

MINUTES OF THE MEETING

BUILDING CODE ADMINISTRATORS AND INSPECTORS BOARD HILTON FT. LAUDERDALE BEACH RESORT 505 N. FT. LAUDERDALE BEACH BOULEVARD FT. LAUDERDALE, FL 33304 AUGUST 4 - 7, 2009

August 4, 2009 - 9:00 A.M.

APPLICATION REVIEW COMMITTEE

CALL TO ORDER

Mr. McCormick called the meeting to order at 9:00 a.m.

Members Present

Nick Sasso, Chair
Bob Kymalainen
Bob McCormick

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Tim Dennis, Board Counsel
Guy McCauley
Wayne Cameron

REVIEW OF APPLICATIONS

Guy McCauley – Building Code Administrator

Mr. McCauley was present at the meeting and discussed his application with the committee. Following discussion, the committee approved the application.

Wayne Cameron – Plumbing Plans Examiner and Provisional Plumbing Plans Examiner

Mr. Cameron was present at the meeting and discussed his applications with the committee. Following discussion, the committee approved the plumbing plans examiner application and denied the provisional plumbing plans examiner application.

At this time, the committee reviewed the applications for approval or denial.

Mr. Sasso read into the record the names, type of application, and the reason for denial into the record:

Adams, Steven M. – mechanical plans examiner – lack of experience; Allen, Michael Anthony – provisional building plans examiner – lack of experience; Anderson, Dewey Keith, Jr. – provisional mechanical inspector, mechanical plans examiner, mechanical inspector – lack of experience; Avalos, Adrian – roofing inspector – lack of roofing experience; Benninghoff, David Lee – plumbing inspector – lack of experience; Bures, Bret A. – mechanical inspector, plumbing

inspector – lack of experience; Cameron, Wayne – provisional building plans examiner – must be supervised by a licensed building code administrator; Cannon, Bruce Allan – electrical inspector, 1&2 family dwelling inspector – lack of experience; Christman, William C. – provisional 1&2 family dwelling inspector – lack of experience; Clements, Laura M. – provisional electrical inspector, provisional mechanical inspector – lack of experience; Cruz, John Harold – provisional plumbing inspector – lack of experience; Danielski, Scott J. – provisional building code administrator – not newly hired or promoted into the position; Dantos, Patricia V O - mechanical plans examiner, plumbing plans examiner – lack of experience; Erwin, Greg B. – 1&2 family dwelling inspector – does not comply with Rule 61G19-6.017; Glynn, Thomas Michael – building inspector – lack of experience; Goodman, Lorenzo, Sr. – building inspector – lack of experience; Grass, John David – plumbing inspector – lack of experience; Grebe, Charles Thomas – plumbing inspector – lack of experience; Greenberg, Daniel Adam – building inspector – lack of experience; Heberling, Dale Vernon – mechanical inspector, building inspector, plumbing inspector, 1&2 family dwelling inspector – lack of experience; Hites, Larry Joseph – coastal construction inspector – lack of experience; Holsombach, Matthew Scott – plumbing inspector – lack of experience; Joyner, Doyle E. – provisional building code administrator – not newly hired or promoted into the position; Kelly, Floyd Thomas – building code administrator – lack of experience; Kirker, Steven Eugene – provisional building code administrator – lack of experience and possible unlicensed activity; Kiusalaas, Timothy J. – building inspector – lack of experience; Lake, John Anton Martin – building plans examiner – lack of experience; LaPorte, Rene – building code administrator – lack of experience; Martiatius, Rolando – electrical inspector – lack of experience; Mitchell, Edward John, IV – provisional building plans examiner – not newly hired or promoted into the position; Raybon, Ronald Gerald – plumbing inspector – lack of experience; Samways, Glenn Edward – provisional mechanical inspector – lack of experience and not newly hired or promoted into the position; Sapuppo, Anthony David – plumbing inspector, plumbing plans examiner – lack of experience; Smith, Edward Francis – 1&2 family dwelling inspector – lack of experience; Steitz, John – building inspector – lack of experience; Suarez, Javier – building inspector – lack of experience; Taylor, Patrick Joseph, Sr. – provisional building code administrator – not newly hired or promoted into the position; Theodoropoulos, Costa – 1&2 family dwelling inspector – lack of experience; Torres, Oscar – 1&2 family dwelling inspector – lack of experience; Wallingford, Scott D., - building inspector – lack of affirmed experience.

RECESS

There being no further business to come before the committee, the meeting was recessed at 4:00.

August 5, 2009

APPLICATION REVIEW COMMITTEE

Call To Order, Pledge of Allegiance

Mr. Sasso, Chair of the committee, called the meeting to order at 9:00 a.m.

Members Present

Nick Sasso

Bob Kymalainen

Bob McCormick

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Tim Dennis, Board Counsel
Frederick Borling
Julio Duque

HEARINGS NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT (RESPONDENTS HAVE THE OPTION OF APPEARING ON AUGUST 5 BEFORE THE APPLICATION REVIEW COMMITTEE OR AUGUST 6 BEFORE THE FULL BOARD.)

Mr. Dennis made a statement informing the audience that a recommendation will be made to the full board regarding the outcome of the hearings today, and if they are not satisfied with the outcome today, they can appear before the full board on Thursday.

Frederick A. Borling – Building Inspector

Mr. Borling was present at the meeting and was sworn in by the court reporter. Additional information was presented at the meeting for the committee's review.

Following discussion, the following action was taken.

- MOTION: Mr. McCormick made a motion that the committee approve the application based on the additional information provided.
- SECOND: Mr. Kymalainen seconded the motion, and it passed with Mr. Sasso voting against the motion.

Philip S. Morretta – Provisional Plumbing Inspector

Mr. Morretta was present at the meeting and was sworn in by the court reporter. Additional information was provided at the meeting for the committee's review.

Following discussion, the following action was taken.

- MOTION: Mr. McCormick made a motion that the committee uphold the denial as previously stated.
- SECOND: Mr. Kymalainen seconded the motion, and it passed unanimously.

OLD BUSINESS

Mr. Sasso stated that he had requested that a copy of the application for Les Gatto's provisional mechanical plans examiner license be provided for review. He stated that at the last meeting he realized that there was no licensed building official for the city/county.

Mr. Dennis stated that that unless the facts prove that Mr. Gatto was not properly supervised, no action should be taken.

NEW BUSINESS

There was no new business to come before the committee at this time.

ADJOURNMENT

There being no further business to come before the committee, the meeting was adjourned at 9:50 a.m.

August 6, 2009 – 9:00 A.M.

CALL TO ORDER, PLEDGE OF ALLEGIANCE AND WELCOME

Chair McCormick called the meeting to order at 9:10 a.m., and welcomed new board members Mr. Gerry Demers and Mr. Orlando Lamas.

Members Present

Bob McCormick, Chair
Nick Sasso, Vice-Chair
Gerry Demers
Fred Dudley
Richard Gathright
Bob Kymalainen
Orlando Lamas

Members Not Present

Dennis Franklin

Others Present

Maureen Olson, Deputy Secretary of Professions and Regulation, Department of Business and Professional Regulation (DBPR)
April Skilling, Deputy General Counsel, DBPR
Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Tim Dennis, Board Counsel
Libby Duffy, Prosecuting Attorney
Doug Harvey, Building Officials Association of Florida
John Connelly
Ronald Morgan
Dennis Grim
Andres Villarreal
John Farinelli
Joe Rebuck
David Hodges
Rob von Kampen, International Code Council
Barbara Kaplan, Court Reporter

Deputy Secretary Olson thanked the board for the opportunity to meet with them. She discussed Secretary Drago's recent initiatives, On the Road to Better Business and Quality on the Line. Deputy Secretary Olson informed the board that the department reaches out to customers through the newsletters, and the BCAIB publishes two each year. She stated that newsletters were mailed out in the past, however, to save money, they are now only available on the web. She asked for the board's assistance in spreading the word about the web site and stated that there will be information provided in the renewal notices on this issue.

Deputy Secretary Olson thanked Vice-Chair Sasso for informing the department that the discipline page was not linked properly on the web site, which has been corrected. She informed the board that random calls were made to several licensees regarding the use of the web site, and the responses indicated that the web site is used frequently. Deputy Secretary Olson stated that letters were sent to over 350 building departments regarding the web site. She discussed the call center and the improvements that have been made.

Deputy Secretary Olson discussed the application processing time frames and stated that the only way the department can improve is if they hear from the public. She discussed the ezApply Streamlining Project and stated that every form is being reviewed. She asked for suggestions from the board to improve the process.

Mr. Dudley complimented the department on the reduction of time it takes to process an application. Vice-Chair Sasso suggested that the date an application is received by the department be visible on the portal and that the disciplinary actions should be included in the newsletters. He stated that the web site was hard to navigate and the color scheme made it even harder.

Deputy Secretary Olson thanked the members for their suggestions and commented that they are in the process of reviewing the web site. She informed the board that she reviews all of the web site e-mails that come into the department.

Chair McCormick commented that he did not find it difficult to obtain disciplinary information from the meeting minutes.

EMERGENCY SUSPENSION ORDER AND EMERGENCY RESTRICTION ORDER PRESENTATION – OFFICE OF THE GENERAL COUNSEL

Ms. Skilling thanked the board for the opportunity to meet with them. She informed the board that cases involving criminal activity must be sent to the State Attorney's Office for prosecution and that the department will be allowed to make recommendations when sentencing takes place. Ms. Skilling informed the board that effective October 1, 2009, all licensees must report to the department within 30 days of being found guilty or having plead nolo contendere to a crime. She stated that this information should be included in the newsletters and the web pages.

Ms. Skilling informed the board that when a board member files a complaint, they must be listed as the complainant in the case. They will also have to recuse themselves if the case came before the board. Chair McCormick inquired about a member of the application review committee putting a note on a file for investigation. Ms. Skilling responded that if it is sent through the office, it will be a department complaint. If an individual board member sees something then they are the complainant and everyone knows this. If a case comes before the board and a member cannot be fair then that is another issue. Mr. Dennis stated that if a member provides additional information or becomes aware of additional facts, in that instance, he would advise them to recuse themselves.

Ms. Skilling stated that if the board does a public records request for records they need to see and they vote for this, the material will be supplied free. However, if an individual member wants records, they will be charged because it is not for the board. Ms. Skilling informed the

board that that all requests for disciplinary information should be directed to the Executive Director who is their liaison with the department.

Ms. Skilling discussed the procedures for Emergency Restriction Orders and Emergency Suspension Orders.

RECOMMENDED ORDERS

Chair McCormick informed the board that he provided testimony on both of the recommended orders. Therefore, he would be recused, and he passed the gavel to Vice-Chair Sasso to handle the proceedings.

Mr. Dennis informed the board that Ms. Duffy would be the counsel to the board for the recommended orders.

Sprague Owings, DOAH Case No. 09-1335

Mr. Owings was not present at the meeting. Ms. Duffy outlined the procedures to be followed in this matter and presented the case. The members present for this matter were Vice-Chair Sasso, Mr. Kymalainen, Mr. Dudley, Mr. Demers, Mr. Gathright, and Mr. Lamas. All of the members stated that they had read the complete record in this matter.

Ms. Duffy stated that no exceptions had been filed in this matter. Mr. Dennis presented the facts in this matter and asked that the board accept the recommended order which denied the application for certification as a roofing inspector.

MOTION: Mr. Gathright made a motion that the board adopt the recommended order as presented in its entirety.

SECOND: Mr. Kymalainen seconded the motion, and it passed unanimously.

James Salvatore Pappalardo, DOAH Case No. 09-0526

Mr. Pappalardo was not present at the meeting. Ms. Duffy presented the case. The members present for this matter were Vice-Chair Sasso, Mr. Kymalainen, Mr. Dudley, Mr. Demers, Mr. Gathright, and Mr. Lamas. All of the members stated that they had read the complete the record in this matter.

Ms. Duffy stated that no exceptions had been filed in this matter. Mr. Dennis presented the facts in this case and stated that it was similar to the previous case. He stated that the respondent applied for provisional licenses, was denied, and requested a formal hearing. Mr. Dennis stated that the recommended order from the Administrative Law Judge upheld the board's initial determination.

MOTION: Mr. Dudley made a motion that the board adopt the recommended order as presented in its entirety.

SECOND: Mr. Gathright seconded the motion, and it passed unanimously.

Mr. Dudley stated that he was convinced that the five years of experience is the correct interpretation and was glad to see that the Administrative Law Judge agreed. Chair McCormick commented that this requirement is applied consistently with the application review process.

INFORMAL HEARINGS

Vice-Chair Sasso informed the board that he was recusing himself from the cases for Dennis Grim, Andres Villarreal, and Anthony Doggett. Mr. Dennis stated that Vice-Chair was being recused to avoid any appearance of impropriety.

Dennis Grim, DBPR Case No. 2008-025261

Mr. Grim was present at the meeting and was sworn in by the court reporter. Mr. Dudley was recused as he served on probable cause.

Ms. Duffy stated that this case was the result of a criminal conviction as the result of a building officials license. Ms. Duffy informed the board that the department asked for revocation of the building official license, a fine of \$4,500, and costs in the amount of \$326.31.

Following discussion, the following action was taken.

MOTION: Mr. Kymalainen made a motion that the board revoke the building official's license and impose costs in the amount of \$326.31.

SECOND: Mr. Demers seconded the motion, and it passed unanimously.

Mathew S. McDonald, DBPR Case No. 2008-061013

Chair McCormick stated that this case was continued to the next meeting.

Andres Villarreal, DBPR Case No. 2008-020415

Mr. Villarreal was present at the meeting and was sworn in by the court reporter. Mr. Dudley was recused as he served on the probable cause panel.

Ms. Duffy presented the facts which involved Mr. Villarreal having allegedly committed bribery. She stated that he was charged with filing false reports, and he goes to trial in September. Ms. Duffy informed the board that the penalty range was suspension with probation and a \$1,500 fine. She stated that if the board were to exceed the penalty range, they would have to provide specifics on the record. Ms. Duffy informed the board that the costs for this case were \$249.34.

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the board impose a thirty-day suspension of his licenses, \$1,500 fine, \$249.34 costs, probation for one-year, during which time he would have to attend a board meeting on Thursday, and an additional four hours of ethics continuing education.

SECOND: Motion died for lack of a second.

During discussion, Mr. Gathright commented that there was a problem since he had not been convicted of a crime. Ms. Duffy agreed that it would be easier to move forward if there had been a conviction.

Mr. Villarreal stated that since this is an on going case, he could not discuss this with the board at this time. Mr. Kymalainen asked, during discussion, if the case could be deferred until after the criminal court had taken action. Ms. Duffy responded that as long as the respondent

agreed, they could defer this matter. Chair McCormick expressed his concerns as he stated that the charges were serious.

MOTION: Mr. Gathright made a motion that the board delay taking any action on this case until after the criminal case has been resolved.

SECOND: Mr. Demers seconded the motion which passed with Chair McCormick voting against the motion.

Chair McCormick recognized Mr. Ronald Morgan who was present at the meeting to fulfill his requirements of a previous final order.

MOTION FOR WAIVER OF RIGHTS AND FINAL ORDER

Anthony Doggett, DBPR Case No. 2008-030304

Mr. Doggett was not present at the meeting. Mr. Dudley was recused as he served on the probable cause panel.

Ms. Duffy informed the board that the respondent has not responded to the administrative complaint.

MOTION: Mr. Gathright made a motion that the board find that the respondent waived his rights by virtue of not responding to the administrative complaint.

SECOND: Mr. Demers seconded the motion, and it passed unanimously.

Ms. Duffy informed the board that Mr. Doggett was arrested for bribery, plead guilty, and served his time. She stated that he was not using the license at this time. Ms. Duffy informed the board that the department recommended revocation of the provisional 1&2 family dwelling license, a fine in the amount of \$1,500, and costs in the amount of \$537.30.

MOTION: Mr. Gathright made a motion that the board adopt the Findings of Fact and Conclusions of Law as outlined in the Administrative Complaint.

SECOND: Mr. Demers seconded the motion, and it passed unanimously.

MOTION: Mr. Gathright made a motion that the board revoke the provisional 1&2 family dwelling inspector's license, impose an administrative fine in the amount of \$1,000 and costs in the amount of \$537.30.

SECOND: Mr. Lamas seconded the motion, and it passed unanimously.

Ernest E. Tanner, DBPR Case No. 2008-062266

Mr. Tanner was not present at the meeting. Ms. Duffy informed the board that Mr. Tanner has waived his rights by not responding.

MOTION: Mr. Gathright made a motion that the board find that the respondent waived his rights by virtue of not responding to the administrative complaint.

SECOND: Vice-Chair Sasso seconded the motion, and it passed unanimously.

Ms. Duffy informed the board that the respondent holds a limited building code administrator license and was acting as the building official. He had individuals performing inspections, and they were not properly licensed.

MOTION: Mr. Gathright made a motion that the board adopt the Findings of Fact and Conclusions of Law as outlined in the Administrative Complaint.

SECOND: Mr. Kymalainen seconded the motion, and it passed unanimously.

Following discussion, the following action was taken.

MOTION: Vice-Chair Sasso made a motion that the board revoke the building code administrator license, prohibit him from applying for any license under this board, impose an administrative fine in the amount of \$5,000, and pay costs in the amount of \$462.75. He stated this was due to his disregard for all of the rules, being a danger to the public, and the number of violations.

SECOND: Mr. Dudley seconded the motion and it passed unanimously.

PROSECUTING ATTORNEY REPORT – LIBBY DUFFY

Ms. Duffy reviewed the status of cases with the board. She informed the board that the department had two new experts.

Vice-Chair Sasso stated that he wanted to see the curriculum vitas for the two new experts. Ms. Duffy responded that she would provide the information to Ms. Barineau.

Vice-Chair Sasso commented that he appreciates the progression of the cases.

RECESS

There being no further business to come before the board at this time, the meeting was recessed at 2:40 p.m.

RULES AND LEGISLATION COMMITTEE

CALL TO ORDER

Mr. McCormick, Chair of the board, called the meeting to order at 2:40 p.m. He stated that all members would be participating.

Members Present

Richard Gathright
Bob Kymalainen
Gerry Demers
Fred Dudley
Orlando Lamas
Bob McCormick
Nick Sasso

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Tim Dennis, Board Counsel
Libby Duffy, Prosecuting Attorney
Doug Harvey, Building Officials Association of Florida
John Connelly

Ronald Morgan
John Farinelli
Joe Rebuck
David Hodges
Rob von Kampen, International Code Council

LEGISLATIVE REPORT

Mr. Dudley asked if any of the members had ideas for changes to law that the committee needed to discuss. Ms. Duffy stated that if a complaint is filed against a contractor, and a certificate of occupancy has been issued on the building or home, then the cases are being dismissed by Construction Industry Licensing Board (CILB). The building officials do not understand why they are being held accountable for all of the liability. She stated that she understands that it is because building departments will not rescind a certificate of occupancy. Mr. McCormick stated that he had not heard that before. Mr. Kymalainen commented that if a certificate of occupancy is issued, that does not relieve the contractor of their liability. Ms. Duffy responded that the attorneys for the CILB informed her that they do not normally move forward with this type of case.

Mr. McCormick stated that he had spoken with Mr. G.W. Harrell, Executive Director for the CILB, regarding this matter and Mr. Harrell stated that the law requires the CILB to dispense with this type of case. Mr. Harrell told him that they have a large volume of cases, and unless there is a substantial defect and imminent danger, they are routinely dismissing a case if there has been an inspection and a certificate of occupancy has been issued.

Mr. Dudley responded that he believes this is incorrect. He added that Chapter 553.084, Florida Statutes, is designed as a safety net. His impression is with the increase in cases, it is more of an attempt to screen out cases they are not going to prosecute. Ms. Duffy commented that CILB is informing complainants to file the complaint against the building official. Mr. Dudley stated that their disciplinary section requires consumer harm, and they have individual grounds based on the construction not being completed.

Following discussion, the committee asked Mr. McCormick to discuss this matter with Mr. Harrell again on behalf of the board.

Mr. Sasso stated that with the application fee only being \$5, it increases bogus applications. He felt they should increase the fees to be more inline with the other boards. Perhaps they could increase the fee to \$25. Mr. McCormick responded that increasing fees, at this time, would not be looked upon favorably.

Following discussion, Ms. Barineau stated that she would take the recommendation to the department for consideration.

Mr. Sasso stated he did not feel that they should license individuals as provisional building code administrators. He stated that they should not be in charge since they have not passed an examination for licensure. Mr. McCormick stated that this would not meet the Governor's initiative to Accelerate Florida. Mr. Sasso responded that there were a number of individuals that hold the standard license.

Mr. Kymalainen commented that the provision for the provisional licenses was in the statutes, and therefore, they would have to continue to issue the license for the individuals that met the requirements.

Mr. Harvey stated that he would discuss the fee and provisional license issues with the Building Officials Association of Florida (BOAF) legislative committee for their input and let the board know the outcome. He also stated that the board may need to consider adding a category of licensure for residential fire inspectors as fire inspectors are not allowed to go into residential homes.

MOTION: Mr. Sasso made a motion that the committee increase the \$5 application fee, delete the \$105 fee required for non-government employees, and all applicants pay the same fee.

SECOND: Motion died for lack of a second.

Mr. Dennis informed the committee that fees are outlined in the statute and it would take a legislative change.

RULES REPORT – TIM DENNIS

Discussion of Application Review Committee Procedures

Mr. Dennis provided a memorandum and draft rule for the committee's review. He stated that if they wanted to proceed with rule making, he would have to notice the rule for development.

MOTION: Mr. Dudley made a motion that Mr. Dennis notice the rule for development at the next meeting.

SECOND: Mr. Gathright seconded the motion and it passed unanimously.

Mr. Dudley nominated Mr. Gathright as chair of the committee.

Mr. Dennis informed the committee that he would research Mr. Dudley being on the rules committee since he is a member of the Small Business Advisory Council and will report back.

OLD BUSINESS

There was no old business to come before the committee at this time.

NEW BUSINESS

There was no new business to come before the committee at this time.

ADJOURNMENT

There being no further business to come before the committee, the meeting was adjourned at 4:12 p.m.

EXAMINATION AND CONTINUING EDUCATION COMMITTEE

CALL TO ORDER

Mr. Gathright called the meeting to order at 4:28 p.m. He asked that all members participate in the committee meeting.

Members Present

Richard Gathright
Bob McCormick
Gerry Demers
Fred Dudley
Bob Kymalainen
Orlando Lamas
Nick Sasso

Members Not Present

Dennis Franklin, Chair

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Tim Dennis, Board Counsel
Doug Harvey, Building Officials Association of Florida
John Connelly
Ronald Morgan
John Farinelli
Joe Rebuck
David Hodges
Rob von Kampen, International Code Council

**CONTINUING EDUCATION COURSES FOR REVIEW
AMERICAN ARCHITECTURAL MANUFACTURERS ASSN.**

Renewal Course

1. Understanding Window and Door Performance Standards (0007166)
Requesting 2 hours GENERAL credit (F-1410, A-1834)

MOTION: Mr. McCormick made a motion that the committee approve the course as submitted.

SECOND: Mr. Kymalainen seconded the motion, and it passed unanimously.

GOLD COAST SCHOOL OF CONSTRUCTION, INC.

New Courses

Mr. Rebuck was present at the meeting.

1. Green Buildings and the Construction Professional - Classroom
Requesting 3 hours GENERAL credit (F-1904, A-1843)

MOTION: Mr. McCormick made a motion that the committee approve the course as submitted.

SECOND: Mr. Kymalainen seconded the motion which passed with Mr. Sasso voting against the motion.

2. OSHA Safety Basics - Classroom
Following discussion, the following action was taken.

MOTION: Mr. Sasso made a motion that the committee deny the course as it was not relevant and does not increase the technical skills of the licensees as it is more appropriate for contractors.

SECOND: Mr. McCormick seconded the motion which passed with Mr. Dudley and Mr. Demers voting against the motion.

3. Ethics in the Construction Industry - Internet
Requesting 1 hour ETHICS 1 hour GENERAL credit (F-1906, A-1845)

MOTION: Mr. Sasso made a motion that the committee approve the course as submitted.

SECOND: Mr. Demers seconded the motion which passed with Mr. Gathright voting against the motion.

HILTI, INC.

Renewal Course

1. Firestopping of Through Penetrations and Joints in Fire Rated Assemblies (0006877)
Requesting 2 hours GENERAL credit (F-1006, A-1846)

MOTION: Mr. McCormick made a motion that the committee approve the course as submitted.

SECOND: Mr. Sasso seconded the motion, and it passed unanimously.

DIVISION OF MOTOR VEHICLES/BUREAU OF MH/RV CONSTRUCTION

Renewal Courses

1. Installation Standards for Manufactured/Mobile Homes (0002944)
Requesting 4 hours GENERAL credit (F-326, A-1838)
2. Foundation and Pier Installation for Manufactured/Mobile Homes (0003469)
Requesting 2 hours GENERAL credit (F-235, A-1839)
3. Anchor and Tie Down Installation for Manufactured Housing (0003468)
Requesting 2 hours GENERAL credit (F-234, A-1840)
4. Review of Department Rules for Manufactured/Mobile Homes (0002973)
Requesting 1 hour GENERAL credit (F-250, A-1841)

MOTION: Mr. McCormick made a motion that the committee approve all of the courses as submitted.

SECOND: Mr. Demers seconded the motion, and it passed unanimously.

JC CODE & CONSTRUCTION CONSULTANTS, INC.

New Course

1. Ethics and The Construction Professional
Requesting 1 hour ETHICS credit (F-1902, A-1837)

Mr. Farinelli present at the meeting.

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the committee approve the course as submitted.

SECOND: Motion died for lack of a second.

In discussion, Mr. Farinelli informed the committee that there was very little time related to Chapter 489, Florida Statutes.

MOTION: Mr. McCormick made a motion that the committee approve the course as submitted.

SECOND: Mr. Dudley seconded the motion which passed with Mr. Gathright and Mr. Sasso voting against the motion.

INTERNATIONAL CODE COUNCIL

New Courses

1. 2009 International Building Code Update
Requesting 3 hours GENERAL credit (F-1891, A-1824)
2. 2009 International Existing Building Code Update
Requesting 3 hours GENERAL credit (F-1892, A-1825)
3. 2009 International Energy Conversation Code Update
Requesting 3 hours GENERAL credit (F-1893, A-1826)
4. 2009 International Fire Code Update
Requesting 3 hours GENERAL credit (F-1894, A-1827)
5. 2009 International Fuel Gas Code Update
Requesting 3 hours GENERAL credit (F-1895, A-1828)
6. 2009 International Mechanical Code Update
Requesting 3 hours GENERAL credit (F-1896, A-1829)
7. 2009 International Plumbing Code Update
Requesting 3 hours GENERAL credit (F-1897, A-1830)
8. 2009 International Property Maintenance Code Update
Requesting 3 hours GENERAL credit (F-1898, A-1831)
9. 2009 International Residential Code Update
Requesting 3 hours GENERAL credit (F-1899, A-1832)

In discussion, Mr. McCormick stated that these courses were for the annual conference and felt it was important for licensees to have information regarding the next building code. Mr. Sasso commented that they should be approving courses for now and not for the future.

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the committee approve course numbers 1, 2, 3, 5, 6, 7, and 9 as submitted.

SECOND: Mr. Demers seconded the motion which passed with Mr. Dudley and Mr. Sasso voting against the motion.

MOTION: Mr. McCormick made a motion that the committee deny course numbers 4 and 8 as they were not relevant to our licensees.

SECOND: Mr. Dudley seconded the motion, and it passed unanimously.

MIAMI-DADE COUNTY BUILDING CODE COMPLIANCE OFFICE

Renewal Course

1. Roofing Fasteners and the Florida Building Code (0007223)
Requesting 4 hours GENERAL credit (F-1432, A-1850)

New Course

1. Retrofitting
Requesting 2 hours GENERAL credit (F-1903, A-1842)

MOTION: Mr. McCormick made a motion that the committee approve both courses as submitted.

SECOND: Mr. Dudley seconded the motion, and it passed unanimously.

NEW PROVIDER: INFORMATIONAL RESOURCES FOR PROFESSIONALS, INC.

New Course

1. 2007 Florida Existing Building Code
Requesting 2 hours GENERAL credit (F-1888, A-1821)

MOTION: Mr. McCormick made a motion that the committee approve the course as submitted.

SECOND: Mr. Sasso seconded the motion and it passed unanimously.

BUILDING INSPECTION DIVISION/PASCO COUNTY

New Courses

1. FBC Chapter 11 – Accessibility Code for Building Construction
Requesting 2 hours ACCESSIBILITY credit (F-1907, A-1847)

MOTION: Mr. Demers made a motion that the committee approve the course as submitted.

SECOND: Mr. Dudley seconded the motion, and it passed unanimously.

2. A Journey Through Florida's Building Construction Laws and Rules
Requesting 2 hours LAWS & RULES credit (F-1908, A-1848)

MOTION: Mr. Dudley made a motion that the committee approve the course as submitted.

SECOND: Mr. McCormick seconded the motion, and it passed unanimously.

3. Fair Housing and ADA Requirements
Requesting 2 hours ACCESSIBILITY credit (F-1910, A-1854)

MOTION: Mr. Sasso made a motion that the committee approve the course as submitted.

SECOND: Mr. McCormick seconded the motion, and it passed unanimously.

4. Ethics in Government Agencies
Requesting 1 hour ETHICS?,GENERAL? credit (F-1911, A-1855)

MOTION: Mr. Sasso made a motion that the committee deny the course on the basis that there are no statutes cited.

SECOND: Mr. McCormick seconded the motion, and it passed unanimously.

5. Inspector Liability and Ethics in a Litigious World
Requesting 2 hours GENERAL?, ETHICS? Credit (F-1912, A-1856)

MOTION: Mr. Sasso made a motion that the committee deny the course as it was not tailored to meet the requirements of this board.

SECOND: Mr. Dudley seconded the motion and it passed unanimously.

ELECTRICAL COUNCIL OF FLORIDA

New Courses

1. Overview of Florida's Laws on Ethics
Requesting 1 hour ETHICS credit (F-1874, A-1795)

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the committee deny the course as the two relevant statutes are not cited.

SECOND: Mr. Sasso seconded the motion, and it passed unanimously.

2. Overview of Chapter 468, Part XII, Florida Statutes
Requesting 2 hours LAWS & RULES credit (F-1875, A-1796)

In discussion, Mr. Dennis informed the committee that the course instructors can teach within the scope of their license. They cannot reject a course because of the instructors, but they could do a conditional approval.

MOTION: Mr. Dudley made a motion that the committee approve the course, and require the instructors to provide proof of certification.

SECOND: Mr. Lamas seconded the motion which failed with Mr. Demers, Mr. Gathright, Mr. McCormick and Mr. Sasso voting against the motion.

MOTION: Mr. McCormick made a motion that the committee deny the course as the instructors do not meet the qualifications and do not demonstrate the required technical skills.

SECOND: Mr. Demers seconded the motion which passed with Mr. Lamas voting against the motion.

3. Overview of Chapter 468.621 and 468.619, Part XII, Florida Statutes
Requesting 2 hours LAWS & RULES credit (F-1876, A-1797)

MOTION: Mr. Demers made a motion that the committee deny the course as the instructors do not demonstrate the required technical skills.

SECOND: Mr. McCormick seconded the motion, and it passed unanimously.

4. Fair Housing Accessibility Guidelines
Requesting 2 hours ACCESSIBILITY credit (F-1877, A-1798)

MOTION: Mr. McCormick made a motion that the committee deny the course as the instructors do not meet the required technical skills.
SECOND: Mr. Dudley seconded the motion which passed with Mr. Demers voting against the motion.

OLD BUSINESS

Mr. Harvey commented that it could be beneficial for the members to see the number of hours that the licensees take in a renewal period as this appears to be a concern for some of the committee members. He stated that the majority of licensees take more than the required 14 hours.

Ms. Barineau was asked to see if this information was available.

NEW BUSINESS

There was no new business to come before the committee at this time.

ADJOURNMENT

There being no further business to come before the committee, the meeting was adjourned at 5:47 p.m.

EXECUTIVE COMMITTEE

CALL TO ORDER

Mr. McCormick, Chair of the committee, called the meeting to order at 5:48 p.m.

Members Present

Bob McCormick, Chair
Nick Sasso, Vice-Chair
Gerry Demers
Fred Dudley
Richard Gathright
Bob Kymalainen
Orlando Lamas

Members Not Present

Dennis Franklin

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Tim Dennis, Board Counsel
Doug Harvey, Building Officials Association of Florida
John Connelly
Ronald Morgan
John Farinelli
Joe Rebuck
Rob von Kampen, International Code Council

REVIEW OF LESLIE GATTO'S PROVISIONAL MECHANICAL PLANS EXAMINER APPLICATION

Mr. Sasso explained that a question came up as to how the provisional license was issued for Mr. Gatto and staff was asked to provide a copy of his application for review. Following discussion, it was determined that there was no problem with the issuance of the license.

OLD BUSINESS

There was no old business to come before the committee at this time.

NEW BUSINESS

There was no new business to come before the committee at this time.

ADJOURNMENT

There being no further business to come before the committee, the meeting was adjourned at 6:00 p.m.

August 7, 2009 - 9:00 A.M.

CALL TO ORDER, PLEDGE OF ALLEGIANCE AND WELCOME

Chair McCormick called the meeting to order at 9:07 a.m.

Members Present

Bob McCormick, Chair
Nick Sasso, Vice-Chair
Gerry Demers
Fred Dudley
Richard Gathright
Bob Kymalainen
Orlando Lamas

Members Not Present

Dennis Franklin

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Tim Dennis, Board Counsel
Doug Harvey, BOAF
Rob von Kampen, ICC

Chair McCormick informed the board that Mr. Franklin had a conflict due to his work schedule and was unable to attend the meeting.

MOTION: Mr. Dudley made a motion that the board excuse the absence of Mr. Franklin.

SECOND: Mr. Kymalainen seconded the motion, and it passed unanimously.

APPROVAL OF THE JUNE 9 -12, 2009, MINUTES OF THE MEETING

Vice-Chair Sasso suggested that on page 2732 the words “does not input” should be changed to “is not responsible for inputting.”

Following discussion, this was deferred to later in the meeting when Ms. Duffy was present for her input.

INPUT ON 2010 LEGISLATION

Chair McCormick stated that this topic was discussed yesterday. In discussion, Mr. Dudley asked if the board wanted to shorten the amount of time a provisional license is valid. Ms. Barineau questioned if this accelerates Florida. Mr. Dudley commented that in the beginning of the licensing law there were not enough individuals that were licensed and that is why the provisional licenses were created. He added that while it will not accelerate Florida, he felt the board has the responsibility to address the length of a provisional license. Mr. Lamas commented that it would get the right people in the position sooner which will accelerate Florida.

Ms. Barineau will inform the department that the board wants to change the provisional license timeframe from three to five years to one to five years.

The board discussed delegating approval authority to staff for individuals that are on the ratification list. Mr. Dennis informed the board that they can delegate approval to the department for the ratification list.

Chair McCormick asked Ms. Barineau to research these issues and report back to the board.

REPORTS

Chair’s Report – Bob McCormick, Chair

Discussion with CILB Regarding Dismissal of Disciplinary Cases When a Certificate of Occupancy Has Been Issued

Chair McCormick reported that this topic was discussed yesterday. He asked the board if they wanted to authorize him to discuss this matter with the department. He commented that Mr. Harrell could not change the way the cases are being handled, but he may have the opportunity to discuss this with Mr. Vaccaro and Secretary Drago, if necessary.

Mr. Dudley suggested that Chair McCormick have the authority to include everyone that is necessary to voice their concerns.

Chair McCormick reported that he has followed the development for the home inspectors, and it will not be under this board. Currently, Mr. Harrell has a role in these discussions, and he has been assured that this board will have an opportunity to add input.

Chair McCormick informed the board that he appointed himself to the probable cause panel to replace Mr. Nagin. He expressed his appreciation for Mr. Nagin’s service and that he will be missed.

Chair McCormick commented on the passing of Mr. George Rogers who was one of the original board members and elected as the first chairman of the board. He stated that he wanted to send a note on behalf of the board to his family acknowledging his passing and contributions.

Application Review Committee – Nick Sasso

Ratification List

Vice-Chair Sasso informed the board that he had read the names of the individual's applications that were denied by the committee into the record. He stated that the ratification list was in the hand-out folder. He reported that the committee reviewed 100 applications of which 48 were approved, and 52 were denied.

MOTION: Chair McCormick made a motion that the committee approve the actions of the committee and approve the ratification list with the exception of Javier Suarez. Chair McCormick had questions about this file.

SECOND: Mr. Gathright seconded the motion, and it passed unanimously.

Following discussion, the following action was taken.

MOTION: Mr. Demers made a motion that the board approve the plans examiner application as listed on the ratification list for Javier Suarez.

SECOND: Mr. Dudley seconded the motion, and it passed unanimously.

Rules and Legislation Committee – Bob McCormick

Chair McCormick stated that Mr. Dennis will notice Rule 61G.9-6.003, FAC, Application for Certificate Review Procedure for development and a workshop at the next meeting.

Examination and Continuing Education Committee

Mr. Gathright reported that the committee reviewed 31 courses submitted by ten providers of which 22 were approved and nine were denied.

Executive Committee – Bob McCormick, Chair

Chair McCormick reported that the committee considered the application of Mr. Gatto and no action was taken.

Board Counsel – Tim Dennis

Mr. Dennis reported that the rule regarding the fines was in process.

Update on E-mail from Vice-Chair Sasso Regarding Rule 61G19-5.002, F.A.C., Disciplinary Guidelines

Mr. Dennis informed the board that Vice-Chair Sasso asked him to review this rule to determine if there was a purpose for each and if they should consider consolidating subsections (b), (h), and (j). He informed the board that each of these had a unique purpose, and as they are written, they give the prosecutor more range and flexibility in determining which cite to charge.

Mr. Dudley felt that they should leave the rule as it is unless input is received from the prosecuting attorney that changes need to be made. Chair McCormick suggested that Mr. Dennis confer with Ms. Duffy, and report back to the board at the next meeting.

Executive Director – Robyn Barineau

Update on authority to require applicants and licensees to provide employment information

Ms. Barineau reported that it would take a statutory change for this requirement and it would also have a workload impact.

Financial Report – 3/31/09

Ms. Barineau discussed the report with the board and stated that she should have the year end report for review at the October meeting.

Invitation to Florida Association of Plumbing, Gas, and Mechanical Inspectors Annual Meeting

Ms. Barineau informed the board that she was unable to attend this meeting and asked if any of the members were interested in attending.

Chair McCormick stated that he could attend since it was being held in Orlando.

Mr. Dennis asked that if any of the other members were planning to attend, they let him know so that he could address the Sunshine Law.

Unlicensed Activity Media Campaign 2008-2009

Ms. Barineau stated that this was provided for informational purposes to show some of the efforts for the last fiscal year.

Incident Date on Complaints

Ms. Barineau reported that Vice-Chair Sasso had requested this information, and she discussed this with Mr. Jerry Wilson of the Division of Regulation. She stated that Mr. Wilson will have complaint analysts start inputting this date.

Vice-Chair Sasso inquired if the date would be the date they received the report. Ms. Barineau responded that she would research this and report back at the next meeting.

Vice-Chair Sasso asked that Mr. Wilson attend the December meeting. Ms. Barineau responded that he normally attends the meeting in Tallahassee.

December Review of Principles and Practice Examination in Tallahassee

Ms. Barineau informed the board that she had confirmed with the Bureau of Education and Testing that any members that want to review the item bank at the Tallahassee meeting are welcome to do so.

ICC Update – Rob von Kampen, Ph.D.

Dr. von Kampen reported that they were making the transition to the computer-based testing administration only. He stated that there were two remaining paper and pencil administrations. He stated that the volume of candidates was dropping.

PUBLIC COMMENTS

There were no comments from the public.

OLD BUSINESS

Chair McCormick stated that the board needed to approve the minutes.

MOTION: Mr. Gathright made a motion that the board adopt the minutes as amended.
SECOND: Vice-Chair Sasso seconded the motion and it passed unanimously.

NEW BUSINESS

There was no new business to come before the board at this time.

ELECTION OF OFFICERS

Chair McCormick stated that it had been an honor to serve as chair.

MOTION: Mr. Gathright made a motion that the chair and vice-chair remain status quo.
SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

ADJOURNMENT

There being no further business to come before the board, the meeting was adjourned at 11:31 a.m.