



Department of Commerce

Division of Industrial Compliance

John R. Kasich, Governor
David Goodman, Director

February 2013

At its meeting on February 8, 2013, the Ohio Board of Building Standards adopted the rule changes identified as Amendments Group 87. These rule amendments were adopted for an **effective date of March 1, 2013.**

Amendments Group 87 included the following new Certification rules. For your use, a summary of the changes is provided below and the text of these rules can be found immediately following this coversheet:

Rule Number	Rule Title
4101:7-1-01	General
4101:7-1-02	Definitions
4101:7-2-01	Building department certification
4101:7-3-01	Building department personnel certification
4101:7-4-01	Local boards of building appeals certification
4101:7-5-01	Fire protection system designer certification

Reason for Amendments: To relocate and consolidate all building department, building department personnel, board of building appeals, and fire protection system designer certification requirements.

If you should have any questions regarding these rule changes, please call BBS staff at (614)644-2613.

4101:7-1-01**General.**

As authorized by the Revised Code, the board of building standards has adopted rules for the certification of building departments, building department personnel, local boards of building appeals, and fire protection system designers as specified in paragraphs (A) to (D) of this rule. Applications for certification shall be submitted to the board of building standards and shall be made on forms prescribed by the board and found on the board's website at <http://www.com.ohio.gov/dico/BBS.aspx>.

- (A) Building department certification. Before exercising authority in the enforcement of the rules of the board in accordance with rule 4101:1-1-01 of the Administrative Code, including the acceptance and approval of plans and the performance of inspections, municipal, township, and county building departments shall be certified by the board of building standards as required in division (E) of section 3781.10 of the Revised Code and rule 4101:7-2-01 of the Administrative Code.
- (B) Building department personnel certification. Before exercising authority in the enforcement of the rules of the board in accordance with rule 4101:1-1-01 of the Administrative Code, including the acceptance and approval of plans and the performance of inspections, municipal, township and county building departments' required personnel shall be certified by the board of building standards as required in division (E) of section 3781.10 of the Revised Code and rule 4101:7-3-01 of the Administrative Code.
- (C) Boards of building appeals certification. Before hearing and deciding adjudication hearings, local boards of building appeals shall be certified by the board of building standards as required in section 3781.20 of the Revised Code and rule 4101:7-4-01 of the Administrative Code.
- (D) Fire protection system designer certification. Before designing an automatic sprinkler system or other water-based fire protection system, a fire alarm system, or a special hazards suppression system for submission to a certified building department for approval, an individual must be certified by the board of building standards as required in section 3781.105 of the Revised Code and rules 4101:7-5-01 of the Administrative Code.

Replaces: 4101:1-1-01, 4101:2-87-01, 4101:2-93-01
 Effective: 03/01/2013
 R.C. 119.032 review dates: 02/08/2018

CERTIFIED ELECTRONICALLY

Certification

02/08/2013

Date

Promulgated Under: 119.03
 Statutory Authority: 3781.10(E), 3781.105(H), 3781.20, 3783.05
 Rule Amplifies: 3781.10, 3781.105, 3781.19, 3781.20, 3783.
 Prior Effective Dates: 7/7/69, 3/26/71, 4/15/74, 2/15/75, 7/1/77, 12/30/77,
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 7/1/82, 1/1/83, 1/1/84, 3/1/84, 3/5/84, 3/1/85, 7/1/85,
 12/1/85, 3/1/86, 9/1/86, 2/1/87, 7/1/87, 1/1/88,
 10/1/88, 1/1/89, 6/1/89, 1/1/90, 8/1/90, 10/1/90,
 7/1/91, 7/15/92, 9/1/92, 1/1/93, 7/5/93, 1/1/94, 9/1/94,
 5/15/95, 7/1/95, 2/1/96, 2/2/96, 1/1/97, 7/1/97, 1/1/98,
 3/1/98, 4/1/99, 10/1/99, 7/15/00, 12/1/00, 4/1/01,
 1/1/02, 7/1/02, 1/1/03, 4/1/03, 7/1/03, 8/15/03, 1/1/04,
 7/1/04, 3/1/05, 9/6/05, 3/1/06, 7/1/06, 7/1/07, 1/1/09,
 7/1/09, 11/1/11, 3/11/12, 3/12/12(Emer.), 6/8/12

4101:7-1-02 **Definitions.**

Unless otherwise stated, the following terms, as used in division 4101:7 of the Administrative Code, shall have the meanings shown herein.

- (A) Automatic sprinkler system. An integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply. The portion of the system above the ground is a network of specially sized or hydraulically designed piping installed in a structure or area, generally overhead, and to which automatic sprinklers are connected in a systematic pattern. The system is usually activated by heat from a fire and discharges water over the fire area.
- (B) Automatic sprinkler system designer. See “Water-based fire protection system designer.”
- (C) Board of building standards. The administrative board established in section 3781.07 of the Revised Code and referred to as “the board” or “BBS.”
- (D) Building inspector. An individual who is certified in accordance with division (E) of section 3781.10 of the Revised Code and rule 4101:7-3-01 of the Administrative Code to determine compliance of work with the approved construction documents.
- (E) Building official. An individual who is certified in accordance with division (E) of section 3781.10 of the Revised Code and rule 4101:7-3-01 of the Administrative Code to enforce the rules of the board and is responsible for the overall administration of a building department relating to the construction, arrangement, and the erection of buildings or parts thereof.
- (F) Electrical plans examiner. An individual who is certified in accordance with division (E) of section 3781.10 of the Revised Code and rule 4101:7-3-01 of the Administrative Code to perform the examination of construction documents related to electrical systems to determine compliance with the rules of the board.
- (G) Electrical safety inspector. An individual who is certified in accordance with division (E) of section 3781.10 and section 3783.03 of the Revised Code and rule 4101:7-3-01 of the Administrative Code to determine compliance of electrical system work with the approved construction documents.
- (H) Evidence. Proof of the statements or claims made that can consist of contracts, affidavits, agreements, letters, transcripts, certificates, certification cards, diplomas, awards, invoices, published data, photographs, legible reproductions of the same, or any other such documentation useable or required as a part of any consideration or action by the board of building standards.
- (I) Fire alarm system. A system or portion of a combination system consisting of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal- initiating devices and to initiate the appropriate response to

those signals.

- (J) Fire alarm system designer. An individual who is certified in accordance with section 3781.105 of the Revised Code and rule 4101:7-5-01 of the Administrative Code to design fire alarm systems.
- (K) Fire protection system inspector. An individual who is certified in accordance with division (E) of section 3781.10 of the Revised Code and rule 4101:7-3-01 of the Administrative Code to determine compliance of fire protection system (automatic sprinkler system, alternative automatic fire-extinguishing system, standpipe system, fire alarm and detection system, and fire pump) work with approved construction documents.
- (L) Fire protection system designer. A general category describing designers who are certified in accordance with section 3781.105 of the Revised Code and this rule 4101:7-5-01 of the Administrative Code to design an automatic sprinkler system or other water-based fire protection system, a fire alarm system, or a special hazards suppression system.
- (M) Interim certification. An initial certification that is valid for a two-year period during which time the holder can perform the associated enforcement duties as an employee of a certified building department. Prior to the expiration of the two-year period, the holder shall complete the requirements of the Ohio building code academy and all required examination modules for the respective certification sought.
- (N) Medical gas piping inspector. An individual who is certified in accordance with division (E) of section 3781.10 of the Revised Code and rule 4101:7-3-01 of the Administrative Code to determine compliance of non-flammable medical gas, medical oxygen, and medical vacuum system work with the approved construction documents.
- (O) Master plans examiner. An individual who is certified in accordance with division (E) of section 3781.10 of the Revised Code and rule 4101:7-3-01 of the Administrative Code to perform the examination of all types of construction documents to determine compliance with the rules of the board.
- (P) Mechanical inspector. An individual who is certified in accordance with division (E) of section 3781.10 of the Revised Code and rule 4101:7-3-01 of the Administrative Code to determine compliance of heating, ventilating and air conditioning (HVAC) systems, and the associated refrigeration, fuel gas, and heating piping systems work with the approved construction documents.
- (Q) Plumbing inspector. An individual who is certified in accordance with division (E) of section 3781.10 of the Revised Code and rule 4101:7-3-01 of the Administrative Code to determine compliance of plumbing system work with the approved construction documents.

- (R) Plumbing plans examiner. An individual who is certified in accordance with division (E) of section 3781.10 of the Revised Code and rule 4101:7-3-01 of the Administrative Code to perform the examination of construction documents related to plumbing systems to determine compliance with the rules of the board.
- (S) Practice of electrical inspection. The ascertainment of compliance with the rules of the board relating to electrical systems by a person, who, for compensation, inspects the construction and installation of electrical conductors, fittings, devices, and fixtures for light, heat or power services equipment, or the installation, alteration, replacement, maintenance, or repair of any electrical wiring and equipment that is subject to any of the aforementioned codes.
- (T) Rules of the board. The administrative rules adopted by the board of building standards as authorized by Chapter 3781. of the Revised Code.
- (U) Special hazards suppression system. A system consisting of piping, detection, and actuation equipment that utilizes a foam water, water mist, halon, halon alternative, carbon dioxide, dry chemical, or wet chemical suppression agents.
- (V) Special hazards suppression system designer. An individual who is certified in accordance with section 3781.105 of the Revised Code and rule 4101:7-5-01 of the Administrative Code to design special hazards suppression systems.
- (W) Trainee certification. A certification issued by the board of building standards pursuant to paragraph (G)(6) of rule 4101:7-3-01 of the Administrative Code that is valid for one four-year period during which time the holder has successfully completed the requirements of the Ohio building code academy for the respective certification sought, completed the required number of hours of board- approved course work, sponsored by a political subdivision's building department, performed the required enforcement duties under supervision, and submitted evidence of having completed all required examination modules for that certification.
- (X) Water-based fire protection system. A general category of fire protection systems that includes automatic sprinkler systems, standpipe systems, fire pump systems, and the water supplies serving those systems.
- (Y) Water-based fire protection system designer (formerly automatic sprinkler system designer.) An individual who is certified in accordance with section 3781.105 of the Revised Code and rule 4101:7-5-01 of the Administrative Code to design automatic sprinkler systems, standpipe systems, fire pump systems and the dedicated water supply systems serving those systems.

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4101:7-2-01**Building department certification.**

Municipalities, townships, and counties may seek certification by the board of building standards as described in division (E) of section 3781.10 of the Revised Code to exercise enforcement authority, to accept and approve construction documents, and to make inspections.

(A) Certification types. A political subdivision may seek to enforce the rules of the board by requesting either a certification as a building department or a sub-building department as required in paragraphs (A)(1) or (A)(2) of this rule. References in this rule to “department” or “building department”, unless specified, shall mean “certified building department” or “certified sub-building department.”

(1) Certification as a building department. Municipalities, townships, and counties shall enforce the rules of the board in conformity with the law and as described in paragraphs (A)(1)(a) and (A)(1)(b) of this rule.

(a) Municipalities. Municipalities, in submitting the application described in paragraph (C) of this rule, must specify whether the department is to be certified to enforce the rules of the board for plumbing and will employ a plumbing inspector, certified as required in rule 4101:7-3-01 of the Administrative Code. If a department is not to be certified for plumbing, the enforcement shall be done by the local board of health or the division of industrial compliance plumbing section in the department of commerce.

Municipalities, in submitting the application described in paragraph (C) of this rule, must also specify whether the department is to be certified to enforce medical gas piping system provisions and will employ a medical gas piping inspector, certified as required in rule paragraph (E)(12) of rule 4101:7-3-01 of the Administrative Code. If the department is not to be certified to enforce medical gas piping system provisions, then the enforcement shall be done by the local board of health or the division of industrial compliance in the department of commerce.

Municipalities may, at any time, make application to the board of building standards to be approved to have the building department certification modified or to include, or exclude, plumbing and medical gas piping system enforcement duties in accordance with paragraph (H) of this rule.

(b) Counties and townships. Counties and townships, in submitting the application described in paragraph (C) of this rule for certification of a building department, are not certified to enforce plumbing provisions or employ plumbing inspectors required in paragraph (B)(2) of this rule. As permitted in section 3703.01 of the Revised Code, county building

departments may enforce plumbing provisions if the county board of health has entered into an agreement with the board of county commissioners to provide plumbing code enforcement and employs a plumbing inspector, certified as required in division (D) of section 3703.01 of the Revised Code. The county shall specify on its application whether the county department will enforce the rules of the board for plumbing and will employ a properly certified plumbing inspector. If, after certification, a county building department assumes plumbing code enforcement as required in section 3703.01 of the Revised Code, it shall notify the board.

Counties and townships, in submitting the application described in paragraph (C) of this rule, must also specify whether the jurisdiction desires the department to be certified to enforce medical gas piping system provisions and will employ a medical gas piping inspector, certified as required in paragraph (E)(12) of rule 4101:7-3-01 of the Administrative Code. If the county or township chooses not have its department certified to enforce medical gas piping system provisions, then the enforcement shall be done by the local board of health or the division of industrial compliance in the department of commerce.

Counties and townships may, at any time, make application to the board of building standards to be approved to have the building department certification modified or to include, or exclude, medical gas piping system enforcement duties in accordance with paragraph (H) of this rule.

(2) Certification as a sub-building department. Municipalities, townships, and counties may be certified by the board of building standards to enforce the rules of the board as a sub-building department in conformity with the law and as described in paragraphs (A)(2)(a) and (A)(2)(b) of this rule. A sub-building department has enforcement exercised on their behalf by another certified political subdivision that will perform all enforcement, reporting, and administrative duties.

(a) Municipalities. Municipalities, in submitting the application described in paragraph (C) of this rule, must specify whether the department is to be certified as a sub-building department and shall indicate which certified building department of another political subdivision will enforce the rules of the board in the municipality. The application must also specify how the public in a municipality with a building department certified sub-building department will be provided information on how construction documents will be accepted, reviewed, and approved, and how inspections will be requested and made.

Municipalities may, at any time, make application to the board of

building standards to be approved to have the building department certification modified to change its certification from a sub-building department to a certified building department, or vice versa, in accordance with paragraph (H)(1) of this rule.

- (b) Counties and townships. Counties and townships, in submitting the application described in paragraph (C) of this rule, must specify whether the department is to be certified as a sub-building department and shall indicate which certified building department of another political subdivision will enforce the rules of the board in the county or township. The county or township must also specify how the public in the county or township with a building department certified as a sub-building department will be provided information on how construction documents will be accepted and approved, and how inspections will be requested and made.

Counties and townships may, at any time, make application to the board of building standards to be approved to have the building department certification modified to change its certification from a sub-building department and to a certified building department, or vice versa, in accordance with paragraph (H)(1) of this rule.

(B) Building department certification requirements. To qualify for certification, a municipal, township, or county shall comply with the following:

- (1) Conformity with law. The department shall submit an application and shall have been created in conformity with the law, shall have adopted ordinances or resolutions, and shall have entered into any agreements or contracts necessary to comply with the rules of the board and paragraph (C) of this rule;

- (2) Required personnel. All personnel of municipal, township, or county building departments, and persons and employees of persons, firms, or corporations whose responsibilities include the exercise of enforcement authority shall be certified by the board of building standards pursuant to rule 4101:7-3-01 of the Administrative Code prior to performing such duties. A certified building department or sub-building department shall have the following personnel qualified to execute the duties required for the exercise of enforcement authority, the review and approval of construction documents, and the performance of inspections under the rules of the board:

- (a) Building official.
- (b) Masters plans examiner.
- (c) Building inspector.

(d) Plumbing inspector.

(e) Electrical safety inspector.

(f) Backup personnel. The department shall have in its employ or under contract alternate personnel meeting the requirements of rule 4101:7-3-01 of the Administrative Code, to serve in the event of a conflict of interest or the unavailability of the building official, plans examiner, or inspectors. All backup personnel shall be clearly identified and disclosed on the yearly operational report. For those backup personnel under contract, copies of the respective contracts shall also be submitted.

(g) Replacement personnel. When required personnel, both primary and back-up, leave the employ of the department, permanent replacement personnel shall be designated in accordance with the rules of the board within one hundred twenty days;

(3) Elective personnel. The department may elect to have the following personnel certified by the board of building standards pursuant to rule 4101:7-3-01 of the Administrative Code prior to performing such duties:

(a) Mechanical inspector.

(b) Fire protection inspector.

(c) Medical gas piping inspector.

(d) Electrical plans examiner.

(e) Plumbing plans examiner;

(4) Contract employees. A municipal corporation, township, or county may contract with a certified building department, health district, or with persons, firms, or corporations under contract to furnish services, and meeting the requirements of rule 4101:7-3-01 of the Administrative Code, to exercise enforcement authority, administer the board's rules, approve plans and specifications and perform inspections on behalf of such municipal corporation, township, or county, providing such authority is exercised pursuant to such contract and upon application to and approval by the board of building standards. All contract employees shall be clearly identified and disclosed on the yearly operational report and copies of the respective contracts shall also be submitted;

(5) Building department office. The certified building department shall have an office conveniently located within the area it serves. The office shall be open

and staffed to serve the public need and office hours shall be conspicuously posted. If the department contracts for its enforcement services, or is certified as a sub-building department, information shall be provided to the public explaining how building department services shall be provided;

(6) Availability of inspectors. The building department shall be staffed so that all inspectors are available, during normal business hours, for requested inspections as required in section 108.1 of rule 4101:1-1-01 of the Administrative Code. The department may offer inspections at other times at the request of the owner or owner's representative; and

(7) Building department certificate to be posted. The certificate issued by the board of building standards to a municipal, township, or county building department shall be posted in a conspicuous place within the jurisdiction.

(C) Building department certification application. Application for certification of a municipal, township, or county building department, or application for modification of an existing certification, shall be made on a form prescribed by the board of building standards and shall set forth:

(1) A copy of the law creating such a department.

(2) A copy of a resolution requesting certification of the building department to enforce the rules of the board.

(3) The proposed budget for the operation of such department.

(4) A chart showing the organization of the building department within the governmental body.

(5) Data reflecting the population and the size of the area to be served.

(6) The number of and board certifications held by staff to be employed by the building department.

(7) The names, addresses, and board certifications of persons, firms or corporations contracting to furnish work or services when such persons, firms, or corporations are under contract to furnish architectural, engineering, or inspection services to the municipal corporation, township, or county, and such authority is exercised pursuant to such contract.

(8) The names of other municipal corporations, townships, counties, or health districts contracting to furnish work or services when such other municipal corporation, township, county, or health district is under contract to furnish architectural or engineering services to the municipal corporation, township, or county, and such authority is exercised pursuant to such contract and when officers or employees of any other municipal corporation, township, county,

or health district under contract to furnish inspection services to the municipal corporation, township, or county, when such authority is exercised pursuant to such contract.

- (9) A copy of the ordinance or resolution authorizing a building department to enter into a contract with other municipalities, townships, counties, health districts, persons, firms or corporations to do their plan approval and inspections.
- (10) A copy of the contract between the building department and other municipalities, townships, counties, health districts, persons, firms, or corporations to do their plan approval or inspections.
- (11) The department within the municipality, township, or county which will be responsible for plumbing inspection, if not within the building department.
- (12) The applicant may attach any other charts, maps, statistical data or other information which it determines may be beneficial to the board in considering the applications for certification.
- (13) A procedure for plan approval and for performing inspections, a copy of the plan review application, and a copy of the department's approval stamp.
- (14) Signature of an authorized representative of the board of township trustees in townships, the board of county commissioners in counties, or the appropriate officials in municipalities.

The original of the documents, papers and charts required in paragraphs (C)(1) to (C)(14) of this rule shall be filed with the board at least two weeks prior to a certification hearing.

The board may allow amendments to applications prior to formal action. Requests for amendments to applications shall be made in writing and conform to all the other provisions of this rule.

- (D) Building department certification, certification hearing. Upon receipt of an application, the board of building standard's certification committee shall review the application and make a recommendation to the board of building standards. The committee may ask for additional information to be submitted by the applicant prior to making a recommendation to the board. If the committee requests additional information from the applicant, failure to submit the requested information within ninety days from the date of the request may be cause for disapproval of the application by the board. After receiving a recommendation from the committee, a certification hearing on the application shall be conducted by the board of building standards. An authorized representative of the municipality, township, or county seeking certification present at the certification hearing may give testimony or respond to any questions from the board. The board shall give all interested persons appearing at such certification hearing an opportunity to be heard

and explain their positions. A record of the proceeding shall be made by the board.

(1) Building department certification, approval or denial. Following the certification hearing, the board shall act on the application for certification.

(a) Approval by the board of building standards of an application for certification shall set forth the group classifications and subject matters for which the municipal, township, or county building department under consideration is to be certified. After such approval, the appropriate official in municipalities, the board of township trustees in townships, or the board of county commissioners in counties requesting certification, shall be furnished a certificate of approval which shall state the conditions and limitations, if any, under which it has been issued.

If the application is denied in whole, or in part, by the board of building standards, the appropriate official in municipalities, the board of township trustees in townships, or the board of county commissioners in counties requesting certification shall be notified in writing of such denial and the reason therefore and to their rights of appeal pursuant to sections 3781.10 and 3781.101 and Chapter 119. of the Revised Code.

(E) Building department certification, board to maintain list. The board of building standards shall maintain a current list of all certified nonresidential and residential building departments, their contact information and, if applicable, their contractual relationships with other persons, departments, firms, or corporations that enforce the rules of the board on behalf of the certified building department.

The list of certified building departments shall be made available upon request and shall be posted on the board's website at <http://www.com.ohio.gov/dico/BBS.aspx>.

(F) Building department certification, reports, and assessment. Certified building departments shall submit the following reports and information to the board of building standards:

(1) Yearly operational report. A yearly operational report for the previous year, within ninety calendar days after the end of each calendar year;

(2) Changes in personnel. Written notification of changes in personnel of the building department who enforce the rules of the board, within thirty calendar days after such personnel have been appointed;

(3) Board requests or queries. Replies to any special requests or queries made by the board of building standards, within thirty calendar days of receipt;

(4) Revised contracts or agreements. Copies of revised contracts or agreements, within thirty calendar days after the department creates or changes a

contractual relationship with another department or firm.

(5) Board assessment. Each political subdivision that prescribes fees pursuant to division (E) of section 3781.102 of the Revised Code shall also collect on behalf of the board of building standards an assessment equal to three per cent of those fees imposed for approvals, the acceptance and approval of plans and specifications, and for performing inspections.

(a) Assessment report. The building official shall report on the prescribed form and remit monthly by check, the amount of the assessments collected on behalf of the board not later than sixty days following the end of each month in which the assessments are collected. In the case of building departments that are certified as sub-departments, pursuant to paragraph (A)(2) of this rule, the building official of the building department exercising enforcement authority shall report and remit to the Board for all certified sub-building departments. Remittance in the form of checks shall be made payable to the "Treasurer, State of Ohio".

(G) Building department certification, revocation or suspension. In accordance with division (E) of section 3781.10 of the Revised Code, 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.

(1) Complaint process. Upon receipt of a written complaint against a certified building department that is substantiated by demonstrable evidence or upon the board's own motion:

(a) The board shall decide whether the information submitted warrants causing a formal investigation to be initiated or sending a notice of opportunity for hearing as outlined in paragraph (G)(1)(d) of this rule;

(b) If a formal investigation is warranted, the certified jurisdiction shall be notified that an investigation has been initiated by the board;

(c) Upon completion of the investigation, findings shall be reported to the board.

(d) The board may dismiss the complaint, table the matter for future action, or initiate action to suspend or revoke the certification. If the board issues an order to suspend or revoke the certification it shall:

(i) Notify the certified jurisdiction of the charges by certified mail, return receipt requested. The certified jurisdiction shall be informed that a hearing, if desired, must be requested within thirty days from the date of the mailing to request a hearing

before the board. The order shall inform the certified jurisdiction that it may be represented by counsel at the hearing. Failure by the certified jurisdiction to request a hearing within thirty days from the date of the mailing of the notification may cause the board, after a hearing, to uphold the order revoking or suspending certification;

(ii) Schedule a hearing to be held seven to fifteen days after receipt of the request. The board may continue or postpone the hearing upon application by the party or upon its own motion;

(iii) The board may appoint a hearing officer to conduct a hearing.

(iv) A hearing will be conducted during which parties and witnesses can be examined and offer testimony, in a manner that prevents unnecessary delay, and that ensures the development of a clear and adequate record.

(a) The hearing shall be conducted pursuant to the provisions of sections 3781.10, 3781.101, and 119.09 of the Revised Code;

(v) If a hearing officer has been appointed, then within thirty days after the hearing, the hearing officer shall submit a written report of the findings of fact and recommendations to the board for its consideration.

(e) Following the hearing, the party affected shall be sent a certified copy of the board's action and informed by certified mail, return receipt requested, that the jurisdiction may appeal the order within fifteen days to the court of common pleas in Franklin county pursuant to sections 3781.10, 3781.101, and 119.12 of the Revised Code.

(2) Building department certification, hearings and appeals. Hearings shall be held by the board of building standards and appeals shall be permitted on any proceedings for certification as provided in section 119.07 of the Revised Code and in paragraphs (G)(1)(a) to (G)(1)(e) of this rule.

(3) Revocation or suspension. In the event of suspension or revocation of a building department certification, the jurisdiction shall, within fifteen days of being notified of such suspension or revocation, surrender to the secretary of the board of building standards the certificate previously issued under paragraph (D)(1)(a) of this rule. The department, upon suspension or revocation, shall no longer hold out to the public that it is authorized to issue certificates of plan approval for the construction, repair, alteration of buildings or classes of buildings specified in section 3781.06 of the Revised Code or for performing inspections for which it has been suspended or certification revoked.

(a) Outstanding plans review, approvals, inspections, or orders. In the event of the suspension or revocation of a building department certification, the enforcement duties shall be transferred to the division of industrial compliance or to the certified building department as approved by the board.

(4) Probationary status. In the event of an investigation in which the board decides not to immediately suspend or revoke a building department's certification, as outlined in paragraph (G) of this rule, the board may place the department on probationary status for a period of time and require remedial action as the board deems appropriate. During this time the department shall comply with the training, reporting, auditing, or other remedial action required by the board. The board is authorized to revoke or suspend the department's certification for failure to comply with such remedial requirements pursuant to paragraph (G) of this rule.

(H) Special building department requirements.

(1) Changes in jurisdictional authority. The department shall submit an application to have its existing building department certification modified. The application shall also include a transition plan identifying all outstanding projects that have received a certificate of plans approval but have yet to be issued a certificate of occupancy. The transition plan shall indicate how and by whom code enforcement duties for those projects will be continued and completed and how paid and pending fees will be assessed and/or shared to prevent duplicative fees and/or enforcement duties.

(2) Surrender of department certification. The political subdivision shall submit a written notification to the board declaring its intention to surrender its existing building department certification. The notification shall also include a transition plan identifying all outstanding projects that have received a certificate of plans approval but have yet to be issued a certificate of occupancy. The transition plan shall indicate how and by whom code enforcement duties for those projects will be continued and completed and how paid and pending fees will be assessed and/or shared to prevent duplicative fees and/or enforcement duties. All documents, reports, and project files will be transferred to the jurisdiction that will assume enforcement authority.

(a) Township certification when a county is or becomes certified. A township may not submit an application pursuant to this rule to exercise enforcement authority, to accept and approve construction documents, and to make inspections that is located in a county that is already certified. If a township is certified and the county subsequently is certified by the board, the township's certification is preempted by the

county one year after the county certification is effective or at an earlier date as the board of township trustees approves. Townships and counties certified by the board as of the effective date of this rule are not affected by this section.

- (3) Structures with shared jurisdictional authority. When a department receives an application for plan approval for a structure or portion of a structure which, when built, would involve shared jurisdictional authority, the building official shall immediately notify the owner that the structure involves shared jurisdictional authority and the process, determined below, that will be used in approvals and inspections for the project and shall:
- (a) Determine which other political subdivision(s) has jurisdiction for a portion of the structure;
 - (b) Determine the name and contact information for the building official for any other political subdivision(s) which has jurisdiction for a portion of the structure;
 - (c) Determine, with the advice of legal counsel, and after discussion with the building official(s) of the other political subdivision(s) identified above, how and by whom code enforcement duties for the project shall be completed;
 - (d) Determine how, when, and which enforcement records shall be provided to the various parties;
 - (e) Determine how paid and pending fees will be assessed and/or shared to prevent duplicative fees and/or enforcement duties; and
 - (f) Establish by whom, when, and to whom the certificate of occupancy shall be issued and distributed.

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CERTIFIED ELECTRONICALLY

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4/1/03, 7/1/03, 8/15/03, 1/1/04, 7/1/04, 3/1/05, 9/6/05,
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4101:7-3-01

Building department personnel certification.

The department shall have personnel qualified to execute the duties required to enforce the rules of the board. Only those certified individuals employed by, or under contract with, a particular political subdivision are authorized to exercise enforcement authority within that same jurisdiction.

Exception: Inspectors performing industrialized unit inspections on behalf of the board of building standards.

(A) Non-residential building department personnel certification classifications. The certifications issued by the board of building standards are as follows:

(1) Building official.

(2) Master plans examiner.

(a) Master plans examiner trainee.

(b) Electrical plans examiner.

(c) Plumbing plans examiner.

(3) Building inspector.

(a) Building inspector trainee.

(4) Fire protection inspector.

(5) Mechanical inspector.

(a) Mechanical inspector trainee.

(6) Electrical safety inspector.

(a) Electrical safety inspector trainee.

(7) Non-residential industrialized unit inspector.

(8) Plumbing inspector.

(a) Plumbing inspector trainee.

(9) Medical gas piping inspector.

(B) Multiple personnel certifications held. A person may hold more than one certification.

(C) Conflict of interest. No certified employee or person who contracts for services

within the jurisdictional area of a department shall perform services for the department which would require that person or employee to exercise authority or make an evaluation of any work furnished by him or by a private contractor that employs him on a full-time, part-time, or incidental basis. Further, such employee or person shall not engage in conduct that is prohibited or considered a conflict of interest pursuant to Chapter 102. of the Revised Code.

(D) Seals. No holder of a certification issued by the board of building standards is authorized to secure a seal in any form or of any type for use in the performance of any of their duties.

(E) Experience requirements of the applicant.

(1) Only experience directly related to buildings or structures within the scope of groups regulated by the "OBC" shall be acceptable for any certification.

(a) Enforcement, inspection, or plans examination experience performed in compliance with any of the following shall also be acceptable for certification:

(i) Prior to 1984, for a building department certified by the board of building standards to exercise enforcement authority for buildings or structures within the scope of groups regulated by the rules of the board; or

(ii) For an agency or jurisdiction outside the state of Ohio enforcing a model building code of a national model code organization or a code adopted for non-residential buildings or structures within the scope of groups regulated by the rules of the board; or

(iii) An employee of a certified non-residential building department who is a holder of a board certification other than that for which application is being made; or

Exceptions:

(a) Certified non-residential building department employees who are applicants for plumbing inspector certification and do not comply with paragraph (E)(9) of this rule shall enter the plumbing inspector trainee program.

(b) Certified non-residential building department employees who are applicants for electrical safety inspector certification and do not comply with paragraph (E)(10) of this rule shall enter the electrical safety inspector trainee program.

(iv) Certification by the department of commerce, division of industrial

compliance, as a plumbing inspector when application is made for board certification as a plumbing inspector; or

(b) In evaluating experience of an applicant, the board of building standards shall not credit experience gained while acting in violation of rules adopted by the board to establish equivalent experience. The board of building standards may credit experience which provides knowledge of different construction methods, processes, or types as it determines applicable, but shall not credit construction experience that does not provide required knowledge including, but not limited to, the installation of floor and wall coverings, the installation of roofing materials or roofing systems, or the finishing of concrete.

(c) For a building, mechanical, or plumbing inspector applicant, one year of the required experience may be obtained through education credit pursuant to paragraph (G)(7) of this rule.

(2) Building official. An applicant for a building official certification shall meet one of the following requirements:

(a) At least five years experience in non-residential building design and construction for buildings or structures within the scope of groups regulated by the rules of the board or experience as specified in paragraph (E)(1) of this rule and an Ohio registration as an architect or professional engineer; or

(b) At least ten years experience as a construction contractor or superintendent of building construction for buildings or structures dealing with all phases and trades of construction including the responsibility for obtaining approvals and inspections within the scope of groups regulated by the rules of the board or experience as specified in paragraph (E)(1) of this rule.

(3) Master plans examiner. An applicant for a master plans examiner certification shall meet one of the following requirements:

(a) At least five years experience in building design and construction for buildings or structures within the scope of groups regulated by the rules of the board or experience in plan review, as specified in paragraph (E)(1) of this rule, and an Ohio registration as an architect or professional engineer; or

(b) Successful completion of a trainee program pursuant to paragraph (G)(6) of this rule.

(4) Electrical plans examiner. An applicant for an electrical plans examiner certification shall meet the following requirement:

- (a) At least five years experience as a full-time electrical safety inspector in a certified building department.
- (5) Plumbing plans examiner. An applicant for a plumbing plans examiner certification shall meet one of the following requirements:
- (a) At least five years experience as a full-time plumbing inspector in a certified building department; or
- (b) At least five years experience as a plumbing inspector, certified pursuant to Chapter 3783. of the Revised Code, employed full-time by either the Ohio department of commerce, division of industrial compliance, or by a county board of health.
- (6) Building inspector. An applicant for a building inspector certification shall meet one of the following requirements:
- (a) At least three years experience as a construction contractor or supervisor for non-residential buildings or structures within the scope of groups regulated by the rules of the board; or
- (b) At least three years experience as a skilled tradesman for work subject to inspection under a model building code of a national model code organization or a code adopted for non-residential buildings or structures within the scope of groups regulated by the rules of the board, or experience as specified in paragraph (E)(1) of this rule; or equivalent experience that provided knowledge as determined by the board of building standards. The experience must provide knowledge of different construction methods, processes and types; or
- (c) Successful completion of a trainee program pursuant to paragraph (G)(6) of this rule.
- (7) Fire protection inspector. An applicant for fire protection inspector certification shall meet one of the following requirements:
- (a) At least three years experience in the installation of fire protection systems (automatic sprinkler systems, alternative automatic fire-extinguishing systems, standpipe systems, fire alarm and detection systems and fire pump systems) subject to inspection under a model building code of a national model code organization or a code adopted for non-residential buildings or structures within the scope of groups regulated by the rules of the board; or
- (b) At least three years experience as specified in paragraph (E)(1) of this rule or as a certified fire safety inspector (a maximum of two years

experience as a certified automatic sprinkler system designer may be substituted for two of the three years of inspection experience).

(8) Mechanical inspector. An applicant for a mechanical inspector certification shall meet one of the following requirements:

(a) At least three years as a skilled heating, ventilating, and air conditioning (“HVAC”) system and associated refrigeration, fuel gas, and heating piping tradesman for work subject to inspection under a model building code of a national model code organization or a code adopted for non-residential buildings or structures within the scope of groups regulated by the rules of the board or experience as specified in paragraph (E)(1) of this rule; or

(b) Successful completion of a trainee program pursuant to paragraph (G)(6) of this rule.

(9) Plumbing inspector. An applicant for a plumbing inspector certification shall meet one of the following requirements:

(a) At least seven years experience in the installation of plumbing, subject to inspection under either a model building code of a national model code organization or a code adopted for non-residential buildings or structures and within the scope of groups regulated by the rules of the board or experience as specified in paragraph (E)(1) of this rule; or

(b) A degree in engineering or architecture and three years experience in plumbing system design; or

(c) Successful completion of a trainee program pursuant to paragraph (G)(6) of this rule.

(10) Electrical safety inspector. An applicant for an electrical safety inspector “(ESI)” certification shall meet one of the following requirements:

(a) Journeyman electrician or equivalent for four years, two years as an electrician foreman, and two years experience as a building department “ESI” trainee;

(b) Journeyman electrician or equivalent for four years and three years experience as a building department “ESI” trainee;

(c) Four years experience as a building department “ESI” trainee;

(d) Journeyman electrician or equivalent for six years; or

(e) An electrical engineer registered in the state of Ohio;

(11) Non-residential industrialized unit inspector. An applicant for a non-residential industrialized unit inspector certification shall meet one of the following requirements:

(a) At least three years experience as a construction contractor or supervisor for non-residential buildings or structures within the scope of groups regulated by the rules of the board, or

(b) At least three years experience as a skilled tradesman for work subject to inspection under a model building code of a national model code organization or a code adopted for non-residential buildings or structures within the scope of groups regulated by the rules of the board, or experience as specified in paragraph (E)(1) of this rule; or equivalent experience that provided knowledge as determined by the board of building standards. The experience must provide knowledge of different construction methods, processes and types; or

(c) At least three years experience as a skilled tradesman for work subject to inspection under a residential dwelling code, three years experience as specified in paragraph (E)(1) of this rule; or equivalent experience that provided knowledge as determined by the board of building standards. The experience must provide knowledge of different construction methods, processes and types.

(12) Medical gas piping inspector. An applicant for a medical gas piping inspector certification shall provide evidence verifying that the applicant has been certified by an “American Society of Sanitary Engineering (ASSE)” recognized third party certifier in accordance with “ASSE” standard 6020.

(F) Certification procedure.

(1) To qualify for certification, applicants meeting the appropriate experience requirements of paragraph (E) of this rule shall:

(a) Be granted an interim certification which shall expire two-years from the date of approval.

Exception: Those individuals seeking certification as electrical safety inspectors shall show evidence of passing board approved examinations before being issued an interim certification.

(i) During the two-year interim certification period, the certification holder may perform enforcement duties appropriate to the interim certification received, under contract or as an employee of a certified building department. Upon expiration of the two-year interim certification, the individual is no longer permitted to

perform these enforcement duties unless an extension is granted for good reason pursuant to this section.

(ii) Any individual whose two-year interim certification has expired may not reapply for certification for one year after the interim certification has expired but the individual may apply to enter the trainee program as required in paragraph (G)(6) of this rule.

(b) Complete the “Ohio Building Code Academy” requirements during the two-year interim certification granted by the board.

Exceptions: Those individuals certified as medical gas piping inspectors pursuant to paragraph (E)(12) of this rule, individuals certified as non-residential industrialized unit inspectors, or individuals certified as plumbing inspectors pursuant to Chapter 3783. of the Revised Code with five years experience as full-time employees of the division of industrial compliance in the Ohio department of commerce or of county boards of health.

(c) Furnish the board approved certification or evidence of passing board approved examinations for the appropriate certification category issued by a national model code organization or a testing agency or entity recognized by the board.

(i) If the applicant has completed the “Ohio Building Code Academy” requirements and the interim certification has expired prior to completing all of the examination requirements, the board may consider certification of the individual if the applicant presents evidence of having completed the outstanding examination(s) required within the year following the expiration of the interim certification.

(2) Interim certification extension. The board may grant a one-time, limited extension of the interim certification period upon submission of a request indicating the reason for the request and an explanation of why the requirements have not been met within the two-year interim certification period.

(3) Required examinations. Individuals, other than those seeking certification as electrical safety inspectors, are not required to have an application on file with the board before they can begin testing. Examinations, other than those for electrical safety inspectors, may be completed before application is made for certification by the board.

(G) Personnel certification application, filing and processing. Applications for certification shall be sent to the office of the board at least two weeks prior to a certification hearing. The application shall expire if not approved within one year of

receipt by the board. Applications for certification as an electrical safety inspector shall be submitted at least two weeks prior to a meeting of the electrical safety inspector advisory committee.

Each applicant shall also submit, with the application, evidence sufficient to show the board that the applicant is qualified. Such evidence may include proof of the statements made in the application, documentary evidence, affidavits, transcripts, diplomas, published data, photographs, or legible reproductions of the same, or any other documentation.

(1) Certification process. Upon receipt of a completed application, the board of building standard's certification committee shall review the application and make a recommendation to the board of building standards.

Exception: Upon receipt of a completed application for certification as an electrical safety inspector, the electrical safety inspector advisory committee shall review the application and make a recommendation to the board of building standards.

The committees may ask for additional information to be submitted by the applicant prior to making a recommendation to the board. If a committee requests additional information from the applicant, failure to submit the requested information within ninety days from the date of the request may be cause for disapproval of the application by the board. After receiving a recommendation from a committee, the board shall hold a certification hearing to take action on the application. The applicant may be present at the certification hearing to respond to any questions from the board and all interested persons appearing at such certification hearing may be given an opportunity to comment.

(a) Certification, approval or denial. Following the certification hearing, the board may approve, table pending further review and/or receipt of additional documentation, deny the application for certification, or take such other action as the board deems appropriate. If the board requests additional information, failure to submit the requested information within ninety days from the date of the request shall be cause for disapproval of the application by the board.

If the application is denied, in whole or in part, by the board of building standards, the applicant shall be notified in writing of such denial, the reason for the denial, and their rights of appeal pursuant to sections 3781.10, 3781.101, and Chapter 119. of the Revised Code.

(b) Records. The board shall retain, as a part of applications which have been approved, any or all documents submitted or electronic versions of such documents, which shall be properly marked for identification and

ownership.

(c) Board action. All applications shall be considered individually by the board and the action taken shall be recorded in the minutes, noted on the application form, and the applicant notified as required.

(2) Issuance of certificate and renewal. An appropriate certificate shall be issued to the applicant upon meeting of the qualification requirements of this rule, and payment of an initial fee of thirty dollars. The certificate shall state the certification classification being approved, expiration date, and limitations, if any, under which it has been issued.

The same fee shall apply to applicants granted interim approval and the term of the certification, if subsequently issued, shall begin on the date of interim approval.

(a) Renewal. The certificate holder shall renew at three-year intervals.

(b) Applications for renewal. Applications for renewal of a certification shall be submitted to the board of building standards at least thirty days prior to the expiration date. In addition to a completed application form prescribed by the board, applicants for renewal of certification shall submit a certification renewal fee of thirty dollars and evidence of having attended board-sponsored required continuing education courses or their board-approved equivalents and, other than Medical Gas Piping Inspectors, successfully completed thirty hours of approved educational courses prior to the expiration of the current certification.

Exception: Applications for renewal of medical gas piping inspector certifications shall include evidence verifying that the applicant's certification by an "ASSE" recognized third party certifier, in accordance with "ASSE" standard 6020, has been renewed.

(c) Failure to renew. Any individual whose certification has expired through failure to renew may obtain a renewal within one year from the date of its expiration provided the holder has met all requirements for renewal, including payment of the renewal fee. All applications for renewal of expired certifications shall be processed as renewals during the one year period following expiration. All applications for renewal of expired certification submitted more than one year following the expiration shall be processed as a new application. In addition, if a holder of an expired certification that submits an application for renewal more than one year following the expiration shall also be required to satisfy the continuing education requirements prior to recertification. The holder of a certification that has expired shall not perform any duties for which a certification is required.

- (3) Continuing education. Holders of board certifications shall attend mandatory continuing education courses and, other than medical gas piping inspectors who maintain their certification in accordance with ASSE standard 6020, complete at least thirty hours of board approved continuing education in their respective classification prior to the expiration date of the certification.
- (a) Applications for approval. Applications for continuing education course approval shall be on forms prescribed by the board and submitted at least seven (7) days prior to the meeting of the board's education committee or the electrical safety inspectors advisory committee for continuing education courses for electrical safety inspectors. (A meeting schedule is available on the board of building standards' web page at <http://www.com.ohio.gov/dico/BBS.aspx>.)
- (b) Application review. Upon receipt of a complete application for course approval, the board of building standards education committee shall review the application and make a recommendation to the board. Following receipt of the committee's recommendation, the board may approve, table pending further review and/or receipt of additional documentation, deny the application for course approval, or take such other action as the board deems appropriate.
- (i) Course approval. Continuing education course approvals will expire on December thirty-first of each year. Approved courses will be issued a course approval number with the prefix "BBSyyyy" based on the calendar year of the current code cycle. The instructor or sponsor of any course(s) intended to be taught in a subsequent year, upon or near the expiration date of a current approval, shall resubmit an application for each course requesting an update. If approved, the instructor or sponsor shall receive a new approval and approval number for each course for the subsequent year. Any application for a course update shall be processed administratively as long as the course content has not changed.
- (c) Course credit. Board approved courses shall establish hour equivalencies for continuing education credit for each of the classifications requested. Course credit shall only be given for training in the respective classification. Courses approved for more than one certification classification may be applied to each certification for which training is required. No credit shall be approved for duplicate courses within the same certification period. Instructors of board approved courses may apply course hours taught toward their own board certification continuing education requirements except for duplicate courses within the same certification period.

- (d) Approved course sponsor requirements. The following are requirements that apply to all approved continuing education courses:
- (i) Date(s), time(s), and location(s) the course will be taught shall be provided to the board prior to the course presentation;
 - (ii) If course content is modified, the course must be resubmitted for course approval;
 - (iii) When promoting an approved course, the instructor shall make full and accurate disclosure regarding course title, course approval number, number of contact hours, certifications for which approval has been given, and all fees to be charged;
 - (iv) Course sponsors shall provide participants with a certificate of completion containing the name of the participant, title of approved course, BBS approval number, date and location of session, number of contact hours awarded, certification types for which course is approved, and signature of authorized sponsor or instructor;
 - (v) The sponsors of an approved continuing education course shall provide the board with a legible copy of a list of participants who completed the course including: course name, date, and location of the session;
 - (vi) Participants must attend the complete course(s) as presented by the instructor to receive the contact hours approved by the board. No partial credit shall be given to any participant failing to complete the entire course as approved. The sponsor shall verify the participant's attendance and completion of the course; and,
 - (vii) The board does not provide retroactive approval for continuing education courses presented prior to submission of an application for approval.
- (e) Failure to complete. Failure to complete the number of hours required shall result in forfeiture of the certification. It shall be the responsibility of the certificate holder to furnish the board with proof of completion of all board approved courses for which credit is sought.
- (4) Personnel certification, revocation or suspension. In accordance with division (E) of section 3781.10 of the Revised Code, a personnel certification may be revoked or suspended 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 pursuant

to this section.

(a) Complaint process. Upon receipt of a written complaint against a holder of a board certification that is substantiated by demonstrable evidence or upon the board's own motion:

(i) The board shall decide whether the information submitted warrants causing an investigation to be initiated or sending a notice of opportunity for hearing as outlined in paragraph (G)(4)(a)(iv) of this rule;

(ii) If a formal investigation is warranted, the subject of the investigation shall be notified that an investigation has been initiated by the board;

(iii) Upon completion of the investigation, findings shall be reported to the board.

(iv) The board may dismiss the complaint, table the matter for future action, or initiate action to suspend or revoke the certification. If the board issues an order to suspend or revoke the certification it shall:

(a) Notify the certificate holder of the charges, pursuant to paragraph (G)(4)(b) of this rule, by certified mail, return receipt requested. The certificate holder shall be informed that a hearing, if desired, must be requested within thirty days from the date of the mailing to request a hearing before the board. The order shall inform the certificate holder that counsel may represent the certificate holder at the hearing. Failure by the certification holder to request a hearing within thirty days from the date of the mailing of the notification may cause the board, after a hearing, to uphold an order revoking or suspending certification;

(b) Schedule a hearing to be held seven to fifteen days after receipt of the request. The board may continue or postpone the hearing upon application by the party or upon its own motion;

(c) The board may appoint a hearing officer to conduct a hearing.

(d) A hearing will be conducted during which parties and witnesses can be examined and offer testimony, in a manner that prevents unnecessary delay, and that ensures the development of a clear and adequate record.

- (i) The hearing shall be conducted pursuant to the provisions of sections 3781.10, 3781.101, and 119.09 of the Revised Code.
- (e) If a hearing officer has been appointed, then within thirty days after the hearing, the hearing officer shall submit a written report of the findings of fact and recommendations to the board for its consideration.
- (v) Following the hearing, the party affected shall be sent a certified copy of the board's action and informed by certified mail, return receipt requested, that the certification holder may appeal the order within fifteen days to the court of common pleas in Franklin county pursuant to sections 3781.10, 3781.101, and 119.12 of the Revised Code.
- (b) Building department personnel certification, hearings and appeals. Hearings shall be held by the board of building standards and appeals shall be permitted on any proceedings for certification as provided in section 119.07 of the Revised Code and in paragraph (G)(4)(a) of this rule.
- (c) Grounds for revocation or suspension. The board, upon its own motion or upon receipt of a written complaint from any person affected by the enforcement of the board's rules, the approval of plans and specifications, or the making of inspections, shall investigate the actions of the holder of a certificate if there is an allegation implying one or more of the following:

 - (i) The practice of fraud or deceit in obtaining the certificate;
 - (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.
- (d) 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 holds the board certification which has been suspended or certification revoked.

(e) Probationary status. In the event of an investigation in which 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 as the board deems appropriate. During this time 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.

(5) Elective Temporary Suspension. Certifications may be placed in elective temporary suspension upon written request to and approval by the board. Except for emergency circumstances, requests shall be in writing at least sixty days prior to the certification expiration date and supported by satisfactory evidence that the holder is withdrawing from active employment for which the certification is required.

(a) Restoring certification. Certifications placed in elective temporary suspension for a period of time not to exceed one three-year term following the expiration date may be restored to active status by the board upon written request. The request shall be supported by satisfactory evidence that the holder has completed thirty hours of continuing education for that certification and any board-sponsored mandatory training required, or their board-approved equivalents, during the time the certification was in suspension prior to the date of reinstatement. Payment of the thirty-dollar renewal fee shall accompany the request.

(b) Failure to restore certification. Certifications placed in elective temporary suspension for a period of time exceeding one three-year term following the original certification expiration date may be restored to active status by the board upon written request supported by evidence of passing of the appropriate examinations prescribed by the board, completion of the "Ohio Building Code Academy," and payment of the thirty-dollar renewal fee.

(6) Trainee program requirements. Individuals seeking certification as a trainee shall meet the requirements of this section.

(a) Trainee applicants. Trainees shall meet the following requirements:

(i) A trainee applicant shall be a full time employee of a political subdivision.

(ii) A trainee applicant shall be under the direct supervision of a trainee

supervisor.

(iii) A master plan examiner trainee applicant shall also be a graduate of an "NAAB," "EAC-ABET," or similarly accredited architecture or engineering university program.

(iv) A building inspector or mechanical inspector trainee applicant shall also have at least one year experience as a skilled tradesman for work subject to inspection under either a model building code of a national model code organization or a code adopted for buildings or structures and within the scope of groups regulated by the rules of the board or shall submit evidence of eligibility for education credit pursuant to section paragraph (G)(7) of this rule.

(v) A plumbing inspector trainee applicant shall have at least three years experience in the installation of plumbing subject to inspection under either a model building code of a national model code organization or a code adopted for buildings or structures and within the scope of groups regulated by the rules of the board, or comply with the provisions of paragraph (E)(1) of this rule. Applicants may submit evidence of eligibility for education credit pursuant to paragraph (G)(7) of this rule.

(vi) An electrical safety inspector trainee shall have two years experience in the installation of electrical systems subject to inspection under either a model building code of a national model code organization or a code adopted for buildings or structures and within the scope of groups regulated by the rules of the board or shall submit evidence of eligibility for education credit pursuant to paragraph (G)(7) of this rule.

(b) Trainee supervisors. A trainee supervisor shall:

(i) Be a full time employee of the same political subdivision as the trainee and shall be available to the trainee during normal working hours;

(ii) Currently possess the certification for which the trainee is being trained;

(iii) Be responsible for no more than two trainees at one time and shall immediately notify the board of the trainee(s) under supervision;

(iv) Notify the board of any change in supervisor or trainee status within thirty days;

(v) Supervise, check, and sign the trainee's inspections and reports or a

plans examiner trainee's plans examinations; and

(vi) Provide to the board a report documenting at least twenty-five inspections or plans examinations made yearly by the trainee under the direct supervision of the trainee supervisor, with an evaluation of the trainee at the end of the first six months of the program, at the end of one year, and annually afterward.

Exception: The trainee supervisor of a trainee engaged in making electrical inspections shall supervise and check the trainee's work and be responsible for and sign off on all of the trainee's inspections, reports, and interpretations.

(c) Trainee sponsor requirements. The trainee sponsor (county, township, or municipal corporation) shall:

(i) Direct the building official to certify to the board that the trainee is a full time employee of the county, township, or municipal corporation and is under the direct supervision of an individual possessing the certification for which the trainee is being trained; and

(ii) Provide the trainee with a copy of the current rules of the board.

(d) Trainee certification. The board shall issue a trainee certification to each applicant who has met the qualification requirements. The certification shall expire four years from the date of applicant approval by the board. After a minimum of two years and upon satisfactory completion of the trainee program pursuant to paragraph (G)(6)(e) of this rule, the trainee may apply for certification in the respective classification. The trainee certification is not renewable and upon expiration the individual may not reapply as a new trainee for a period of one year.

(e) Trainee course and work requirements. A building, mechanical, or plumbing inspector trainee shall attend and successfully complete two hundred hours of approved courses. During the first year the trainee shall complete at least one hundred hours of course work, including completion of the "Ohio Building Code Academy" as required in paragraph (F) of this rule, and complete the second one hundred hours prior to completion of the trainee program. The trainee shall perform at least twenty-five inspections annually while in the trainee program under the direct supervision of the trainee supervisor. The trainee shall also complete the appropriate examination requirements in paragraph (F)(1)(c) of this rule prior to the completion of the trainee program.

Exception: An electrical safety inspector trainee shall attend and successfully complete two approved thirty-hour courses and related

tests covering the fundamentals of electricity and the “National Electrical Code.” During the first year, the trainee shall attend one of the two courses and pass the related test. The second course and test shall be successfully completed prior to the examination for a certification.

A master plans examiner trainee shall perform at least twenty-five plans examinations yearly under the direct supervision of the trainee supervisor, complete at least ten hours of approved continuing building code education courses yearly, and become registered in Ohio as an architect or professional engineer prior to the completion of the trainee program. The trainee shall also complete the appropriate examination requirements in paragraph (F)(1)(c) of this rule prior to the completion of the trainee program.

(7) Education credit. An applicant for a building, mechanical, plumbing inspector, or trainee certification may obtain credit for one year of the required experience through education, if one of the following is met:

(a) The applicant shall document nine hundred or more contact hours of training in an Ohio department of education approved vocational education program at the high school or adult level; or

(b) The applicant shall document the completion of a baccalaureate degree or an associate degree program in building design or construction.

An applicant for electrical safety inspector trainee may obtain credit for one year of the required experience through approved vocational training in the fundamentals of electricity.

(i) Documentation. Supporting documentation may include a certificate of completion, a career passport, a transcript, a college degree or diploma granted by an accredited or state sponsored institution.

(ii) Educational programs. Education credit shall not be prorated or combined for partial or full credit and shall be awarded only upon successful completion of a specific educational program. Miscellaneous course work or isolated classes shall not be considered. Vocational instructional programs that are acceptable for credit include:

(a) Air conditioning, heating, and ventilation.

(b) Carpentry.

(c) Electricity.

(d) Masonry.

(e) Plumbing and pipefitting.

(f) Fire fighting.

(iii) Other programs. The successful completion of other specific vocational instructional programs of a minimum of nine hundred contact hours may be considered by the board if the training is directly related to the design and construction of buildings or structures within the scope of groups regulated by the rules of the board.

(iv) Associate degrees. Technical education instructional programs offering associate degrees include:

(a) Architectural/construction technology.

(b) Heating and air conditioning technology.

(c) Fire science technology.

(d) The successful completion of other specific technical education instructional programs offering degrees may be considered by the board if the training is directly related to the design and construction of buildings or structures within the scope of groups regulated by the rules of the board.

Replaces: 4101:1-1-01, 4101:2-93-01, 4101:2-93-02,
4101:2-93-03, 4101:2-93-04, 4101:2-93-05,
4101:2-93-06, 4101:2-93-07, 4101:2-93-08,
4101:2-93-09, 4101:2-93-10, 4101:2-93-11,
4101:2-93-12, 4101:2-93-13

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 1/1/83, 1/1/84, 3/1/84, 3/5/84, 3/1/85, 7/1/85, 12/1/85,
 3/1/86, 9/1/86, 2/1/87, 7/1/87, 1/1/88, 10/1/88, 1/1/89,
 6/1/89, 1/1/90, 8/1/90, 10/1/90, 5/15/91, 7/1/91,
 8/22/91, 7/15/92, 9/1/92, 1/1/93, 7/5/93, 1/1/94,
 9/1/94, 5/15/95, 7/1/95, 2/1/96, 2/2/96, 1/1/97, 7/1/97,
 1/1/98, 3/1/98, 4/1/99, 10/1/99, 4/1/00, 7/15/00,
 12/1/00, 4/1/01, 1/1/02, 7/1/02, 1/1/03, 4/1/03, 7/1/03,
 8/15/03, 1/1/04, 7/1/04, 3/1/05, 9/6/05, 3/1/06, 7/1/06,
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4101:7-4-01**Local boards of building appeals certification.**

Before hearing and deciding the adjudication hearings referred to in section 109 of rule 4101:1-1-01 of the Administrative Code, local board of building appeals shall be certified by the board of building standards in accordance with this rule.

The list of certified local boards of building appeals shall be made available upon request and shall be posted on the board's website at <http://www.com.ohio.gov/dico/BBS.aspx>.

(A) Application for certification, local board of building appeals. Certification, direct or by contractual agreement, shall be upon application to and on a form prescribed by the board of building standards. Upon receipt of an application, the board of building standard's certification committee shall review the application and make a recommendation to the board of building standards. The committee may ask for additional information to be submitted by the applicant prior to making a recommendation to the board. If the committee requests additional information from the applicant, failure to submit the requested information within ninety days from the date of the request may be cause for disapproval of the application by the board. After receiving a recommendation from the committee, a certification hearing on the application shall be conducted by the board of building standards. An authorized representative of the municipality or county seeking certification may be required to attend to give testimony to respond to any questions from the board. The board shall give all interested persons appearing at such certification hearing an opportunity to be heard. All persons desiring to be heard at the certification hearing shall first be duly sworn or affirmed and a record of the proceeding shall be made by the board.

The application shall be submitted, at least two weeks prior to a certification hearing, as an original and six copies with the following information:

(1) A copy of the charter provision, ordinance or resolution establishing the local board of building appeals and providing for the appointments in accordance with paragraph (C) of this rule;

Note: Certified building departments applying for contractual agreement with a certified board of another political subdivision shall submit a copy of the ordinance or resolution from each party authorizing the contract along with a copy of the contract.

(2) The name and resume of each member, including the date of appointment, term of office, professional qualifications and experience necessary for membership.

(B) Local board of building appeals certification, public hearing. Upon receipt of a complete application, a public hearing on the application shall be conducted by the board of building standards. An authorized representative of the municipality, township, or county seeking certification may be present at the public hearing to

give testimony or respond to any questions from the board. The board shall give all interested persons appearing at such public hearing an opportunity to be heard and explain their positions. A record of the proceeding shall be made by the board.

(1) Local board of building appeals certification, approval or denial. If the application is denied in whole or in part by the board of building standards, the appropriate official in municipalities, board of township trustees in townships, or the board of county commissioners in counties requesting certification shall be notified in writing of such denial and the reason therefore and to their rights of appeal pursuant to sections 3781.10, 3781.101, and Chapter 119. of the Revised Code. The board of building standards upon review of the application shall certify a local board of building appeals if:

(a) The applicant political subdivision has a building department certified pursuant to division (E) of section 3781.10 of the Revised Code and that certification is not by contract with another political subdivision;

(b) The board is established pursuant to municipal charter, ordinance or resolution; and

(c) The board membership meets the requirements of paragraph (C) of this rule.

(2) The board of building standards upon review of the application shall certify a local board of building appeals per contract with another certified board if:

(a) Both political subdivisions have authorized the contractual arrangement by ordinance or resolution and the contract properly executed reflects that arrangement; and

(b) The political subdivision applying for the contract has a building department certified pursuant to section 3781.10 of the Revised Code.

Exception: Building departments certified by contract with the county building department in accordance with section 3781.10 of the Revised Code shall have the same board of appeals as that county.

(C) Composition and terms, local boards of building appeals. The certified municipal and county boards of building appeals shall consist of five members who are qualified as follows:

(1) One attorney, admitted to the Ohio bar;

(2) One architect, registered in Ohio;

(3) One structural engineer, registered in Ohio;

(4) One mechanical engineer, registered in Ohio;

Note: each of these four members shall have recognized ability, broad training and experience in problems and practice incidental to the construction and equipment of buildings and structures.

(5) One member representing organized labor, knowledgeable in the construction and equipment of buildings and structures.

Exception: Municipal boards may have more than five members and need not have an attorney member if the municipal charter so provided prior to October 13, 1983.

(D) Appointment. Members shall be appointed for five year terms except that original appointments shall be for terms of one, two, three, four and five years.

(E) Term. A member shall hold office from date of appointment until the end of the appointed term; however, the member shall continue in office following the term expiration date until a successor takes office or until sixty days have elapsed, whichever occurs first.

(F) Vacancies. Any member appointed to fill a vacancy occurring before the expiration of a term shall hold office for the remainder of that term.

(G) Reporting. Vacancies and new appointments shall be reported to the board of building standards within thirty days. Notification of new appointments shall include resumes, date of appointment, term of office, qualifications and experience necessary for membership. An annual report shall be submitted to the board of building standards to provide the information required on the form provided by the board of building standards.

(H) Local board of building appeals certification, revocation. In accordance with division (E) of section 3781.20 of the Revised Code, a certification may be revoked 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.

(1) Complaint process. When a written complaint against a local board of building appeals has been received by the board, investigated, and found justified:

(a) The board shall decide whether the information submitted warrants causing an investigation to be initiated or sending a notice of opportunity for hearing as outlined in paragraph (H)(1)(d) of this rule;

(b) If a formal investigation is warranted, the subject of the investigation shall be notified that an investigation has been initiated by the board;

- (c) Upon completion of the investigation, findings shall be reported to the board.
- (d) The board may dismiss the complaint, table the matter for future action, or initiate action to revoke the certification. If the board issues an order to revoke the certification it shall:
- (i) Notify the jurisdiction of the charges by certified mail, return receipt requested. The jurisdiction shall be informed that a hearing, if desired, must be requested within thirty days from the date of the mailing to request a hearing before the board. The order shall inform the jurisdiction that counsel may represent the certificate holder at the hearing. Failure by the jurisdiction to request a hearing within thirty days from the date of the mailing of the notification may cause the board, after a hearing, to uphold an order revoking certification;
 - (ii) Schedule a hearing to be held seven to fifteen days after receipt of the request, unless another date is mutually agreed upon by both parties. The board may continue or postpone the hearing upon application by the party or upon its own motion;
 - (iii) The board may appoint a hearing officer to conduct a hearing.
 - (iv) A hearing will be conducted during which parties and witnesses can be examined and offer testimony, in a manner that prevents unnecessary delay, and that ensures the development of a clear and adequate record.
 - (a) The hearing shall be conducted pursuant to the provisions of sections 3781.10, 3781.101, and 119.09 of the Revised Code;
 - (v) If a hearing officer has been appointed, then within thirty days after the hearing, the hearing officer shall submit a written report of the findings of fact and recommendations to the board for its consideration.
- (e) Following the hearing, the board may dismiss the complaint or, when substantiated by the evidence, revoke the certification. When an order is upheld to revoke the certification, the jurisdiction affected shall be sent a certified copy of the board's action and informed by certified mail, return receipt requested, that the jurisdiction may appeal the order within fifteen days to the court of common pleas in Franklin county pursuant to sections 3781.10, 3781.101, and 119.12 of the Revised Code.

- (2) Local board of building appeals certification, hearings and appeals. Hearings shall be held by the board of building standards and appeals shall be permitted on any proceedings for certification as provided in section 119.07 of the Revised Code and in paragraphs (H)(1)(a) to (H)(1)(e) of this rule.
- (3) Grounds for revocation. The board of building standards on its own motion or upon receipt of a written complaint from any person affected by the local board of building appeals shall cause to be conducted such investigation to determine whether there is an allegation implying one or more of the following:
- (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.
- (4) Revocation. In the event of the revocation of a certification, the jurisdiction shall no longer hold out to the public or any jurisdiction that the jurisdiction is certified to hear and decide the adjudication hearings referred to in section 110 of rule 4101:1-1-01 of the Administrative Code within the jurisdiction or holds the board certification which has been revoked.

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4101:7-5-01

Fire protection system designer certification.

Pursuant to section 3781.105 of the Revised Code, this rule prescribes the requirements for the board certification of fire protection system designers.

(A) Types of designers. An individual may apply for and obtain certification for any or all of the following types of fire protection system designer certifications defined in rule 4101:7-1-02 of the Administrative Code:

- (1) Water-based fire protection system designer (formerly automatic sprinkler system designer).
- (2) Fire alarm system designer.
- (3) Special hazards suppression system designer.

(B) Certification application. To apply for board certification as a fire protection system designer, each applicant shall submit the following to the board office:

- (1) The completed board-prescribed application form. One application form may be used per applicant to request multiple certification types. However, each individual applicant requesting a certification or multiple certification(s) must submit a separate application to the board.
- (2) Evidence of holding a current “Level III” or “Level IV” certification from the “National Institute for Certification in Engineering Technologies (NICET)” for each of the fire protection system designer certification type(s) for which an applicant seeks board certification.
- (3) A non-refundable application fee of one-hundred dollars for each designer certification type requested.

(C) Review of application. Upon receipt of the required documentation from the applicant, board staff shall review and verify the applicant’s qualifications for certification as a fire protection system designer and provide a recommendation to the board.

(1) Board approval. If the applicant has met the qualifications for certification, a fire protection system designer certification number for each applicant shall be assigned and a certification identification card shall be issued by the board. The card shall list all of the fire protection system designer certification types held and the expiration date of each certification. The certification shall expire one year from the date of approval.

(a) Seals. No holder of a certification issue by the board of building standards is authorized to secure a seal in any form or of any type for use in the performance of any of their duties.

- (2) Denial of certification. If the applicant has not met the qualifications for certification, the board may deny the requested certification. If an applicant is denied certification, the applicant shall be notified in writing of such denial and the reason therefore and to their rights of appeal pursuant to Chapter 119. of the Revised Code.
- (D) Renewal of certification. It shall be the responsibility of the certification holder to renew their certification annually. To renew a fire protection system designer certification, a certification holder shall submit the following to the board office prior to the expiration date of the current certification:
- (1) The completed board-prescribed renewal application form. Forms shall, in addition to other data, require the applicant's current business address and telephone number.
 - (2) Evidence of holding a current "Level III" or "Level IV" certification from the "National Institute for Certification in Engineering Technologies (NICET)" for each of the fire protection system designer certification type(s) for which renewal is requested. This evidence is not required for those individuals who were originally board certified as "Automatic Sprinkler System Designers" and who have continuously maintained their certification status with the board.
 - (3) An annual renewal fee of one hundred dollars for each type of fire protection designer certification renewal requested.
- (E) Grace period. Any holder of a certification which has expired through failure to renew may obtain a renewal of the certification within one year from the date of its expiration provided a renewal application is submitted and accompanied by the renewal fee as required in paragraph (D)(3) of this rule.
- (F) Expiration of Certification. The holder of a certification which has expired shall not perform any duties for which a certification is required.
- (G) Fire protection system designer certification, revocation or suspension of certificate. In accordance with division (E) of section 3781.105 of the Revised Code, a fire protection system designer certification may be revoked or suspended upon receipt by the board of building standards of a written complaint from any person affected by the actions of that designer, or by the board on its own motion pursuant to this section.
- (1) Complaint process. Upon receipt of a written complaint against a holder of a board certification that is substantiated by demonstrable evidence or upon the board's own motion:
 - (a) The board shall decide whether the information submitted warrants

causing an investigation to be initiated or sending a notice of opportunity for hearing as outlined in item (G)(1)(d) of this rule;

(b) If a formal investigation is warranted, the subject of the investigation shall be notified that an investigation has been initiated by the board;

(c) Upon completion of the investigation, findings shall be reported to the board.

(d) The board may dismiss the complaint, table the matter for future action, or initiate action to suspend or revoke the certification. If the board issues an order to suspend or revoke the certification it shall:

(i) Notify the certification holder of the charges, pursuant to paragraph (G)(1)(b) of this rule, by certified mail, return receipt requested. The fire protection system designer certification holder shall be informed that a hearing, if desired, must be requested within thirty days from the date of the mailing to request a hearing before the board. The order shall inform the certification holder that counsel may represent the certification holder at the hearing. Failure by the certification holder to request a hearing within thirty days from the date of the mailing of the notification may cause the board, after a hearing, to uphold an order revoking or suspending certification;

(ii) Schedule a hearing to be held seven to fifteen days after receipt of the request. The board may continue or postpone the hearing upon application by the party or upon its own motion;

(iii) The board may appoint a hearing officer to conduct a hearing.

(iv) A hearing will be conducted during which parties and witnesses can be examined and offer testimony, in a manner that prevents unnecessary delay, and that ensures the development of a clear and adequate record.

(v) The hearing shall be conducted pursuant to the provisions of sections 3781.101 and 119.09 of the Revised Code.

(vi) If a hearing officer has been appointed, then, within thirty days after the hearing, the hearing officer shall submit a written report of the findings of fact and recommendations to the board for its consideration.

(e) Following the hearing, the party affected shall be sent a certified copy of the board's action and informed by certified mail, return receipt requested, that the certification holder may appeal the order within

fifteen days to the court of common pleas in Franklin county pursuant to sections 3781.101 and 119.12 of the Revised Code.

- (2) Fire protection system designer certification, hearings and appeals. Hearings shall be held by the board of building standards and appeals shall be permitted on any proceedings as provided in section 119.07 of the Revised Code and in accordance with paragraph (G)(1) of this rule.
- (3) Grounds for revocation or suspension. The board, upon its own motion or upon receipt of a written complaint shall investigate the actions of the holder of a certification if there is an allegation implying one or more of the following:

 - (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.
- (4) Notification after revocation or suspension. The board, following the issuance of an order revoking or suspending certification of an individual as a fire protection system designer, shall notify the “National Institute for Certification in Engineering Technologies (NICET)” of the revocation or suspension order.

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