

EXECUTIVE SUMMARY

Florida Building Code Administrators and Inspectors Board

I. General Information

Meeting Type: Probable Cause Panel, Application Committee, Examination and Continuing Education Committee, Legislation and Rules Committee, and General Business Meeting

Meeting Date: Wednesday, October 26, 2011, through Friday, October 28, 2011

Meeting Location: Hilton Ocala
3600 S.W. 36th Avenue
Ocala, Florida 34474

Attendees:
Bob McCormick, Chair
Richard Gathright, Vice Chair
Art Barthlow
Dennis Carpenter
Gerry Demers
Fred Dudley
Wayne Francis

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)
Libby Henderson, Assistant General Counsel, Office of the General Counsel (OGC), DBPR
LeChea Parson, Assistant General Counsel, OGC, DBPR
Doug Harvey, Building Officials Association of Florida (BOAF)
Joe Rebeck, Gold Coast Schools
Dona Fisher, Court Reporter
Sandie Sheppard, Court Reporter
Catherine J. Phillips, Court Reporter
Other Interested Parties

II. Major Issues/Actions

- The board excused Mr. Orlando Lamas' absence.
- Chair Bob McCormick welcomed Mr. Wayne Francis to the Building Code Administrators and Inspectors Board.
- The Application Review Committee approved 69 applications for licensure and denied 28 licensure applications. Vice Chair Richard Gathright read a list of all licensure applications denied by the Application Review Committee and any

limitations placed on approved provisional licenses. The board approved the actions of the Application Review Committee. The board also approved the four applications included on the October 2011 Ratification List.

- The board considered three motions for reconsideration. The provisional building code administrator and one and two family dwelling plans examiner applications were withdrawn by the applicant. The denial of the building code administrator application was overturned by the board.
- The board conducted informal hearings for licensure and continuing education matters, and the following actions were taken:
 - Seven previously denied applications were approved;
 - Two previously denied applications were upheld; and
 - Two previously denied applications were withdrawn.
- The board approved 15 continuing education courses.
- Regarding case number 2008.020480 against Mr. Mohammed Partovi, the board approved the voluntary relinquishment of Mr. Partovi's plans examiner license.
- The board approved the proposed Settlement Stipulation in case number 2011.000826 against Mr. Randall Moore. The terms of the Settlement Stipulation include imposition of a \$1,500 fine, \$262.95 costs, and six months probation.
- The board accepted the findings of fact and conclusions of law in case number 2010.031088 against Mr. Mark Severson. The following penalty was imposed: \$1,500 fine, \$371.70 costs, and one year probation.
- The board rejected the proposed Settlement Stipulation in case number 2011.004399 against Mr. Terry Summerell and proposed a counter Settlement Stipulation with the following terms: imposition of costs of \$239.20 and six months probation. Mr. Summerell accepted the counter Settlement Stipulation.
- The board accepted the findings of fact and conclusions of law in case number 2010.059676 against Mr. Robert Fought. The following penalty was imposed: \$1,500 fine, \$250.39 costs, and revocation of Mr. Fought's plans examiner license.
- Ms. Libby Henderson, Assistant General Counsel, reported that as of October 25, 2011, there were 18 public building code cases and 15 private building code cases in the Office of the General Counsel.
- Ms. Henderson introduced Ms. LeChea Parson as the board's new prosecutor and thanked them for the opportunity to have worked with them.
- The board previously discussed recordkeeping requirements for building departments. They asked Mr. Doug Harvey, Executive Director, Building Officials Association of Florida (BOAF), to work with former board member and expert witness, Mr. Rob Nagin, on the development of a survey relating to this issue and provide the results to the board. Mr. Harvey indicated that one survey was distributed to BOAF members, but there was not much response to the survey. He previously asked the board for an opportunity to expand the survey questions with the hope of larger participation on the second survey. The second survey was forwarded to 350 building code administrators and was also posted on the BOAF website. The survey results were included in the agenda. After discussion, the board asked Mr. Clark Jennings, Assistant Attorney General, to research whether or not minimum recordkeeping requirements are included in the Florida Building Code and report his findings to the board at their December meeting.
- Mr. Fred Dudley gave an overview of all legislation which is building code industry related that has been filed for consideration during the 2012 Legislative Session.

- Mr. Jennings indicated that the amendments to Rule 61G19-5.002, Florida Administrative Code – Disciplinary Guidelines, have been noticed and are moving through the rulemaking process.
- Chair McCormick mentioned that he participated in a telephone conference call in October with the Division of State Fire Marshal (DSFM) and several individuals from the Department of Business and Professional Regulation to address questions relating to the continuing education reciprocity process between the Building Code Administrators and Inspectors Board (BCAIB) and the DSFM. He indicated that the DSFM provided a 21 page list of their approved courses that did not include course detail. He asked, and the board agreed, to solicit the Florida Fire Marshals and Inspectors Association (FFMIA) and BOAF for four names each of individuals who are dually licensed by the DSFM and the BCAIB who could assist with indentifying DSFM and BCAIB courses which would be appropriate for reciprocity. After the names are provided, a telephone conference call will be scheduled to discuss the project. Chair McCormick will provide an update at the December meeting.
- Mr. Demers reworked the application form so that individuals applying for a provisional license should also apply for a standard license at the same time. Additional concerns were raised regarding individuals who had previously been approved for, but not yet obtained, a standard license, coming back for consideration of approval of a provisional license in the same category. Mr. Demers will amend the application form and bring his suggestions back to the board for consideration at the December meeting.
- Ms. Robyn Barineau, Executive Director, reported that as of June 30, 2011, the board's operating account balance was over \$1.3 million and the unlicensed activity account was over \$264,000. She added that the Department projects that the board will maintain a positive cash balance through at least June 30, 2016.
- Ms. Barineau provided the board with tentative future meeting dates as follows:
 - December 7-9, 2011 – Orlando
 - February 8-10, 2012 – Jacksonville
 - April 4-6, 2012 – Daytona Beach
 - June 5-7, 2012 – Orlando
 - August 29-31, 2012 – Panama City
 - October 17-19, 2012 – St. Augustine
 - December 5-7, 2012 – Orlando
- Mr. Bob McCormick and Mr. Richard Gathright were unanimously elected Chair and Vice Chair, respectively, of the BCAIB.

III. Legislation/Rule Promulgations

- There was no legislative or rule promulgation.

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.
- Mr. Jennings will research whether or not minimum recordkeeping requirements are included in the Florida Building Code and report his findings to the board at their December meeting.

- A conference call will be scheduled to discuss course recognition with the participants provided by the FFMIA and BOAF. Chair McCormick will provide the board with an update at the December meeting.
- Mr. Demers will work with staff on updating application forms and provide a draft for consideration at the December meeting.

Robyn Barineau
Executive Director
November 1, 2011