

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Greg Wooldridge, Old Dominion University (ODU)
Appeal No. 18-17

DECISION OF THE REVIEW BOARD

Procedural Background

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

Case History

In September of 2018, a representative of the State Fire Marshal's Office (SFMO) conducted inspections at Old Dominion University (ODU) Powhatan I Apartments and ODU Powhatan II Apartments located at 4701 (Units A-N) and 4601 (units AA – NN) Powhatan Avenue respectively, in the City of Norfolk. ODU Powhatan I & II Apartments are used to house students of ODU.

On September 12, 2018, the SFMO issued Notices of Violation to ODU concerning the 2012 Virginia Statewide Fire Prevention Code (SFPC) Section 102.7 (Inspections for USBC requirements) concerning retrofitting requirements for smoke alarms in sleeping rooms and Section 907.2.11 (Single and multiple station smoke alarms) concerning smoke alarms in the common areas of the suites in excess of 10 years old and needing to be installed in accordance

with the manufacturer's recommendation. Greg Wooldridge (Wooldridge), representative for ODU, filed an appeal to the Review Board on September 21, 2018.

Review Board staff developed a staff summary of the appeal, distributed it, along with a copy of all documents submitted, to all the parties and scheduled an appeal hearing before the Review Board. The hearing before the Review Board was held on March 15, 2019. Appearing at the Review Board hearing for SMFO were Brian McGraw, Billy Hux and Catherina F. Hutchins, legal counsel for the SFMO from the Office of the Attorney General (OAG). Greg Wooldridge and Jared Hoernig appeared at the hearing for ODU.

Findings of the Review Board

- A. Whether to overturn or uphold the decision of the State Fire Marshal that a violation of the SFPC Section 102.7 (Inspections for USBC requirements) exists in each apartment of ODU Powhatan I & II Apartments.
- B. Whether to overturn or uphold the decision of the SFMO that a violation of SFPC Section 907.2.11 (Single and multiple station smoke alarms) exists in each apartment of ODU Powhatan I & II Apartments.

Wooldridge argued that ODU had a choice whether to install the smoke alarms in the suite common area, or each individual bedroom. The SFMO argued the smoke alarms must be installed in each individual bedroom. The SFMO further argued that the question should have been posed to the Virginia Department of General Services, Division of Engineering and Buildings (VDGS, DEB), Building Official for state owned buildings, prior to Wooldridge filing the appeal to the Review Board. Wooldridge concurred. The parties agreed to have the matter referred to VDGS, DEB for review and determination of compliance.

The Review Board agrees with the SFMO and Wooldridge that the decision of the SFMO should be referred to VDGS, DEB, who is the Building Official for ODU, for review and

determination as to whether the smoke alarms currently installed are in compliance with the retrofit provisions of the 2012 Virginia Rehabilitation Code Section 1701.2.

Final Order

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the decision of the SFMO that a violation of SFPC Section 102.7 (Inspections for USBC requirements) and that a violation of SFPC Section 907.2.11 (Single and multiple station smoke alarms) to be, and hereby is, referred to the VDGS, DEB.



Chairman, State Building Code Technical Review Board

Date entered: M a y 17, 2019

Certification

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with W. Travis Luter, Sr., Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.