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**State Board of Examiners of Plumbing, Heating  
& Fire Sprinkler Contractors  
Raleigh, N.C.**

December 4, 2009

George Wagner  
Executive Director  
American Fire Sprinkler Association  
Virginia Chapter  
4558 Sandy Valley Rd.  
Mechanicsville, VA 23111

RE: Subcontracting of Fire Sprinkler Inspections from Unlicensed Persons

Dear Mr. Wagner:

In a recent meeting, you raised questions on behalf of fire sprinkler inspection contractors as to the propriety of contracting fire sprinkler inspection work from persons other than the owner of the property. After review and discussions, I am writing this letter to express the consensus of the Board.

We understand the situation which is the basis of the inquiry is that some property management firms or maintenance contractors are purporting to contract with property owners to arrange for annual fire sprinkler inspections with the expectation that the work would be subcontracted to a properly licensed fire sprinkler inspection contractor.

It has been the Board's position, which is supported by North Carolina General Statute, that the only person who can contract Fire Sprinkler Inspections shall be a person who holds a North Carolina Fire Sprinkler Inspection Contractor license. This provides the licensee with the opportunity to communicate directly with the building owner and eliminates any third-party involvement which may lead to miscommunication or improper performance of the contract.

Article II, Chapter 87 provides that no person can contract fire sprinkler inspection work who does not hold a license as a fire sprinkler inspection contractor. Unless the person who contracts the inspection work with the property owner holds license as a fire sprinkler inspection contractor, the act is illegal

and violates Article 2, Chapter 87 unless there is some applicable exemption. There are very few exemptions. Persons who contract the work without license are subject to criminal prosecution and to be enjoined by the Court.

In the typical situation involving an NFPA 25 fire sprinkler inspection, there is no other plumbing, mechanical, electrical or general construction work going on. As a consequence, the limited exceptions for the contracting of work in another trade by a licensed general electrical, mechanical or plumbing contractor would not apply. Accordingly, it would not be proper for any of the following to contract fire sprinkler inspections with the owner:

Plumbing contractors, mechanical contractors, elevator contractors, electrical contractors, fire extinguisher contractors, fire sprinkler installation contractors, fire suppression contractors, fire alarm contractors, general contractors, maintenance companies.

There is a further duty applicable to the fire sprinkler inspection contractor. Just as all other licensees of the Board, a licensed fire sprinkler inspection contractor may not subcontract from an unlicensed contractor, for to do so is aiding and abetting illegal contracting by unlicensed persons, be they maintenance companies or otherwise.

The Board will, however, draw a distinction for licensed property managers. These firms are licensed by the Real Estate Commission, to provide property management of properties on behalf of the owner. Typically, such firms handle the leasing of property, rent collection, repairs and maintenance all as the agent or alter ego of the owner. The Board does not authorize the property management firm to carry out the maintenance work, but rather to act in the stead of the owner with authority to solicit and contract individuals to perform tasks which require license.

The staff of the Board will continue to apply discretion and common sense to any complaints regarding contracts made prior to this date, but will expect that ignorance or confusion will not be an excuse in the future.

Please advise if you have further questions.

Sincerely,



Dale L. Dawson  
Executive Director

cc: Jeffery Dunn – Carolina Chapter of AFSA  
Joe Collins– Viking Fire Protection

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