

EXECUTIVE SUMMARY

Florida Building Code Administrators and Inspectors Board

I. General Information

Meeting Type: Application Committee, Examination and Continuing Education Committee, Legislation Committee, Executive Committee, General Business Meeting, and Joint Meeting with the Board of Architecture and Interior Design

Meeting Date: Tuesday, February 15, 2011, through Friday, February 18, 2011

Meeting Location: Hampton Inn and Suites
19 South Second Street
Fernandina Beach, Florida 32034

Attendees:

Bob McCormick, Chair
Richard Gathright, Vice Chair
Art Barthlow
Dennis Carpenter
Gerry Demers
Fred Dudley
Bob Kymalainen
Nick Sasso

John Ehrig, Chair, Board of Architecture and Interior Design (BOAID)
E. Wendell Hall, Vice Chair, BOAID
Warren Emo, BOAID
J. Emory Johnson, BOAID
Joyce Shore, BOAID
Aida G. Bao-Garciga, BOAID
Wanda Gozda, BOAID
Johnstone N. Reid, Jr., BOAID

John Burke, Chair, Florida Board of Professional Engineers

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Tony Spivey, Executive Director, DBPR
Elise Rice, Government Analyst, DBPR
Terri, McEwen, Government Analyst, DBPR
Tim Dennis, Assistant Attorney General, Office of the Attorney General (OAG)
Mary Ellen Clark, Assistant Attorney General, OAG
Libby Henderson, Assistant General Counsel, Office of the General Counsel, DBPR
Doug Brown, International Interior Design Association
Stephen A. Gaydosh, Jr., Florida Engineering Society
Doug Harvey, Building Officials Association of Florida (BOAF)
David K. Minacci, Prosecuting Attorney for BOAID

Mary Helena Allen, Investigator for BOAID
Robert von Kampen, International Code Council (ICC)
Joe Rebuck, Gold Coast Schools
Trent Manausa
Loretta McDonald, Court Reporter
Other Interested Parties

II. Major Issues/Actions

- The board excused Mr. Orlando Lamas' absence from the meeting.
- The Application Review Committee approved 48 applications for licensure and denied 35 licensure applications. The board approved the ratification list included in the agenda. Mr. Nick Sasso read a list of all licensure applications denied by the Application Review Committee. The board approved the action of the Application Review Committee.
- The board conducted informal hearings for licensure matters, approved ten previously denied applications, and upheld the denial of two previously denied applications.
- The board approved 19 continuing education courses and denied five continuing education courses.
- Regarding DOAH case number 10.6676PL, Mr. Richard Noles being the Respondent in this matter, the board accepted the department's Exceptions filed in this matter and also accepted the Recommended Order submitted by the Administrative Law Judge, which dismissed the disciplinary case filed against Mr. Noles.
- Regarding DOAH case number 10.2883PL, Mr. Morris Tesh being the Respondent in this matter, the board accepted the Recommended Order submitted by the Administrative Law Judge, which dismissed the disciplinary case filed against Mr. Tesh.
- In case number 2010.031089 against Mr. Jeremy Hopland, the board agreed to the following disciplinary action: impose costs of \$188.98 and a fine of \$100.
- Ms. Libby Henderson, Assistant General Counsel, reported that as of February 16, 2011, there were 11 public building code cases and 11 private building code cases in the Office of the General Counsel.
- The board discussed how disciplinary cases are charged, whether it is unlicensed activity or when a licensee operates outside the scope of their license issued by the Building Code Administrators and inspectors Board. The board agreed that further research was necessary from Ms. Henderson and Mr. Tim Dennis, Assistant Attorney General. Further discussion on this issue will take place at the April meeting.
- The board discussed recordkeeping requirements for building departments. They asked that Mr. Dennis research what authority the board has to impose recordkeeping requirements on licensees and report his findings at the April meeting.
- The board asked that future agendas include the most recent copies of Executive Summaries from meetings of the Board of Architecture and Interior Design, the Construction Industry Licensing Board, the Electrical Contractors' Licensing Board, and the Board of Professional Engineers.

- Chair McCormick suggested that the Executive Committee be eliminated, and he made the following committee assignments:
 - Application Review Committee: Richard Gathright, Chair; Bob Kymalainen, and Bob McCormick
 - Probable Cause Panel: Bob McCormick, Chair; Fred Dudley, and Richard Gathright
 - Rules and Legislative Committee: Nick Sasso, Chair; Fred Dudley, and Gerry Demers
 - Examination and Continuing Education Committee: Orlando Lamas, Chair; Art Barthlow, Gerry Demers; and Dennis Carpenter
- Mr. Dennis will research whether or not the board has the authority to add language to all disciplinary final orders calling for the suspension of a license for failure to pay a fine and/or costs within a time certain. He will report his findings at the next meeting.
- Mr. Sasso asked that for any Building Code Administrators and Inspectors Board matters before the Division of Administrative Hearings or any District Court of Appeal, the board be informed of the dates/times of scheduled formal hearings or oral arguments.
- Mr. Dennis informed the board that all rules workshops scheduled in conjunction with the board meeting were cancelled in a spirit of cooperation with the Governor's Executive Order 11.01.
- Ms. Robyn Barineau, Executive Director, informed the board that if a licensee does not provide payment of a fine and costs in accordance with a final order, a new complaint is opened for further action,
- As previously requested by the board, Ms. Barineau pointed out the differences between department forms 4253 and 4256.
- Ms. Barineau informed the board that an application ratification list was emailed to all board members on or about January 15, 2011, for their review. Of the four names included on the list, two were pulled for review by the committee at the February meeting.
- Ms. Barineau provided the board with tentative future meeting dates as follows:
 - April 6-8, 2011 – Tampa
 - June 8-10, 2011 – Orlando
 - August 10-12, 2011 – Panama City
 - October 26-28, 2011 – Ocala
 - December 7-9, 2011 - Orlando
- Dr. Robert von Kampen, International Code Council, provided the department with the most recent pass/fail statistics for the technical examinations, which were included in the board agenda. He gave a brief overview of the exam statistics.
- At a joint meeting of the Board of Architecture and Interior Design and the Building Code Administrators and Inspectors Board, representatives from the Building Officials Association of Florida (BOAF) and the Florida Engineering Society presented and discussed a draft document entitled, "A Building Official's Guide to the Professional Practice of Architects and Engineers in Florida." Mr. Doug Harvey, Executive Director of BOAF, indicated that a task force was created to develop a guideline for use by building departments. He added that this document was merely a guide and did not substitute for any profession's laws and rules. Mr. Harvey indicated that the spirit of the document was to diminish potential problems. Participants were grateful for the opportunity to have a public, open discussion with other professional boards, noting that this was a historic event. Mr. Harvey indicated

that he would take suggested comments/revisions to the BOAF Board of Directors and provide an updated version at a later date. No action was taken by either board.

III. Legislation/Rule Promulgations

- There was no legislation or rule promulgation.

IV. Action Required

- Mr. Dennis will prepare final orders and notices of intent to deny and forward them to board staff for filing with the Agency Clerk.
- The board will again discuss how disciplinary cases are charged, whether it is unlicensed activity or when a licensee operates outside the scope of their license issued by the Building Code Administrators and inspectors Board. The board asked that this topic be researched further by Ms. Henderson and Mr. Dennis and placed on the April agenda.
- The board discussed recordkeeping requirements for building departments. They asked that Mr. Dennis research what authority the board has to impose recordkeeping requirements on licensees and report his findings at the April meeting.
- The board asked that future agendas include the most recent copies of Executive Summaries from the Board of Architecture and Interior Design, the Construction Industry Licensing Board, the Electrical Contractors' Licensing Board, and the Board of Professional Engineers.
- Mr. Dennis will research whether or not the board has the authority to add language to all disciplinary final orders calling for the suspension of a license for failure to pay a fine and/or costs within a time certain. He will report his findings at the next meeting.
- Mr. Dennis will inform the board of dates/times of formal hearings or oral arguments before the Division of Administrative Hearings or a District Court of Appeal relating to BCAIB matters.

Robyn Barineau
Executive Director
February 21, 2011