

EXECUTIVE SUMMARY
Florida Building Code Administrators and Inspectors Board

I. General Information

Meeting Type: Application Review Committee, Examination and Continuing Education Committee, Legislation and Rules Committee, Probable Cause Panel, and General Business Meeting
Meeting Date: Wednesday, June 5, 2013, through Friday, June 7, 2013
Meeting Location: Floridays Resort
12562 International Drive
Orlando, Florida

Attendees:
Bob McCormick, Chair
Richard Gathright, Vice Chair
Art Barthlow
Tim Bolduc
Fred Dudley
Wayne Francis
Rick Holmes
Orlando Lamas

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Elise Rice, Government Analyst, DBPR
Clark Jennings, Assistant Attorney General, Office of the Attorney General (OAG)
Dustin Metz, Assistant General Counsel, Office of the General Counsel (OGC), DBPR
Linda Kalkhurst, Court Reporter
Michelle Porter, International Code Council (ICC)
Joe Rebeck, Gold Coast Schools of Construction
Sharon Mignardi, Cutstone Learning
Other Interested Parties

II. Major Issues/Actions

- The board excused the absence of Mr. Dennis Carpenter from the meeting.
- The Application Review Committee approved 65 applications for licensure and denied 20 licensure applications. Vice Chair Richard Gathright read a list of all licensure applications denied by the Application Review Committee. The board approved the actions of the Application Review Committee. The board also approved the Ratification List.
- In case number 2011.027871 against Mr. Gary Konicek, the board accepted the Settlement Stipulation which imposes the following disciplinary action: fine of \$500 and costs of \$575.53.
- In case number 2011.028068 against Mr. Robert Mahar, the board accepted the Settlement Stipulation which imposes the following disciplinary action: fine of \$3,000, costs of \$697.11, one year probation, and five additional hours of continuing education.

- In case number 2010.045819 against Mr. Frank Ross, the board accepted the Settlement Stipulation which imposes the following disciplinary action: all parties agreed to forego the pursuit of attorney's fees for the defense and prosecution of this case.
- In case number 2011.027895 against Mr. Michael Smithem, the board accepted the Settlement Stipulation which imposes the following disciplinary action: fine of \$500 and costs of \$918.23.
- In case number 2011.027877 against Mr. Bruce Yokola, the board rejected the Settlement Stipulation and suggested a counter-offer of a \$5,000 fine, costs of \$649.98, and a two year probation.
- The board conducted four informal hearings for previously denied continuing education courses. All four denials were overturned.
- The board conducted eight informal hearings for previously denied licensure applications. They overturned eight and upheld six previous denials.
- Mr. Dustin Metz, Assistant General Counsel, informed the board that as of June 4, 2013, there were six private Building Code Administrators and Inspectors Board cases in the Office of the General Counsel and 13 public Building Code Administrators and Inspectors Board cases in the Office of the General Counsel.
- The board approved ten continuing education courses and denied 14 continuing education courses.
- The board asked Ms. Robyn Barineau, Executive Director, to include a sample of a proposed outline for continuing education courses on the board's website and in the application materials for reference by continuing education providers.
- Mr. Fred Dudley provided the board with a list of bills of interest which passed during the 2013 legislative session. He also suggested that the members bring any suggested 2014 legislative changes to the meeting in August for discussion and submission to the Department.
- The board approved the proposed 2013-2014 Annual Regulatory Plan prepared by staff. The plan will be forwarded to the Department for submission to the Office of Fiscal Accountability and Regulatory Reform.
- Chair Bob McCormick made the following appointments to board committees:
 - Vice Chair Gathright will replace Chair McCormick on the Probable Cause Panel;
 - Mr. Wayne Francis will replace either Chair McCormick or Vice Chair Gathright on the Application Review Committee; and
 - Mr. Tim Bolduc will Chair the Examination and Continuing Education Committee.
- Ms. Barineau reported that two licenses have been issued by the Department through the hardship mechanism since the last meeting.
- Ms. Barineau reported that the Department and the Division of State Fire Marshal (DSFM) have completed the automation of the DSFM process for continuing education reciprocity. The new form launched on April 30, 2013.
- Ms. Barineau reported that the board's operating account balance as of March 31, 2013, was over \$3.913 million and the unlicensed activity account balance for the same period was over \$311K. She added that the Department projects that the board's account balances will maintain a positive cash position at least through June 30, 2018.
- Ms. Barineau indicated that the Bureau of Education and Testing researched the possibility of potential applicants taking the principles and practice examination prior to making application for licensure. This process will take some system and process modifications. The board agreed to pursue this initiative.
- Ms. Barineau added that she is attempting to change the June 2014 board meeting date and location to coincide with the 2014 annual conference of the Building Officials Association of Florida in Clearwater Beach so that the board can participate in a panel discussion. She will keep the board informed of her progress.

- Ms. Michelle Porter, International Code Council (ICC), informed the board that examination administration volume increased in May 2013. She provided the board with a copy of the revised score reports which will no longer be issued on security paper. The new reports will have a website at the bottom of each page to check the authenticity of the document.

III. Legislation/Rule Promulgations

- There was no legislation or rule promulgation at this meeting.

IV. Action Required

- Mr. Jennings will prepare final orders and notices of intent to deny and forward them to board staff for filing with the Agency Clerk.
- Ms. Barineau will have a copy of the sample detail outline included on the board's website for reference by continuing education providers. She will also attempt to include a copy of the outline in the continuing education provider and course application packages.
- The board will come prepared to discuss 2014 proposed legislative initiatives at the August meeting.
- Ms. Barineau will forward the approved 2013-2014 Annual Regulatory Plan to the Department for submission to the Office of Fiscal Accountability and Regulatory Reform.
- Ms. Barineau will work with the Bureau of Education and Testing on allowing potential applicants to take the principles and practice examination prior to submitting an application for licensure.
- Ms. Barineau will attempt to change the scheduled June 2014 board meeting to coincide with the 2014 annual conference of the Building Officials Association of Florida.

Robyn Barineau
Executive Director
June 11, 2013