspension Process

OAC 4101:7 Probation

.....if the board decides not to immediately suspend or revoke an individual's certification, the board may place the individual on probationary status for a period of time and require remedial action....the individual shall comply with the training, reporting, auditing, or other remedial action. The board is authorized to revoke or suspend the individual's certification for failure to comply with such remedial requirements.

Revocation and Suspension Process

Whether it is the political officials responsible for a building department certification or an individual certification holder, the Board is willing to work with a certification holder who willingly and quickly owns up to the actions that led to the complaint and investigation, and proactively address the issues that resulted in disciplinary action. These actions may provide confidence for the Board to restore them to full certification status. However, this may not lessen the disciplinary course of action.

Section 6:
Certification
Maintenance
Chapter 1 Duties and
Responsibilities

Certification 101 Review

OBC Sections 103 & 104 (Certified Departments
and Personnel) Duty and Responsibilities

*The political subdivision is responsible for
receiving and maintaining its building
department certification and if applicable,
the certified Board of Appeals. Do you know
the community official responsible for
maintaining it? Do they know what their
responsibility is to do?*

*The individual is responsible for their
performance of duties and responsibilities
within their respective certifications as
Building official, Plans Examiner, and
Inspectors.*

Certification 101 Review

OAC 4101:7(Certified Departments and Personnel) Duty and Responsibilities

Duty: a moral or legal obligation, that you must do because it is morally right or because the law requires certain conduct arising from your position. (Conscience)

Responsibility: a charge of care, an assigned/ required/ expected task in which someone is held accountable to an authority for its outcome. (Action)

Can you discern the difference in the certification rules?

Certification 101 Review

Responsibilities OBC 104.2.1-2.1.5

1. Building official:

- A. *is responsible for the enforcement of the rules of the board, ORC 3781 & 3791....*
- B. *shall conduct themselves in a professional, courteous, impartial, responsive, and cooperative manner.*
- C. *shall render interpretations of this code and to adopt policies and procedures in order to clarify the application.....in compliance with the intent and purpose of this code.*
- D. *shall be responsible to assure that a system is in place to track and audit all projects,*
- E. *Is to assure that all building department personnel perform their duties in accordance with this section, and;*

Certification 101 Review

Responsibilities OBC 104.2.1-2.1.5 (Continued)

F. and for the *overall administration* of a building department as follows:

1. shall receive applications, require construction documents to be examined, ascertain the construction indicatedis in accordance with this code, and shall issue plan approvals.....of buildings.....
2. shall issue all orderswith section 109 to ensure compliance....
3. shall cause inspections, investigations,....to determine whether.... work which has been performed and the installations made are in conformity with the approved construction documents.
4. shall keep official records of applications received, certificate of plan approval issued, notices and orders issued, certificate of occupancy, and other such records...required by the...the Board.....as a permanent record for each project. One set of approved construction documents shall be retained.....for one hundred eighty days from.....completion of ...work, or.....by document retention regulations.
5. shall be responsible for the submission of reports and any requested special information to the board....as required in OAC 4101:7. (30 days) Failure to submit these reports in a timely manner as required by rule or by special request or inquiry of the board.....may be grounds for board action as described in OAC 4101:7.

Certification 101 Review

Responsibilities OBC 104.2.1-2.1.5

2. Plans Examiner.

- A. is *responsible for the examination of construction documents*with section 107, within the limits of their certification, to determine compliance with the rules of the board.
- B. shall effectively *communicate the results* of their plan review *to the owner* or the owner's representative and the building official.
- C. shall *conduct* themselves *in a professional, courteous, impartial, responsive, and cooperative manner*.
 - *A master plan examiner is responsible for the examination of all types of construction documents....., except when the building official examines the construction documents pursuant to section 104.2.1.1.1. (See OAC 4101:7 Required Personnel) The department is required to have a 'Master.'*

Certification 101 Review

Responsibilities OBC 104.2.1-2.1.5 (Continued)

3. Inspectors

- A. responsible for *performing inspections* and determining that work,is performed in compliance with the approved construction documents.
- B. shall *inspect the work to the extent of the approval* given whenapproved by the building official and *for which the required inspection was requested*.
- C. shall effectively *communicate the results of their inspections as required* by section 108, (108.5 & 6)and
- D. shall *conduct themselves in a professional, courteous, impartial, responsive, and cooperative manner*. (Including 'Right of Entry' in OBC § 108.4)

Certification 101 Review

Right of Entry OBC § 108.4

The *building official, or the building official's designee*, is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that

1. **credentials are presented to the occupant and;**
2. **that entry is requested and;**
3. **obtained. ***

Certification 101 Review

Right of Entry OBC § 108.4

Where permission to enter has *not been obtained*, is denied, or the building official has *probable cause* to believe that there exists in a structure or upon a premises a condition which is a *serious hazard* the building official shall have recourse to the remedies provided by law to secure entry, such as an administrative search warrant.

Certification 101 Review

Responsibilities OBC 104.2.1-2.1.5

Your duty no matter what your assigned task and certified position shall be to conduct yourself in a.....

1. *professional*, [*Competent advice*]
 2. *courteous*, [*very polite, show respect*]
 3. *impartial*, [*not biased: treat equally*]
 4. *responsive*, [*quick, sympathetic, helpful*]
 5. *cooperative* [*willingly work together*]
-*manner*.

What was the Violation?

1. A Building official enforces the maintenance of existing buildings to be in compliance to current building codes and the inspectors require destructive and invasive demolition to prove non compliance of the existing buildings.
2. A plans examiner telling a building owner during a meeting that his architect was 'incompetent' –and done in front of the architect.
3. A building inspector requiring materials to be replaced with other products he sells from a company he represents 'on the side'.
4. An inspector showing up late for inspections so that he could force after hours inspections to get double pay. (The dept. has an after hours policy that allows/enables this practice.)
5. An electrical safety inspector allowing major electrical substitutions and wiring changes (because he is OK with it) at request of a contractor who was trying to reduce costs without notifying the owner or CBO of the changes.

Section 7:

Corrective Measures & Support

**Ensure compliance and
minimize complaints.**

Corrective Measures

How to ensure compliance and minimize complaints.

- Question: How much information is required on the construction documents to determine code compliance for the Certificate of Plan Approval (License to build)?

Corrective Measures

How to ensure compliance and minimize complaints.

Answer: The minimum requirements are found section 106 for document submission. However.....

To determine code compliance of the design with all other sections, sufficient detail must be submitted as necessary for the review.

If you don't have enough information-ask for it.

Don't put your inspectors in a position of dealing with code violations on the job site. It is easier to fix on paper than during construction. The documents are a license to build.

A failed enforcement system.

- Inadequate documents are accepted and not thoroughly reviewed. BO issues CPA if.....
- The owner/agent certifies code compliance as a condition to receive the certificate of plan approval, then the building official approves the 'promised compliance' and the inadequate documents.
- The building inspector tries to 'right the wrongs' by requiring field directed changes for code compliance and keeps 'rejecting' the work until satisfied.
- The Building official covers for the team with orders for items that are not fixed in the field per the inspector reports.
- ❖ The Owner/authorized agent never makes the decisions, just reacts to the next crisis.

Corrective Measures

How to ensure compliance and minimize complaints.

- Keep in perspective the total process.



- Application for approvals made.
- Plan reviews done for compliance.*

Certificate of Plan Approvals



- Required inspections completed to the approval /documents.
- Certificate of Occupancy issued for use when completed. It is a Code compliant 'Approved Project'.

Corrective Measures

How to ensure compliance and minimize complaints.

REMEMBER:

The Owner
OWNS
this process.

Corrective Measures

How to ensure compliance and minimize complaints.



- Application and construction documents submitted for approvals.
- Plan reviews are done to establish code compliance of the design.
- All revisions are resubmitted for code compliance.
- All adjudication orders (variances), conditions and stipulations are incorporated into the design.



Certificate of Plan Approval Issued Includes Approved construction documents, list of inspections, On site inspection record. (Local authority may issue 'permits' for site development for the building.)



- Required inspections are completed within 4 days to the approval. (Approved Code compliant documents.)
- Certifications of Tests for building systems are completed and submitted.
- All variances and subsequent approvals are inspected and in compliance.



- Certificate of Occupancy issued to Owner when building construction is completed in accordance with the Certificate of Plan Approval.

Corrective Measures

How to ensure compliance and minimize complaints.

ORC 3791.01 The Owner is responsible for code compliance.

- OBC 107.6.1 During Plan Review Phase-they chose to:
 - Revise and resubmit construction documents for approval.
 - Request Adjudication order to appeal for variance from BOA
 - Appeal BBA decision to the Courts.
- OBC 108.6.1 During Construction/Inspection Phase-they chose to:
 - Make changes to the construction work to MATCH the approval
 - Revise and resubmit construction documents for re-approval.
 - Request Adjudication order to appeal for variance from BBA
 - Appeal BBA decision to the Courts.

The building department is responsible for enforcement.

- The examiners and inspectors need to communicate often, learn from each other and work with the building official to enforce.
- The Basis of Code compliance is the Plan Examination phase.

Corrective Measures

How to ensure compliance and minimize complaints.

- Understand the legal aspects of all correspondence. All plan review reports, certificates of approval, adjudication orders, on site inspection records, recommended changes and variances are legal documents.
- When properly enforced, the record will protect you if a lawsuit is filed in a court of law or a complaint is filed with the BOARD to request the revocation of certifications.

Corrective Measures

How to ensure compliance and minimize complaints.

- **Review and understand the OBC Chapter 1 rules.**
 - Align you department and educate your personnel with the Board's rules.
 - Know your own duties as stated in Section 104 and desist from doing other duties you are not certified to do or are listed to perform in the Yearly Operational Report.
 - Certified individuals are charged to be public servants to the constituents they serve. Section 104 dictates that ***all*** certified individuals shall conduct themselves in a professional, courteous, impartial, responsive, and cooperative manner.

- **Verify that all of the department forms comply with Chapter 1.**
 - Ensure they are up-to-date and contain the correct information and code references.
 - ***Refer to the Building Department Resource Package available on the Board's website.***

Corrective Measures (Cont.)

How to ensure compliance and minimize complaints.

- Make sure that all building code violations are communicated to the building official who will issue an adjudication order or notice of recommended change.
 - Plan Examiners verify and audit the construction documents for non compliance to the code and issue a plan review report and approval recommendation type to the building official who adjudicates or approves the design.
 - *[The Documents comply with Codes]*
 - Inspectors verify and audit for non compliance to the Approved construction documents during construction and provide an inspection report and owner decision. The Building official issues adjudication order per section 109 and recommended change per 108.6.2.
 - *[The Building complies with Approved documents]*

Corrective Measures (Cont.)

How to ensure compliance and minimize complaints.

- Maintain a clear distinction between building code enforcement and political subdivision related enforcement activities. Do not enforce building code while doing any of the following:
 - Zoning, Property Maintenance, Rental Registration, Point of Sale Inspections, Flood plain-FEMA, Engineering, Contractor licensing, etc.

Department Authority

- The State of Ohio Building Code, Residential Code of Ohio, Ohio Mechanical and Plumbing codes (including all referenced standards) are the only building construction standards that shall be enforced in the State of Ohio per Ohio Revised Code 3781.10 (E) (1-3, 11).
- Certification to operate as a building department authorizes a city, township or county to enforce the Board of Building Standards rules *exclusively*.
- Certification to enforce as a building official, plans examiner and inspector authorizes an individual to enforce the Board of Building Standards rules *exclusively*.

Building. Department. (Certification) Support

- ORC 3781.102 (F) Each political subdivision that prescribes fees pursuant to division (E) of this section shall collect, on behalf of the board of building standards,(for):
- (G)(b) Providing services, including educational programs, for the building departments that are certified by the board pursuant to division (E) of section 3781.10 of the Revised Code;
- *Administrative guidance and assistance with jurisdiction*
- *Code Materials for Departments*
- *Building Code Technical support and opinions – (We are here to help.)*
- *And Building Department Evaluations.....*

Building. Department. (Certification) Support

Request a proactive voluntary building department evaluation by OBBS staff. Here is the process.....

- A questionnaire is filled out by the primary certification holders.
- Board staff visit the office to tour and greet department personnel.
- A general session is held with all staff to provide a 'Big Picture' view of enforcement.
- A review of one commercial and residential project is completed where all project files are evaluated and compared against Board processes and forms.
- Board staff discuss the department's process to identify 'best practices' and offer suggestions for areas of improvement.
- Board staff shadow commercial and residential inspectors.

An evaluation is not punitive. It is a service offered to better align your operation with the Board's rules. It is a great way to minimize complaints.

*“The Ohio Board of Building Standards staff
are here to help you and your jurisdiction
maintain your Board certifications.”*

Better Codes, Better Buildings, Safer Ohio.



*Thank you and
Have a great day.*