

## **MINUTES OF THE MEETING**

**BUILDING CODE ADMINISTRATORS AND INSPECTORS BOARD  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
BOARD MEETING ROOM  
1940 NORTH MONROE STREET  
TALLAHASSEE, FL  
DECEMBER 9 - 12, 2008**

**DECEMBER 9, 2008 - 9:00 A.M.**

### **APPLICATION REVIEW COMMITTEE**

#### **Call To Order**

Mr. McCormick called the Application Committee Review Committee meeting to order at 9:01 a.m.

#### **Members Present**

Nick Sasso, Chair  
Bob Kymalainen  
Bob McCormick

#### **Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
James T. Schultz  
James David Gibson

### **REVIEW OF APPLICATIONS**

#### **James T. Schultz –Plumbing Inspector, Plumbing Plans Examiner and 1&2 Family Dwelling Plans Examiner**

Mr. Schultz was present at the meeting. Following discussion, the Committee denied all of the applications.

#### **James Gibson – Provisional 1&2 Family Dwelling Inspector and 1&2 Family Dwelling Inspector**

Mr. Gibson was present at the meeting. Following discussion, the applications were approved.

#### **Carl Edward DeSha – Mechanical Inspector**

Mr. DeSha was present at the meeting. Following discussion, the application was approved.

At this time, the Committee continued to review applications.

### **RECESS**

There being no further business to come before the Committee at this time, the meeting was recessed at 5:00 p.m.

**DECEMBER 10, 2008 - 9:00 A.M.**

**APPLICATION REVIEW COMMITTEE**

**CALL TO ORDER, PLEDGE OF ALLEGIANCE AND WELCOME**

Mr. Sasso, Chair of the Committee, 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  
Suzette Peterson, American Court Reporting  
Daryl D. Auxier  
Christopher Cole  
Carl DeSha, Jr.  
John Freeland  
Charles T. Grebe  
Stephen Tetlak  
Edwin Valentin  
Alex Kobrin  
Stephen Hans  
Billy Tyson  
Joshua Richmond  
Nick Oweis  
Stan DeAngelis

**HEARINGS NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT (RESPONDENTS HAVE THE OPTION OF APPEARING ON DECEMBER 10 BEFORE THE APPLICATION REVIEW COMMITTEE OR DECEMBER 11 BEFORE THE FULL BOARD.)**

Mr. Sasso explained that the individuals have the option to appear today before the Application Review Committee or the full Board tomorrow. Ms. Cocheu further explained the procedures.

**Daryl D. Auxier – Building Inspector**

Mr. Auxier was present at the meeting and was sworn in by the court reporter. Additional information had been submitted for the Committee's review.

Following discussion, the following action was taken.

**MOTION:** Mr. McCormick made a motion that the Committee approve the application with the requirement that he take and pass the current ICC building inspector examination.

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

**Christopher Cole – Provisional Mechanical Plans Examiner & Provisional Plumbing Plans Examiner**

Mr. Cole was present at the meeting and was sworn in by the court reporter. Additional information had been provided for the Committee's review.

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee uphold the denial for the original reasons

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

**John Freeland – Provisional Electrical Inspector & Electrical Inspector**

Mr. Freeland was present at the meeting along with Mr. Billy Tyson, and they were both sworn in by the court reporter. Additional information had been provided for the Committee's review.

Following discussion, the following action was taken.

MOTION: Mr. Sasso made a motion that the Committee uphold the denial of the provisional electrical inspector application and approve the application for electrical inspector.

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

**Charles Thomas Grebe – Mechanical Inspector**

Mr. Grebe was present at the meeting along with Mr. Stan DeAngelis, Building Official, and they were both 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 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.

**Stephen A. Hans – Building Inspector**

Mr. Hans was present at the meeting along with Mr. Billy Tyson, and they were both 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 approve the application based on the additional information provided.

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

### **Joshua Richmond – Building Inspector**

Mr. Richmond was present at the meeting along with Mr. Nemer (Nick) Oweis, and they were both 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 for the original reasons as stated.

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

### **Stephen Paul Tetlak – Electrical Inspector**

Mr. Tetlak was present at the meeting and was sworn in by the court reporter. No additional information had been provided for the Committee's review.

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee uphold the denial for the original reasons.

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

### **Edwin Valentin – 1&2 Family Dwelling Inspector**

Mr. Valentin was present and was sworn in by the court reporter. He provided additional information for the Committee's review at the meeting.

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the application based on the additional information submitted.

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

### **REVIEW OF APPLICATIONS CONTINUED FROM DECEMBER 9, IF NECESSARY**

At this time, the Committee reviewed applications.

### **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 12 noon.

**DECEMBER 11, 2008 – 9:00 A.M.**

### **BOARD MEETING**

#### **CALL TO ORDER**

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

**Members Present**

Bob McCormick, Chair  
Nick Sasso, Vice-Chair  
Fred Dudley  
Dennis Franklin  
Richard Gathright  
Bob Kymalainen  
Rob Nagin

**Others Present**

Charles W. Drago, Secretary, Department of Business and Professional Regulation  
Maureen Olsen, Deputy Secretary, Department of Business and Professional Regulation  
Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Lisa Shutes, Executive Assistant  
Ann Cocheu, Board Counsel  
Elizabeth Duffy, Prosecuting Attorney  
Doug Harvey, Building Officials Association of Florida  
John Farinelli, International Code Council  
Carl E. DeSha  
Douglas J. Newbanks  
Alex Kobryn  
Jerry Estes  
Jared Brown  
Rob von Kampen, International Code Council  
Bill Dumbaugh  
Joe Rebuck, Gold Coast Schools  
Ray Burroughs  
Jane Waddel  
Alexandra Auguste-Toussaint

**INTRODUCTION AND WELCOME**

Chair McCormick introduced Ms. Maureen Olsen, Deputy Secretary of Professions. Deputy Secretary Olsen welcomed the Board and gave them a brief overview of her experience.

**HEARINGS NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT (RESPONDENTS HAVE THE OPTION OF APPEARING ON DECEMBER 10 BEFORE THE APPLICATION REVIEW COMMITTEE OR DECEMBER 11 BEFORE THE FULL BOARD.)****Carl E. DeSha, Jr. – Plumbing Inspector & Electrical Inspector**

Mr. DeSha was present at the meeting and was sworn in by the court reporter. Mr. DeSha had previously provided additional information for the Board's review.

Mr. Dudley discussed an individual being allowed to provide their own affidavit and stated he would like to address this at a later date.

Following discussion, the following action was taken.

MOTION: Mr. Kymalainen made a motion that the Board approve the applications based on the testimony provided at the meeting.  
SECOND: Mr. Franklin seconded the motion and it passed unanimously.

**Ken Kisida – Provisional Building Code Administrator**

Mr. Kisida was not present at the meeting, however, he submitted additional information for the Board's review.

Following discussion, the following action was taken.

MOTION: Mr. Nagin made a motion that the Board approve the application, however, the provisional license be limited to Manatee Community College.  
SECOND: Mr. Gathright seconded the motion and it passed unanimously.

**Douglas James Newbanks – Provisional 1&2 Family Dwelling Inspector**

Mr. Newbanks was present at the meeting and was sworn in by the court reporter. He provided additional information at the meeting for the Board's review.

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the Board approve the application based on the testimony and additional information provided.  
SECOND: Mr. Nagin seconded the motion and it passed with Mr. Sasso voting against the motion.

**Wallace R. Waynick, Jr. – Provisional Building Code Administrator & 1&2 Family Dwelling Plans Examiner**

Mr. Waynick was not present at the meeting, however, he provided additional information for the Board's review.

**Provisional Building Code Administrator**

Following discussion, the following action was taken.

MOTION: Mr. Nagin made a motion that the Board deny the provisional building code administrator application as he was not in the position.  
SECOND: Mr. Dudley seconded the motion and it passed unanimously.

**1&2 Family Dwelling Plans Examiner**

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the Board approve the application.  
SECOND: Mr. Nagin seconded the motion and it passed unanimously.

**PROSECUTING ATTORNEY REPORT – LIBBY DUFFY**

Ms. Duffy provided the Board with a copy of her report which she discussed with the Board.

In discussion, Vice-Chair Sasso requested a flow chart as to how cases are handled. Mr. Dudley stated that he could make a motion that the format for the legal report be changed to

reflect the dates in chronological order or direct the Executive Director to have this discussion with the other executive directors and with the Department to determine if this change can be made.

Chair McCormick asked Ms. Barineau to research this issue.

### **REQUEST FOR AN EXTENSION OF PROVISIONAL LICENSE – JARED ASHLEY BROWN**

Mr. Brown was present at the meeting and was sworn in by the court reporter. He provided some affidavits for the Board's review. He informed the Board that he has not passed the electrical examination at this time.

Ms. Cocheu stated that an extension would not be proper as the provisional license rule is specific. Mr. Brown would have to request a waiver of the rule. Mr. Dudley stated that the concern for the Board is that they have to protect the public. He stated that the facts are hard, but he did not see any way to grant an extension.

Vice-Chair Sasso commented that once he passes the test, he will receive the standard license.

Ms. Cocheu informed the Board that if a previous Board made a decision in the past, the current Board does not have to continue the same practice.

Chair McCormick commented that this situation came to their attention last week. Ms. Cocheu stated that the provisional license expires today, and if the Board does not take any action, it will expire.

Chair McCormick informed the Board that they were honored with the attendance of Secretary Drago and Ms. Lisa Shutes.

Secretary Drago informed the Board that he wanted to come by and say hello as he was attempting to reach every board by the end of the year. He provided the Board with an overview of his background. He informed the Board of some initiatives the department is currently pursuing. Secretary Drago added that in accordance with Governor Crist's Accelerate Florida initiative, the Department is attempting to streamline processes. He also discussed his trips around the state and in accordance with his On the Road to Better Business initiative.

### **RECESS**

There being no further business to come before the Board at this time, the meeting was recessed at 10:47 a.m.

### **RULES AND LEGISLATION COMMITTEE**

#### **CALL TO ORDER**

Mr. Nagin, Chair of the Committee, called the meeting to order at 10:50 a.m.

#### **Members Present**

Rob Nagin, Chair

Fred Dudley

Bob Kymalainen

## **Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Ann Cocheu, Board Counsel  
Elizabeth Duffy, Prosecuting Attorney  
Bob McCormick, Board Member  
Dennis Franklin, Board Member  
Nick Sasso, Board Member  
Richard Gathright, Board Member  
Doug Harvey, Building Officials Association of Florida  
John Farinelli, International Code Council  
Jerry Estes  
Rob von Kampen, International Code Council  
Bill Dumbaugh  
Joe Rebuck, Gold Coast Schools  
Ray Burroughs  
Jane Waddel  
Alexandra Auguste-Toussaint

## **LEGISLATIVE REPORT – ROB NAGIN**

### **Summary of 2007 Legislation Impacting the Building Code Industry and Any New Recently Filed Legislation Impacting the Building Code Industry**

Mr. Nagin stated that he did not have anything to report at this time.

## **RULES REPORT – ANN COCHEU**

Ms. Cocheu informed the Committee that all forms are considered rules now including the instructions. She stated that the Joint Administrative Procedures Committee (JAPC) reviews these, they have to be in the rules now, and they will have to be included on the web site. The forms have to have the rule number and the date it was revised. For the training program, they need to approve a Notice of Change, and staff will have to include the information on any downloadable form. Ms. Cocheu stated that Rule 61G19-7.002, Florida Administrative Code (FAC), references an old form and needs to be amended.

**MOTION:** Mr. Dudley made a motion that the Committee recommend to the Board to publish the Notice of Change for Rule 61G19-7.002, FAC, to include the downloaded form, new number and reference to the internet site.

**SECOND:** Mr. Franklin seconded the motion and it passed unanimously.

Ms. Cocheu stated that she had another letter from JAPC regarding Rule 61G19-7.0015, FAC, relating to the initial training program.

Mr. McCormick stated that this is for the initial standard certification only. Ms. Cocheu stated that the answer to the last question is “no,” and she would insert “for standard.”

In discussion regarding “initial” Mr. McCormick commented that this is for the first license that would be issued by this Board. Mr. Sasso stated that he could not apply and go through the training program because he has a standard license, and he felt that they should put these rules on hold. Ms. Barineau responded that this is a legislative mandate, and they must take the

necessary steps to implement the legislation. Mr. Sasso stated that he felt this was wrong and bad for the profession. He felt that they were giving an advantage to someone to be hired that has no experience.

Mr. Nagin responded that they needed to respond to the letter and clean up the language in the rule.

MOTION: Mr. Dudley made a motion that the Committee recommend to the Board that Ms. Cocheu respond to the letter from JAPC.

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

### **SUGGESTED RULES LANGUAGE FOR MODULAR INSPECTOR AND MODULAR PLANS EXAMINER – NICK SASSO**

Mr. Sasso commented that the rule on the voluntary categories for modular inspector and modular plans examiner did not include the requirement to take the test. Mr. McCormick mentioned that he thought this had been noticed.

MOTION: Mr. Dudley made a motion that the Committee direct counsel to prepare a Notice for Change, Rule 61G19-6.016, FAC, if not already done.

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

Ms. Barineau informed the Committee that for all of the professions, a Statement of Estimated Regulatory Costs (SERC) checklist is prepared and sent to the General Counsel's Office for review. Based on how the questions are answered, the Executive Director will prepare the SERC. Once this is complete, the SERC and the checklist are then sent to JAPC with the rule language.

Following discussion regarding the new requirement for a SERC to be prepared for each rule, the following action was taken.

MOTION: Mr. Dudley made a motion that the Committee direct Board Counsel to work with the Executive Director on the SERC process and have the Chair of the Board approve the result.

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

### **OLD BUSINESS**

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

### **NEW BUSINESS**

Mr. Nagin asked Ms. Cocheu if the Committee wanted to discuss the extension of provisional licenses, if it had to be advertised or if they could discuss this now. Ms. Cocheu responded that they would need to see if the Board wanted to move forward with possible changes, and if so, it could be discussed at the next meeting.

Following discussion, the Committee did not take any action.

## **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 12 noon.

## **EXAMINATION AND CONTINUING EDUCATION**

### **CALL TO ORDER**

Mr. Franklin, Chair of the Committee, called the meeting to order at 2:00 p.m.

### **Members Present**

Dennis Franklin, Chair  
Richard Gathright  
Bob McCormick  
Nick Sasso

### **Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Ann Cocheu, Board Counsel  
Fred Dudley, Board Member  
Bob Kymalainen, Board Member  
Rob Nagin, Board Member  
Doug Harvey, BOAF  
Rob von Kampen, ICC  
Jane Waddel  
Joe Rebuck  
John Farinelli  
William Dumbaugh  
Voncile Franklin  
Alexandra Auguste-Toussaint  
M. Catherine Lannon, Assistant in Attorney General's Office

## **CONTINUING EDUCATION COURSES FOR REVIEW DIETRICH METAL FRAMING (NEW PROVIDER)**

New Course

1. Florida Code Compliance Issues Facing the Steel Stud Industry  
Requesting 1 hour GENERAL credit

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

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

## **REDVECTOR.COM., INC.**

New Course

1. Ethics for Florida Building Inspectors – Internet  
Requesting 1 hour ETHICS credit

Following discussion, the following action was taken.

- MOTION: Mr. McCormick made a motion that the Committee approve the course as submitted.
- SECOND: Mr. Gathright seconded the motion and it passed with Mr. Sasso voting against the motion.

### **PALM BEACH COUNTY PLANNING, ZONING AND BUILDING**

#### New Courses

1. Code Update and Review of the Florida Building Code, Fuel Gas  
Requesting 2 hours GENERAL credit
2. Code Update and Review of the Florida Building Code, Mechanical  
Requesting 2 hours GENERAL credit

Mr. Gathright stated that he was recusing himself as this is his employer.

- MOTION: Mr. McCormick made a motion that the Committee approve the courses as submitted.
- SECOND: Mr. Sasso seconded the motion and it passed unanimously.

### **INTERNATIONAL CODE COUNCIL**

#### New Courses

1. 2006 IBC Special Inspections Understanding and Designing a Special Inspection  
Program – Internet  
Requesting 3 hours GENERAL credit

Following discussion, the following action was taken.

- MOTION: Mr. Gathright made a motion that the Committee approve the course, but the credit hours be changed to two hours instead of three.
- SECOND: Motion died for lack of a second.

Following discussion, the following action was taken.

- MOTION: Mr. Gathright made a motion that the Committee deny the course as it was not relevant.
- SECOND: Mr. Sasso seconded the motion which failed with Mr. Nagin and Mr. McCormick voting against the motion.

At this time, the Committee opened the meeting up to all of the Board members. Following discussion, the following action was taken.

- MOTION: Mr. Dudley made a motion that the Board approve the course for 2 hours of credit.
- SECOND: Mr. Nagin seconded the motion which passed with Mr. Sasso voting against the motion.

2. 2006 International Building Code – Soil Investigation Basics – Internet  
Requesting 2 hours GENERAL credit

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee deny the course as it was not relevant.

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

3. 2006 IBC Overview of the Means of Egress – Internet  
Requesting 3 hours GENERAL credit

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the Committee approve the course as submitted.

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

4. 2006 IECC Fundamentals  
Requesting 6 hours GENERAL credit

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee deny the course as it was not relevant to the Florida code.

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

5. Creating A Hazard Response and Disaster Mitigation Plan  
Requesting 6 hours GENERAL credit

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the Committee deny the course as it was not relevant and sufficient detail was not provided.

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

## **KONING ENTERPRISES, INC. DBA CONTRACTORS INSTITUTE**

### New Courses

1. Ethics and F.S. 112 Part III – Classroom  
Requesting 1 hour ETHICS credit

MOTION: Mr. Gathright made a motion that the Committee approve the course as submitted.

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

2. Ethics and F.S. 112 Part III – Internet  
Requesting 1 hour ETHICS credit

In discussion, it was noted that the Internet course should be a total of 60 minutes instead of 50 minutes. Ms. Jane Waddel informed the Committee that the course would be amended to include the additional ten minutes.

MOTION: Mr. McCormick made a motion that the Committee approve the course as amended.

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

3. Americans with Disabilities Act – Classroom  
Requesting 2 hours ACCESSIBILITY credit

MOTION: Mr. Gathright made a motion that the Committee approve the course as submitted.

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

4. Americans with Disabilities Act – Internet  
Requesting 2 hours ACCESSIBILITY credit

Ms. Waddel informed the Committee that an additional ten minutes will be added to Title 2 and Title 3, an additional five minutes will be added in History, and an additional five will be added in enforcement and compliance.

MOTION: Mr. Nagin made a motion that the Committee approve the course with the addition of the 20 minutes as noted.

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

### **BUILDING OFFICIALS & INSPECTORS EDUCATIONAL ASSN.**

#### **New Courses**

1. Laws and Rules for Code Professionals  
Requesting 2 hours LAWS & RULES credit
2. Ethics for Code Professionals  
Requesting 2 hours ETHICS credit
3. Significant Changes to the Florida Building Code  
Requesting 2 hours GENERAL credit
4. NEC Articles 90-210  
Requesting 2 hours GENERAL credit
5. L.P. Gas Regulations  
Requesting 2 hours GENERAL credit
6. Assessing As Built Building Thermal Characteristics  
Requesting 2 hours GENERAL credit
7. Building Green and The Building Code  
Requesting 2 hours GENERAL credit
8. NEC Articles 230-240  
Requesting 1 hour GENERAL credit
9. Key Systems to Green Plumbing  
Requesting 1 hour GENERAL credit
10. NEC Articles 400-424  
Requesting 2 hours GENERAL credit
11. Florida Residential Building Code, Significant Changes  
Requesting 2 hours GENERAL credit
12. Test and Balance for HVAC Systems  
Requesting 2 hours GENERAL credit
13. NEC Articles 215-230  
Requesting 2 hours GENERAL credit

14. Hood Systems  
Requesting 1 hour GENERAL credit
15. Foundations and Steel Placement  
Requesting 2 hours GENERAL credit
16. Significant Changes to the 2007 Florida Plumbing Code  
Requesting 4 hours GENERAL credit
17. Using ACCA Manual J and D Computer Programs  
Requesting 2 hours GENERAL credit

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

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

### **BROWARD COUNTY BOARD OF RULES AND APPEALS**

#### New Course

1. Duct Smoke Detectors – Requirements for Installation Testing And Maintenance  
Requesting 3 hours GENERAL credit

MOTION: Mr. Gathright made a motion that the Committee approve the course as submitted.

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

### **MIAMI-DADE COUNTY BUILDING CODE COMPLIANCE OFFICE**

#### New Courses

1. Florida Building Code – Mechanical Chapter 6 – Section 606, Smoke Detection Systems Control  
Requesting 1 hour GENERAL credit

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

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

2. Structural Requirements of 2007 Florida Building Code Existing Building Volume  
Requesting 1 hour GENERAL credit

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

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

### **I LEVEL BY WEYERHAEUSER**

#### Renewal Courses

1. Engineered Lumber in Residential Construction (0004750)  
Requesting 4 hours GENERAL credit

Following discussion, the following action was taken.

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

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

2. Fundamentals of Engineered Lumber (0004749)  
Requesting 14 hours GENERAL credit

Following discussion, the following action was taken.

MOTION: Mr. Sasso made a motion that the Committee approve the course as submitted for two hours of credit.

SECOND: Mr. Nagin seconded the motion.

In discussion, Mr. Sasso withdrew his motion.

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

SECOND: Mr. Dudley seconded the motion and it passed with Mr. Sasso and Mr. Nagin voting against the motion.

### **GOLD COAST SCHOOL OF CONSTRUCTION, INC.**

#### Renewal Course

1. Practitioner's Guide to FBC: Accessibility Code and Fair Housing – Internet (0006733)  
Requesting 2 hours ACCESSIBILITY credit

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

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

#### New Courses

1. Ethics for the Construction Professional – Classroom  
Requesting 1 hour ETHICS credit

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

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

2. Ethics for the Construction Professional – Internet  
Requesting 1 hour ETHICS credit

Mr. Joe Rebeck informed the Committee that he will add an additional ten minutes to the course. He stated that he would expand the discussion portion in the fourth section.

MOTION: Mr. McCormick made a motion that the Committee approve the course with the additional ten minutes.

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

3. Workers' Comp Overview – Classroom  
Requesting 1 hour GENERAL credit

4. Workers' Comp Overview – Internet  
Requesting 1 hour GENERAL credit
5. Successful Business Practices – Classroom  
Requesting 1 hour GENERAL credit
6. Successful Business Practices – Internet  
Requesting 1 hour GENERAL credit

MOTION: Mr. McCormick made a motion that the Committee deny courses 3, 4, 5, & 6 as they were not relevant.

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

7. Work Place Safety, A Look at OSHA – Classroom  
Requesting 1 hour GENERAL credit

MOTION: Mr. McCormick made a motion that the Committee deny the course as it was not relevant.

SECOND: Mr. Nagin seconded the motion which passed with Mr. Dudley voting against the motion.

8. Work Place Safety, A Look at OSHA – Internet  
Requesting 1 hour GENERAL credit

MOTION: Mr. McCormick made a motion that the Committee deny the course as it was not relevant.

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

## **BUILDING OFFICIALS ASSOCIATION OF FLORIDA**

### **New Courses**

1. The Fair Housing Act Made Simple  
Requesting 2 hours ACCESSIBILITY credit
2. Florida Plumbing Code Update  
Requesting 2 hours GENERAL credit
3. Electrical Code Update  
Requesting 2 hours GENERAL credit
4. Carbon Monoxide (CO) The Basics  
Requesting 1 hour GENERAL credit
5. Florida Building Code Update  
Requesting 2 hours GENERAL credit
6. Chapter 10 – Means of Egress  
Requesting 2 hours GENERAL credit

Mr. McCormick stated that he would like to see more information on the outlines than is currently being provided on some of the courses.

MOTION: Mr. Gathright made a motion that the Committee approve the courses as submitted.

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

## **OLD BUSINESS**

Mr. Sasso stated that they had previously discussed the number of continuing education hours that are required. He suggested that Rule 61G19-9.001(1), FAC, be amended replacing the current requirement of 14 hours with 28 hours. Mr. Dudley commented that any attempt to increase the hours will not be looked upon favorably. Mr. Gathright commented that Chapter 468.627(5), Florida Statutes, states at least 14 hours. Mr. McCormick stated that he thought the opposition will be tremendous and did not think it was practical.

Following discussion, the Committee did not take any action .

## **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 3:43 p.m.

## **EXECUTIVE COMMITTEE**

### **CALL TO ORDER**

Mr. McCormick, Chair of the Committee, called the meeting to order at 3:43 p.m.

### **Members Present**

Bob McCormick, Chair  
Nick Sasso, Vice-Chair  
Fred Dudley  
Dennis Franklin  
Richard Gathright  
Bob Kymalainen  
Rob Nagin

### **Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Ann Cocheu, Board Counsel  
Fred Dudley, Board Member  
Bob Kymalainen, Board Member  
Rob Nagin, Board Member  
Doug Harvey, BOAF  
Rob von Kampen, ICC  
Jane Waddel  
Joe Rebuck  
John Farinelli  
William Dumbaugh  
Voncile Franklin  
M. Catherine Lannon, Attorney General's Office

## **DISCUSSION REGARDING GAS INSPECTIONS AND PLAN REVIEW**

Mr. McCormick stated that an e-mail had been received regarding this issue. Mr. Kymalainen commented that gas is both mechanical and plumbing. Mr. McCormick stated that it appears that this is an area that it is understood. Following discussion, no action was taken.

## **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 3:48 p.m.

**DECEMBER 12, 2008 - 9:00 A.M.**

## **CALL TO ORDER, PLEDGE OF ALLEGIANCE AND WELCOME**

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

### **Members Present**

Bob McCormick, Chair  
Nick Sasso, Vice-Chair  
Fred Dudley  
Dennis Franklin  
Richard Gathright  
Bob Kymalainen  
Rob Nagin

### **Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Doug Harvey, BOAF  
Rob von Kampen, ICC  
Tim Vaccaro, Director, Division of Professions  
John Washington, Director, Division of Regulation  
Jerry Wilson, Chief of Investigations, Division of Regulation  
April Skilling, Deputy General Counsel  
Elizabeth Duffy, Prosecuting Attorney  
M. Catherine Lannon, Attorney General's Office

## **APPROVAL OF THE OCTOBER 14-17, 2008, MINUTES OF THE MEETING**

MOTION: Mr. Franklin made a motion that the Board approve the minutes as submitted.

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

## **REPORTS**

### **Chair's Report – Bob McCormick, Chair**

Chair McCormick stated that he was monitoring the home inspectors, and there had been no action. He stated that he was also monitoring the situation with the Construction Industry Licensing Board regarding the allowance of internet training. Mr. Dudley commented that they are still having discussion on this issue.

### **Application Review Committee – Nick Sasso Ratification List**

Ms. Rice informed the Board that Joseph Smallwood, electrical inspector, had been added to the list.

Vice-Chair Sasso reported that the Committee reviewed 125 applications. Of this number, 64 were approved and 61 were denied. He asked that the Board approve the actions of the Committee.

**MOTION:** Chair McCormick made a motion that the Board approve the actions of the Application Review Committee and the Ratification List.

**SECOND:** Mr. Nagin seconded the motion and it passed unanimously.

### **Rules and Legislation Committee – Rob Nagin**

Mr. Nagin stated that he did not have a legislation report at this time. He reported that the Committee requested that Ms. Cocheu advertise changes to Rule 61G19-7.002, FAC, to include the web address on forms. A letter from JAPC had been received regarding Rule 61G19- 7.0015, FAC. Ms. Cocheu was requested to amend the language so the rule will move forward. Mr. Nagin reported that the Committee asked Ms. Cocheu to review the previous language in Rule 61G19-6.016, FAC, and add language regarding the examination requirement to the appropriate voluntary categories.

Mr. Nagin reported that the Committee discussed the possibility of extending the provisional licenses, however, no action was taken.

**MOTION:** Mr. Kymalainen made a motion that the Board approve the actions of the Committee.

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

### **Examination and Continuing Education Committee – Dennis Franklin**

Mr. Franklin reported that the Committee reviewed 50 continuing education courses. Of this number, 40 were approved and ten were denied.

**MOTION:** Chair McCormick made a motion that the Board approve the actions of the Committee.

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

### **Executive Committee – Bob McCormick, Chair**

Chair McCormick reported that the Committee had received an inquiry specific to the gas category and no action was taken.

### **Board Counsel – Ann Cocheu**

Ms. Cocheu provided an update to the Board regarding the application denial for Mr. Lanny Walker which is currently before the Appellate Court. He stated that she has not received an order from the court indicating if they are going to allow oral arguments. She stated that she would keep the Board informed.

### **Executive Director – Robyn Barineau**

#### **Financial Report – Quarter Ending Sept. 30, 2008**

Ms. Barineau reviewed the report with the Board. She stated that their accounts will not be swept at this time, and it is projected they will stay in a positive cash balance through the year 2013.

#### **Suspension of Board Automation Project**

Ms. Barineau informed the Board that the Department had suspended the automation project at this time, because of the shortfall. She stated that they will still have the OnBase system. She will keep the Board informed as to the progression of the project.

#### **ICC Update – Rob von Kampen, Ph.D.**

Dr. Rob von Kampen reported that the ICC examinations continue to be offered. The paper and pencil examination is offered four times a year and the number of individuals requesting the paper and pencil administrations is decreasing. He stated that they had talked about eliminating the paper and pencil examination which would require additional forms of the examination to be developed for computer based administrations. He stated that they could discuss this further at a later date.

Dr. von Kampen provided information regarding the pass rate to the Board. He stated that he was going to have the coastal construction examination reviewed as it was a complex examination, and he would see if the outline for the original examination was available.

### **OLD BUSINESS**

Mr. Dudley commented that during one of the hearings he questioned the fact that an applicant is allowed to sign his own affidavit of experience and did not feel this is appropriate. He stated that if all that was needed was a affirmation statement, there was no need to have the separate affidavits, and he wanted Board Counsel to research this and report to the Executive Director prior to the next meeting. Ms. Cocheu responded that she would provide the information to Ms. Barineau.

Ms. Duffy was present at the meeting and provided a new report which she discussed with the Board. She stated that she was attempting to add another expert witness and would be setting up the next Probable Cause Panel meeting very soon.

Mr. Dudley commented that the dates were not chronological. He stated that they had requested that all reports reflect the case status dates as they go through the process.

Ms. April Skilling, Deputy General Counsel, responded that they are currently working on developing a report that will provide better information and will show the last date that activity took place.

In discussion, Mr. John Washington, Director, Division of Regulation, spoke and stated they were willing to provide information to the Board that could be considered as minor violations. Chair McCormick stated that they would like the report at the next meeting if possible. Mr. Washington responded that he would provide this information at the next meeting.

### **Public Comments**

There were no public comments at this time.

### **OLD BUSINESS**

#### **Letter from the Office of the State Attorney to Sidney Miller regarding Mark Knight & Dennis King**

This was provided for informational purposes.

### **NEW BUSINESS**

Mr. Nagin commented that the minutes from the last meeting reflected that Ms. Cocheu was to address the term "employee" at this meeting. Ms. Cocheu stated that she had not had a chance to research the issue and asked that it be on the agenda for the next meeting along with self-certification.

Vice-Chair Sasso stated that the Board discussed Rule 61G19-5.002, FAC, Disciplinary Guidelines, and agreed they wanted to attempt to change the fine amount to be "up to \$5000." He asked for a status update. Ms. Cocheu responded that they did not go forward with any workshop, however, if they want a rules workshop for this rule, they can proceed with such at the next meeting. She suggested that they also notice Rules 61G19-5.006 and 5.007, FAC.

**MOTION:** Vice-Chair Sasso made a motion that the Board request Ms. Cocheu notice a Rules Workshop for the February meeting.

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

### **DISCUSSION OF COMPLAINT PROCESS**

Mr. Washington and Mr. Jerry Wilson, Chief of Investigations, Division of Regulation, were present at the meeting.

Mr. Washington provided the Board with a brief overview of his background. He informed the Board that there are three steps in the processing of complaints. They are received and analyzed by Mr. Wilson for legal sufficiency. If they are legally sufficient, they are then forwarded to the regional office for investigation. Then they go to the prosecuting attorney. Mr. Washington stated that 90 days is the target processing time to have the investigative report to the prosecuting attorney. Mr. Wilson determines legal sufficiency within 24 hours.

Mr. Washington stated during discussion that the average is 67 days which is from the time the complaint is received to the time the investigation is complete and sent to General Counsel's Office.

Chair McCormick commented that there was a request to review redacted cases and it has been determined that they cannot review these files. Ms. Skilling responded that it was not appropriate as the cases are confidential until probable cause is found. She stated that they could provide them with the type of cases that do not meet requirements and the reasons. Ms.

Skilling and Mr. Washington stated that they could make a generic laundry list for the Board to review.

Vice-Chair Sasso stated that he could not disagree more. He added that the complaints that are closed are confidential but not to a regulatory agency and the Board is the agency that takes action. Ms. Skilling responded that she appreciated his comments, however, they have told the Governor's Office and legislators that they can not review cases, and they are confidential even to the board.

Mr. Wilson informed the Board that the more common complaints are from dissatisfied customers. He stated that normally they require more information than the complainant's information and that is when he finds the complaint legally sufficient.

In discussion, Mr. Wilson informed the Board that in some of the cases, there have been individuals arrested. Mr. Dudley stated that some of the investigative reports do not include information about how the public was harmed or what the consumer had to pay to rectify the problem. He encouraged the Department to train the investigators to include information about the consumer harm.

In discussion, Mr. Washington stated that this Board has not given them the authority to do mediation, and he would be willing to present this information at the February meeting.

### **Board Member Training**

At this time, Board Member Training took place.

### **ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 12:30 p.m.