

Monroe A. Miller, Jr.
19 Big Spruce Lane
Waynesville, NC 28786
February 22, 2011

Richard Strickland
North Carolina Department of Insurance
(Code Interpretation Section)
Chief Fire Code Consultant
(919) 661-5880 ext. 255
Richard.Strickland@ncdoi.gov

and

Shane Phelps
North Carolina Department of Insurance
(Enforcement Services Section)
Investigator
(919) 661-5880 ext. 248
Shane.Phelps@ncdoi.gov

Subject: Formal Complaint - Haywood County Fairgrounds Arena Building.

Dear Mr. Strickland and Mr. Phelps,

This letter will formalize my original letter sent to both of you on February 3, 2011, by including specific charges and a notarized North Carolina Code Officials Qualification Board VERIFICATION page.

There are two individuals involved with two individually related charges.

- Johnny Glance, the Haywood County Fire Marshal,
- Bruce Crawford, the Haywood County Building Inspector.

I had requested Fire Sprinkler Test Results from Johnny Glance for the Haywood County Fairgrounds Arena Building. He was unable to locate any test results, and was unable to produce any results for me, when I requested this public information. I charge Johnny Glance with gross negligence for not having the information available for me.

It is my understanding that NCDI personnel made a visit to Haywood County recently, and Johnny Glance has been instructed to start testing Fire Sprinkler Systems.

I requested an examination of the Certificate of Occupancy for the Haywood County Fairgrounds Arena Building from Bruce Crawford January 4, 2011. He indicated the building is under a Temporary Certificate of Occupancy, for which there is no time limit or expiration date, it can be extended indefinitely.

From the informal interpretation of the North Carolina Department of Insurance, GS 153A-363 and 160A-423 state:

"A temporary certificate of compliance may be issued permitting occupancy for a stated period of specified portions of the building that the inspector finds may safely be occupied before completion of the entire building."

A temporary certificate of compliance is typically used on multi-story or large commercial buildings. When work is completed to a point where an area can be safely occupied, the inspector may issue a temporary certificate of compliance. The temporary certificate of compliance must be in writing and must state the period of time for which it is valid. The temporary certificate of compliance must list all the Code items that remain to be completed. **A temporary certificate of compliance should not be used to allow occupancy of an entire building when the building does not comply with all portions of the Code or other ordinances related to the work.**

On or before the expiration date, the inspector must return to the site to verify that the Code items have been corrected. If the corrections have not been made, the inspector has the option of extending the temporary certificate of compliance or beginning one of the remedies discussed in the sections on administrative remedies or judicial enforcement to get the corrections made.

I charge Bruce Crawford with gross negligence for allowing a Temporary Certificate of Compliance / Occupancy to remain valid for five years, and indicating to me that it can be extended indefinitely.

It is my understanding that NCDOT personnel made a visit to Haywood County recently, and Bruce Crawford had been instructed to close the Haywood County Fairgrounds Arena Building, for failure to have installed toilets.

I feel that there may be extenuating circumstances with Bruce Crawford's actions, in that he may have been instructed from someone in greater authority than him to keep the Temporary Certificate of Compliance / Occupancy in effect. Bruce Crawford should be allowed some leeway to be able to explain his actions.

Please let me know if I have completed this complaint to your satisfaction, and let me know if you have any questions that I can answer.

I will e-mail this letter and notarized page, and will mail the originals by USPS for your file.

Sincerely,

Monroe A. Miller Jr.

Enc: VERIFICATION page.
Original Letter, dated February 3, 2011

North Carolina Code Officials Qualification Board

VERIFICATION

Monroe A. Miller JR personally appeared before me
(Complainant First, Middle and Last Names (Print in ink or type))

in HAYWOOD County and being duly sworn, deposes and says: That the
contents of the foregoing complaint against Code Enforcement Official(s)

Johnny GLANCE and BRUCE CRAWFORD
(Code Enforcement Official(s) Name(s))
are true to his/her own knowledge.

Monroe A. Miller JR
(Signature of Complainant)

Sworn to and subscribed before me,

This the 22 day of February, 20 11.

Anita F. Gentry
Notary Public (Signature)
My commission expires: October 22, 2011

