

N.C.P.I.—Crim 259.90

MEMBER OF A [COUNTY] [CITY] INSPECTION DEPARTMENT WHO WILLFULLY [FAILS TO PERFORM DUTIES] [IMPROPERLY [ISSUES PERMIT] [GIVES CERTIFICATE OF COMPLIANCE WITHOUT FIRST MAKING THE REQUIRED INSPECTIONS BY LAW] [IMPROPERLY GIVES A CERTIFICATE OF COMPLIANCE]. MISDEMEANOR.

JUNE 2016

N.C. Gen. Stat. §§ 153A-356; 160A-416

259.90 MEMBER OF A [COUNTY] [CITY] INSPECTION DEPARTMENT WHO WILLFULLY [FAILS TO PERFORM DUTIES] [IMPROPERLY [ISSUES PERMIT] [GIVES CERTIFICATE OF COMPLIANCE WITHOUT FIRST MAKING THE REQUIRED INSPECTIONS BY LAW] [IMPROPERLY GIVES A CERTIFICATE OF COMPLIANCE]. MISDEMEANOR.

NOTE WELL: A member of the inspection department shall not be in violation of this section when the city or county, its inspection department, or one of the inspectors accepted a signed written document of compliance with the North Carolina State Building Code or the North Carolina Residential Code for One- and Two-Family Dwellings from a licensed architect or licensed engineer in accordance with N.C. Gen. Stat. §§ 160A-412(c);153A-352(c).

The defendant has been charged with being a member¹ of a [county] [city] inspection department who willfully [failed to perform duties required of employee by law] [improperly issued a permit] [gave a certificate of compliance without first making the required inspections] [improperly gave a certificate of compliance].

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that defendant is a member of [name county] [name city] inspection department.

Second, that defendant [failed to perform duties required of employee by law] [improperly issued a permit] [gave a certificate of compliance without first making the required inspections] [improperly gave a certificate of compliance].

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And Third, that the defendant did so willfully².

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant, as a member of [county] [state] inspection department, willfully [failed to perform duties required of employee by law] [improperly issued a permit] [gave a certificate of compliance without first making the required inspections] [improperly gave a certificate of compliance], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1 A person is considered a "member" if that person is an employee of a county or city inspection department.

2 "The word 'willfully' means something more than an intention to commit the offense. It implies committing the offense purposely and designedly in violation of law." See State v. Stephenson, 218 N.C. 258, 264, 10 S.E.2d 819, 823 (1940).