

APR 28 2012

BEFORE THE N.C. CODE OFFICIALS QUALIFICATION BOARD  
RALEIGH, NORTH CAROLINA

IN THE MATTER OF THE  
CERTIFICATION OF  
J. BRUCE CRAWFORD

**VOLUNTARY SETTLEMENT  
AGREEMENT**

NOW COME J. Bruce Crawford (hereinafter, "Mr. Crawford") and the North Carolina Code Officials Qualification Board (hereinafter, "Board"), and hereby voluntarily and knowingly enter into the following Voluntary Settlement Agreement (hereinafter, "this Agreement"):

**WHEREAS**, the Board has the power to suspend, revoke or refuse to grant any certificate issued pursuant to Article 9C of Chapter 143 of the North Carolina General Statutes pursuant to N.C. G. S. § 143-151.17 and 150B-38 *et seq.*;

**WHEREAS**, Mr. Crawford holds a Standard Level III Inspection Certificate in Building, Mechanical and plumbing;

**WHEREAS**, the Board received a verified written complaint (hereinafter, "Complaint") from Monroe A. Miller Jr. dated February 22, 2011 concerning inspections of the Haywood County Fairgrounds Arena;

**WHEREAS**, the Complaint alleges that Mr. Crawford violated N.C.G.S. §143-151.17(a)(6) in that he has been guilty of willful misconduct, gross negligence, or gross incompetence;

**WHEREAS**, at all times relevant to this Complaint, Mr. Crawford was employed as a Code Enforcement Official for the Haywood County Inspection Department;

**WHEREAS**, the Complaint was investigated by Engineer Shane Phelps, who serves as Investigator to the N.C. Code Officials Qualification Board (hereinafter, Taylor);

**WHEREAS**, based on Mr. Phelps's investigation of the allegations contained in the complaint, the Board contends that Mr. Crawford failed to insure a Temporary Certificate of Compliance/Occupancy "stated period" was required as required by both the NC Administrative Code Section 307.3 and NC General Statute 153A-363 and that the structure was being used without a Certificate of Occupancy.

**WHEREAS**, the Board contends that Mr. Crawford's failure to comply with the above mentioned provisions demonstrates that Mr. Crawford is guilty of willful misconduct, gross negligence or gross incompetence in violation of N.C.G.S. § 143-151.17(a)(6);

WHEREAS, the parties stipulate and agree that this matter is properly before the Board and that the Board has jurisdiction over Mr. Crawford pursuant to Article 9C of Chapter 143 of the North Carolina General Statutes;

WHEREAS, Mr. Crawford does not admit that his failure to enforce the aforementioned violations constitutes gross negligence, gross incompetence or willful misconduct as alleged in the Complaint filed by Shane Phelps;

WHEREAS, in lieu of an administrative hearing on the matters stated herein, Mr. Crawford has agreed to settle, compromise and resolve the matters referenced in this Agreement, and the Board has agreed not to pursue additional penalties, sanctions or remedies based on these matters against Mr. Crawford;

WHEREAS, Mr. Crawford agrees to take and pass a Standard Law and Administrative Class within 6 (six) months of the date of this document.

NOW, THEREFORE, in exchange for the consideration of the promises and agreements as set out herein, the Board and Mr. Crawford, hereby agree to the following:

1. Mr. Crawford shall take and pass a Standard Law and Administration Standard Class within 6 (six) months of the date of this document. **THAT'S IT? SEE TRANSCRIPT.**

2. Mr. Crawford enters into this agreement freely and voluntarily and with knowledge of his right to have an administrative hearing on this matter. Mr. Crawford understands that he may consult with an attorney prior to entering into this agreement. **MAYBE CHIP OR LEON KILLIAN!**

3. Provided that this Agreement is approved by vote of the Board and executed by the signature of the Board's Chairman, this Agreement has the full force and effect of a Final Order by the Board in this matter, and Mr. Crawford understands and agrees that his failure to comply with any provision of this Agreement shall be cause for action by the Board against Mr. Crawford's certificates pursuant to N.C. G. S. § 143-151.17 and 150B-38 *et seq.* for violating the terms of this Agreement. Mr. Crawford further understands and agrees that a violation of the terms of this Agreement by Mr. Crawford would constitute a material breach of this Agreement and would additionally entitle the Board to rescind the agreement and proceed with administrative action against Mr. Crawford based on the allegations that are the subject of this Agreement.

4. This Agreement does not in any way affect the Board's disciplinary power in regards to any future complaints or investigations involving Mr. Crawford.

5. This document contains the entire agreement between the parties and there are no other oral or written Agreements of any kind that alter or add thereto.

6. If, for any reason, any part or provision of this Agreement is found to be void or unenforceable, the other parts and provisions of this Agreement shall remain in full force and effect.

7. The parties to this Agreement have read and understand this Agreement and hereby agree to abide by the terms and conditions as stated herein.

8. This Agreement shall not be deemed executed until it has been approved, by vote, by the Board, and signed by the Board's Chairman.

9. Mr. Crawford by his signature authorizes the staff and counsel for the Board to discuss this Voluntary Settlement Agreement with the Board members without his presence or his counsel's presence. He agrees that such discussions do not constitute improper *ex parte* communications.

10. This Voluntary Settlement Agreement, when finalized, will be a public record and is not confidential. The Board is free to disclose the contents of this agreement to third parties upon request or pursuant to any law or policy providing for such disclosure.

Signed this the 28 day of Feb, 2012.

By: J. Bruce Crawford  
Bruce Crawford

Signed this the 27<sup>th</sup> day of April, ~~2011~~ <sup>2012</sup>

NORTH CAROLINA CODE OFFICIALS  
QUALIFICATION BOARD

By: Hayden Lutterloh, III  
Hayden Lutterloh, III  
Chairman

**AFFIDAVIT OF CERTIFICATION**

Samantha Ewens, being first duly sworn, and deposes and says:

1. I am the Staff Director for the North Carolina Code Officials Qualification Board (hereinafter "the Board").
2. As part of my responsibilities as the Staff Director, I maintain and am a custodian of the Board's records of administrative actions against certificate holders.
3. Attached to this affidavit as Exhibit A is a copy of the Complaint Investigation Report for the complaint filed by Monroe A. Miller against Bruce Crawford and Johnny Glance of the Haywood County Inspection Department, dated January 12, 2012, as the report exists on this date.
4. This record is kept in the regular course of business of the Board.
5. The copy of the record that is attached as Exhibit A is a true and correct copy of the original record kept by the Board as of this date.

This 5<sup>th</sup> day of March, 2012.

*Samantha Ewens*  
Samantha Ewens  
North Carolina Code Officials  
Qualifications Board  
1202 Mail Service Center  
Raleigh, N.C. 27699-1202

Sworn and subscribed before me  
this 5<sup>th</sup> day of March, 2012.

Notary Public

My commission expires: 11-30-2013

*Sarah M. Van Doornewaard*

Printed Name  
Sarah M. Van Doornewaard

