

## **MINUTES OF THE MEETING**

### **BUILDING CODE ADMINISTRATORS AND INSPECTORS BOARD CASA MONICA HOTEL 95 CORDOVA STREET ST. AUGUSTINE, FL FEBRUARY 9-12, 2010**

**February 9, 2010**

#### **APPLICATION REVIEW COMMITTEE**

##### **CALL TO ORDER**

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  
Katharine Dodson, Administrative Assistant  
Tim Dennis, Board Counsel  
Michael Patterson Hill  
Casty Hobbs

#### **REVIEW OF APPLICATIONS**

##### **Michael Patterson Hill – Mechanical Plans Examiner**

Mr. Hill was present at the meeting and the Committee approved his application.

##### **Casty Hobbs – Provisional Plumbing Inspector & Provisional Mechanical Inspector**

Mr. Hobbs was present at the meeting and discussed his applications with the committee. Following discussion, the applications were denied.

At this time the Committee reviewed applications.

##### **RECESS**

There being no further business to come before the committee, the meeting was recessed at 2:30 p.m.

**February 10, 2010**

#### **APPLICATION REVIEW COMMITTEE**

##### **CALL TO ORDER**

Mr. Sasso, Chair of the committee, called the meeting to order at 9:04 a.m.

**Members Present**

Nick Sasso, Chair  
Bob Kymalainen  
Bob McCormick

**Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Katharine Dodson, Government Analyst  
Tim Dennis, Board Counsel  
Bob Bass  
Lisa Beauchamp, Court Reporter

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

Mr. Sasso stated that no one was present for a hearing at this time.

**Bob Bass – Provisional 1&2 Family Dwelling Inspector and 1&2 Family Dwelling Inspector**

Mr. Bass was present at the meeting and was sworn in by the court reporter. He discussed his applications with the committee, which were reviewed and denied by the committee at the meeting on February 9, 2010.

Following discussion, Mr. McCormick stated that based on the testimony, he would change his recommendation to approval for the applications. Mr. Kymalainen agreed.

**ADJOURNMENT**

There being no further business to come before the committee, the meeting was adjourned at 9:30 a.m.

**February 11, 2010**

**BOARD MEETING**

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

Chair McCormick called the meeting to order at 9:04 a.m.

**Members Present**

Bob McCormick, Chair  
Nick Sasso, Vice-Chair  
Art Barthlow  
Dennis Carpenter  
Gerry Demers  
Fred Dudley

Richard Gathright  
Bob Kymalainen  
Orlando Lamas

**Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Katharine Dodson, Administrative Assistant  
Tim Dennis, Board Counsel  
Libby Duffy, Prosecuting Attorney  
Doug Harvey, Building Officials Association of Florida  
Joe Crum  
Patrick Hubbard  
Matt Adair  
Gary Salfelder  
Paul Carrafa  
Mathew McDonald  
Jay Abel  
Peter Haigis  
John Connelly  
Joe Rebuck, Gold Coast Schools  
David Hodges  
Darren Elkind  
Bob Bass, City of Tampa  
Mark Morse  
Jane Waddel  
William Dumbaugh  
John Farinelli  
Phil Sutherland, Universal Engineering Sciences  
Lisa Beauchamp, Court Reporter

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

**Pedro M. Dominguez – Plumbing Plans Examiner & Plumbing Inspector**

Chair McCormick stated that Mr. Dominguez was not present and had submitted a letter asking that the hearing be deferred to another meeting.

MOTION: Mr. Dudley made a motion that the board grant a continuance to the next meeting.

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

**Mark H. Morse – Building Inspector**

Mr. Morse was present at the meeting and was sworn in by the court reporter. Additional information had been submitted for the board's consideration. He provided a more legible copy of an affidavit of experience at the meeting.

Following discussion, the following action was taken.

MOTION: Mr. Demers made a motion that the board approve the application.  
SECOND: Mr. Gathright seconded the motion and it passed unanimously.

**Gary Salfelder – Mechanical Inspector & Mechanical Plans Examiner**

Mr. Salfelder was present at the meeting and was sworn in by the court reporter. Additional information was provided at the meeting for the board's consideration.

Mr. Gathright asked to be recused.

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the board approve both applications.  
SECOND: Mr. Demers seconded the motion which failed following discussion with Chair McCormick, Vice-Chair Sasso, Mr. Demers, Mr. Barthlow, Mr. Carpenter, Mr. Kymalainen and Mr. Lamas voting against the motion.

Following discussion, Mr. Salfelder requested a continuance to the next meeting in order to obtain additional information.

MOTION: Mr. Dudley made a motion that the hearing be continued to next meeting in April.  
SECOND: Mr. Demers seconded the motion which passed with Vice-Chair Sasso voting against the motion.

**RECOMMENDED ORDER**

**Jay Douglas Abel, DOAH Case No. 09-3176**

Chair McCormick stated that he was recused from this case since he offered testimony as an expert witness.

Ms. Duffy represented the board in this case, and Mr. Dennis represented the department.

Mr. Abel was present at the meeting and was sworn in by the court reporter. Mr. Darrin Elkind, attorney for Mr. Abel, was also present.

Ms. Duffy provided the instructions to the board on how to proceed with this case.

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the board adopt the exceptions in paragraphs 21, 33 and 34.  
SECOND: Vice-Chair Sasso seconded the motion and it passed unanimously.

Mr. Elkind commented that he did not agree with the reference to the Hardin case in exception #28. Mr. Dennis informed the board that the Hardin matter should not be applied retroactive to applications. Mr. Elkind informed the board that he took exception to Mr. Dennis' opinion.

MOTION: Mr. Dudley made a motion that the board adopt the exception to paragraph #28.  
SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

Mr. Elkind stated that the exception in paragraph #29 is an unwritten policy that the board should adopt a rule in this regard. Mr. Dennis informed the board that he disagreed.

In discussion, Mr. Dudley stated that he was convinced that the five years of experience is legally appropriate.

MOTION: Mr. Dudley made a motion that the board adopt the exception to paragraph #29.  
SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

MOTION: Mr. Dudley made a motion that the board adopt the exception to paragraph #30.  
SECOND: Vice-Chair Sasso seconded the motion and it passed unanimously.

#### **PROSECUTING ATTORNEY REPORT – LIBBY DUFFY**

Ms. Duffy discussed her report with the board.

MOTION: Vice-Chair Sasso made a motion that the board authorize the prosecuting attorney to continue processing the year-old cases.  
SECOND: Mr. Gathright seconded the motion and it passed unanimously.

Ms. Duffy stated that the Probable Cause Panel has been doing a great job, and they will now be meeting at each board meeting.

#### **OLD BUSINESS**

##### **Review of Notice of Intent to Approve with Conditions – Fastening Specialists, Inc.**

Chair McCormick stated that at the last meeting, this course was approved pending a new syllabus being submitted.

MOTION: Mr. Dudley made a motion that the board approve the course for Fastening Specialists, Inc.  
SECOND: Mr. Gathright seconded the motion and it passed unanimously.

#### **NEW BUSINESS**

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

#### **RECESS**

There being no further business to come before the board at this time, the meeting was recessed at 11:44 a.m.

## **RULES AND LEGISLATION COMMITTEE CALL TO ORDER**

Mr. Gathright, Chair of the committee, called the meeting to order at 11:44 a.m.

### **Members Present**

Richard Gathright, Chair  
Fred Dudley  
Gerry Demers  
Bob Kymalainen

### **Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Katharine Dodson, Administrative Assistant  
Tim Dennis, Board Counsel  
Libby Duffy, Prosecuting Attorney  
Doug Harvey, Building Officials Association of Florida  
Patrick Hubbard  
Gary Salfelder  
Paul Carrafa  
Mathew McDonald  
Peter Haigis  
John Connelly  
Joe Rebeck, Gold Coast Schools  
David Hodges  
Bob Bass, City of Tampa  
Mark Morse  
Jane Waddel  
William Dumbaugh  
John Farinelli  
Phil Sutherland, Universal Engineering Sciences

### **LEGISLATIVE REPORT**

Mr. Gathright discussed the legislation which has been filed for action during the 2010 legislative session.

### **RULES REPORT – TIM DENNIS**

#### **Discussion of Rule 61G19-5.002, FAC, Disciplinary Guidelines**

Mr. Dennis stated that this rule was noticed and adopted as the board wanted the fines increased to a maximum of \$2,500. The rule should be effective next month.

#### **Discussion of Rule 61G19-6.0036, FAC, Application for Certification Review**

Mr. Dennis stated that this rule had been adopted and will be effective on February 22, 2010.

#### **Discussion of Rule 61G19-5.004, FAC, Final Orders**

Mr. Dennis stated that a concern had been raised about this rule as it currently states that the chair is responsible for signing final orders. There is no requirement in Chapter 120, F.S.,

that final orders be signed by the chair of the board. He stated that the department's position is that any board member or responsible staff person can sign a final order. He suggested that the board direct him to notice the rule for development and that it be repealed.

Mr. David Hodges addressed the board on this issue and took exception to the Mr. Dennis' information regarding Chapter 120, F.S.

Mr. Dennis responded that he did not agree with Mr. Hodges.

MOTION: Mr. Carpenter made a motion that the board authorize Mr. Dennis to notice Rule 61G19-5.004, FAC, Final Orders, for repeal of subsection (2).

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

### **DISCUSSION OF RULE 61G19-9.001 CONTINUING EDUCATION FOR BIENNIAL RENEWAL – NICK SASSO**

Mr. Sasso stated that this was previously discussed as Mr. Dennis Franklin asked him to come up with language. He stated that he provided the rule as it is currently written and also his recommendations. Mr. Sasso said this would give the continuing education providers options on how they wanted to conduct classes.

#### **CURRENT RULE and subsection IN FORCE:**

61G19-9.001 Continuing Education for Biennial Renewal.

(4) "Laws and Rules" as used in subsection (1) above means the study and examination of the related subject matter as is exemplified and contained within Chapters 320, 468, 553, 471, 481, 489 (as it relates to licensure and scope of practice), and 713 (as it relates to permitting), F.S., and their associated rules in the Florida Administrative Code (F.A.C.) as listed in the Board's Candidate Information Bulletin (CIB) online. "Ethics" as used in subsection (1) above means the study and examination of the subject matter contained within Chapter 112, Part III, F.S., and other ethical principles enumerated in Chapter 468, Part XII, F.S.

#### **PROPOSED RULE OPTION ONE (JUST CLEAN UP THE LANGUAGE):**

61G19-9.001 Continuing Education for Biennial Renewal.

(4) "Laws and Rules" as used in subsection (1) above means the study of the related subject matter as it relates to licensure, permitting, and scope of practice, as contained in Florida Statutes 320, 468, 471, 481, 489, 553, and 713, and the Florida Administrative Code Chapter 61G19.

"Ethics" as used in subsection (1) above means the study and examination of the subject matter contained within Chapter 112, Part III, F.S., and other ethical principles enumerated in Chapter 468, Part XII, F.S.

#### **PROPOSED RULE OPTION TWO (CLEAN UP THE LANGUAGE AND ADD FLORIDA STATUTE 455 LIKE MR. DUDLEY SUGGESTED):**

61G19-9.001 Continuing Education for Biennial Renewal.

(4) "Laws and Rules" as used in subsection (1) above means the study of the related subject matter as it relates to licensure, permitting, and scope of practice, as contained in Florida

Statutes 320, 455, 468, 471, 481, 489, 553, and 713, and the Florida Administrative Code Chapter 61G19.

“Ethics” as used in subsection (1) above means the study and examination of the subject matter contained within Chapter 112, Part III, F.S., and other ethical principles enumerated in Chapter 468, Part XII, F.S.

**PROPOSED RULE OPTION THREE (CLEAN UP THE LANGUAGE, ADD FLORIDA STATUTE 455 LIKE MR. DUDLEY SUGGESTED, AND IMPOSE TIME SPECIFICALLY DEDICATED TO LEARN BCAIB LAWS AND RULES):**

61G19-9.001 Continuing Education for Biennial Renewal.

(4) “Laws and Rules” as used in subsection (1) above means the study of the related subject matter as it relates to licensure, permitting, and scope of practice, as contained in Florida Statutes 320, 455, 468, 471, 481, 489, 553, and 713, and the Florida Administrative Code Chapter 61G19. One of the two required classroom hours shall be entirely devoted to Florida Statute 468, Part XII, and the Florida Administrative Code Chapter 61G19.

“Ethics” as used in subsection (1) above means the study and examination of the subject matter contained within Chapter 112, Part III, F.S., and other ethical principles enumerated in Chapter 468, Part XII, F.S.

Mr. Gathright stated that he liked the third option, and Mr. Sasso stated that he agreed with him.

Following discussion, the following action was taken.

MOTION: Mr. Demers made a motion that Rule 61G19-9.001, F.A.C., Continuing Education for Biennial Renewal be opened for rulemaking.

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

**Discussion of Rule 61G19-1.009 Definitions – Nick Sasso**

Mr. Sasso stated that an individual had recently applied for a license by endorsement, and if the license had been granted, the applicant’s examination was from two code cycles ago. He commented that there was no rule for endorsement that states that to qualify for endorsement, the applicant must have completed an examination based on the most current building code or the immediately preceding building code.

Following discussion, no action was taken on this issue.

**Discussion of Rule 61G19-6.0035 Application for Provisional and/or Standard Certification – Nick Sasso**

Mr. Sasso stated that he thought the board should have a rule indicating that home inspection experience will not be counted as experience for this board.

In discussion, Mr. McCormick commented that he did not think the rules should be changed every time a situation comes up. No action was taken on this issue.



### **Suggestions for Minor Violations – Jerry Wilson**

Ms. Barineau informed the committee that Mr. Wilson informed her that he met with Ms. Duffy and they determined that there were no minor violations for this board. They also indicated that the bill of rights must be considered.

Mr. Dennis stated that there was also an issue that licensees have to report any conviction without limitations to the board. He stated that he would consult with Ms. Duffy and Mr. Wilson on this issue and bring recommendations to the next meeting.

### **OLD BUSINESS**

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

### **NEW BUSINESS**

Mr. Harvey provided staff with a letter that he asked be considered at the next meeting.

### **ADJOURNMENT**

There being no further business to come before the committee, the meeting was adjourned at 1:10 p.m.

### **EXAMINATION AND CONTINUING EDUCATION COMMITTEE**

#### **CALL TO ORDER**

Mr. McCormick, Chair of the committee, called the meeting to order at 2:30 p.m.

#### **Members Present**

Bob McCormick, Chair  
Art Barthlow  
Dennis Carpenter  
Gerry Demers  
Richard Gathright  
Bob Kymalainen  
Orlando Lamas  
Nick Sasso

#### **Members Not Present**

Fred Dudley

#### **Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Katharine Dodson, Administrative Assistant  
Tim Dennis, Board Counsel  
Doug Harvey, Building Officials Association of Florida  
Patrick Hubbard  
Gary Salfelder  
Paul Carrafa  
Mathew McDonald

Peter Haigis  
John Connelly  
Joe Rebuck, Gold Coast Schools  
David Hodges  
Bob Bass, City of Tampa  
Mark Morse  
Jane Waddel  
William Dumbaugh  
John Farinelli  
Phil Sutherland, Universal Engineering Sciences

**CONTINUING EDUCATION COURSES FOR REVIEW  
MIAMI-DADE COUNTY BUILDING CODE COMPLIANCE OFFICE (0001284)  
Renewal Courses**

1. Hurricane Mitigation Retrofits For Existing Site-Built Single Family Residential Structures (0007298)  
Requesting 2 hours GENERAL credit (F-1513, A-1995)
2. The Use of Roofing Fasteners and the Florida Building Code (0007299)  
Requesting 2 hours GENERAL credit (F-1949, A-1923)

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

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

**DOOR AND ACCESS SYSTEMS MANUFACTURES ASSOCIATION (0001819)  
New Course**

1. Garage Door Wind Load Compliance to the FBC  
Requesting 1 hour GENERAL credit (F-1979, A-1966)

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

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

**GOLD COAST SCHOOL OF CONSTRUCTION, INC. (0000983)  
Renewal Courses**

Mr. Rebuck was present at the meeting.

1. The Principles of Florida Statutes and Rules (Classroom)(0007289)  
Requesting 2 hours LAWS & RULES credit (F-1516, A-1962)

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 and it passed with Mr. Demers and Mr. McCormick voting against the motion.

2. The Principles of Florida Statutes and Rules (Internet)(0007290)  
Requesting 2 hours LAWS & RULES credit (F-1517, A-1963)

MOTION: Mr. Gathright made a motion that the committee deny the course as it contained material that was not relevant and addressed in the rules.

SECOND: Mr. Sasso seconded the motion and it passed with Mr. Demers, Mr. McCormick, and Mr. Carpenter voting against the motion.

3. Wind Mitigation: Strengthening the Roofing System (Internet)(0007292)  
Requesting 1 hour GENERAL credit (F-1509, A-1959)

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

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

4. Wind Mitigation: Strengthening the Roofing System (Classroom)(0007291)  
Requesting 1 hour GENERAL credit (F-1508, A-2000)

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

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

5. The Florida Building Code: Overview & Updates (Classroom)  
(0007287)  
Requesting 4 hours GENERAL credit (F-1518, A-1999)

6. The Florida Building Code: Overview & Updates (Internet)  
(0007287)  
Requesting 4 hours GENERAL credit (F-1519, A-1998)

MOTION: Mr. Demers made a motion that the committee approve courses 5 & 6 as submitted.

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

## **BUILDING OFFICIALS ASSOCIATION OF FLORIDA (0001001)**

### **New Courses**

Mr. Harvey and Mr. Farinelli were present at the meeting.

1. Workplace Safety  
Requesting 1 hour GENERAL credit (F-1967, A-1951)

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 and it passed with Mr. Barthlow voting against the motion.

2. The FBC and Green Building Concepts  
Requesting 3 hours GENERAL credit (F-1968, A-1952)

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

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

3. Workers Compensation  
Requesting 1 hour GENERAL credit (F-1969, A-1953)

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

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

4. The Florida Accessibility Code & Fair Housing Guidelines  
Requesting 2 hours AOA credit (F-1970, A-1954)

5. The FBC and ASTM C 1063-03  
Requesting 1 hour GENERAL credit (F-1971, A-1955)

6. FBC Chapter 5-Building Height & Area  
Requesting 2 hours GENERAL credit (F-1972, A-1956)

MOTION: Mr. Gathright made a motion that the committee approve courses 4, 5, and 6 as submitted.

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

7. Permit Technician Roles and Responsibilities  
Requesting 4 hours GENERAL credit (F-1973, A-1957)

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. Kymalainen seconded the motion and it passed unanimously.

8. Residential Building Planning  
Requesting 2 hours GENERAL credit (F-1974, A-1958)

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

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

## **BUILDING OFFICIALS & INSPECTORS EDUCATIONAL ASSOCIATION (0000865) New Courses**

Mr. Dumbaugh was present at the meeting.

1. OSHA and Workers Compensation Regulations  
Requesting 2 hours GENERAL credit (F-1980, A-1967)

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

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

2. Construction Defects and FS 558  
Requesting 1 hour LAWS & RULES credit (F-1981, A-1968)

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the committee approve the course for general credit, and not laws and rules credit.

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

3. Advanced Means of Egress  
Requesting 2 hours GENERAL credit (F-1982, A-1969)
4. Advanced National Electrical Code on Labeled and Listed Electrical Equipment  
Requesting 1 hour GENERAL credit (F-1983, A-1970)
5. Installation of Armored Cables  
Requesting 1 hour GENERAL credit (F-1984, A-1971)
6. Residential Fire Sprinklers  
Requesting 2 hours GENERAL credit (F-1985, A-1972)

MOTION: Mr. Gathright made a motion that the committee approve courses 3, 4, 5, and 6 as submitted.

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

7. Hood Systems FBCM 2007 and NFPA 96  
Requesting 2 hours LAWS & RULES credit (F-1986, A-1973)

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the committee approve the course for general credit, and not laws and rules credit.

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

8. Florida Laws and Rules and Business Practices  
Requesting 2 hours LAWS & RULES credit (F-1987, A-1974)

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

SECOND: Mr. Sasso seconded the motion.

Following discussion, the motion was withdrawn and the following action was taken.

MOTION: Mr. Gathright made a motion that the committee approve the course for two general credit, and not laws and rules credit.  
SECOND: Mr. Lamas seconded the motion which passed with Mr. Sasso voting against the motion.

9. Understanding Product Approval  
Requesting 2 hours GENERAL credit (F-1988, A-1975)

MOTION: Mr. Gathright made a motion that the committee approve the course as submitted.  
SECOND: Mr. Demers seconded the motion and it passed unanimously.

10. Swimming Pools, Fountains and Similar Installations-Article 680  
Requesting 2 hours GENERAL credit (F-1989, A-1976)

There was discussion regarding the course length only being 90 minutes. Mr. Dumbaugh made changes to the times on the outline.

MOTION: Mr. Gathright made a motion that the committee approve the course with the changes.  
SECOND: Mr. Carpenter seconded the motion and it passed unanimously.

- 11. Smoke Detectors, Applications and Technology  
Requesting 2 hours GENERAL credit (F-1990, A-1977)
- 12. Hurricane Mitigation Retrofits  
Requesting 1 hour GENERAL credit (F-1991, A-1978)
- 13. Electrical Installations and Electrical Inspections-Part I  
Requesting 1 hour GENERAL credit (F-1992, A-1979)
- 14. Advanced Changes to the 2007 Florida Building Code, Plumbing  
Requesting 1 hour GENERAL credit (F-1993, A-1980)

MOTION: Mr. Gathright made a motion that the committee approve courses 11, 12, 13, and 14 as submitted.  
SECOND: Mr. Carpenter seconded the motion and it passed unanimously.

15. Mounting Equipment for Wind Resistance in Hurricane Prone Areas  
Requesting 1 hour GENERAL credit (F-1994, A-1981)

MOTION: Mr. Sasso made a motion that the committee approve the course as submitted.  
SECOND: Mr. Gathright seconded the motion and it passed unanimously.

- 16. Green Building, LEED, and the Building Code  
Requesting 2 hours GENERAL credit (F-1995, A-1982)
- 17. Electrical Installations and Electrical Inspections-Part II  
Requesting 2 hours GENERAL credit (F-1996, A-1983)

MOTION: Mr. Gathright made a motion that the committee approve courses 16 and 17 as submitted.

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

18. Regulations for L.P. Gas Installations  
Requesting 4 hours GENERAL credit (F-1997, A-1984)

MOTION: Mr. Gathright made a motion that the committee deny the course as the outline was too vague.

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

19. Test and Balance for Life Safety  
Requesting 2 hours GENERAL credit (F-1998, A-1985)

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

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

20. Substantial Damage, Improvement, FEMA and the Contractor  
Requesting 2 hours GENERAL credit (F-1999, A-1986)

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

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

21. Electrical Installations and Electrical Inspections-Part III  
Requesting 2 hours GENERAL credit (F-2000, A-1987)

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

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

22. Clean Agent Fire Protection  
Requesting 2 hours GENERAL credit (F-2001, A-1988)

MOTION: Mr. Gathright made a motion that the committee deny the course as the outline was too vague, and the course was not relevant.

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

23. Construction in the Floodplain – From Planning through CO  
Requesting 2 hours GENERAL credit (F-2002, A-1989)

24. Working with the Community Rating System  
Requesting 2 hours GENERAL credit (F-2003, A-1990)

25. Understanding the National Flood Insurance Program  
Requesting 2 hours GENERAL credit (F-2004, A-1991)

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the committee approve courses 23, 24, and 25 as submitted.

SECOND: Mr. Carpenter seconded the motion which passed with Mr. Sasso, Mr. Kymalainen, and Mr. Demers voting against the motion.

### **CROSS-TRAINING PROGRAMS FOR REVIEW** **Building Officials Association of Florida (BOAF)**

Mr. Harvey and Mr. Farinelli were present at the meeting.

#### 1. Building Plans Examiner Foundation Program Training

In discussion, it was noted that this material was submitted as a continuing education course not as a cross-training program. Mr. Harvey stated that this is for a 50-hour class, and they are requesting that participants receive 10 hours of continuing education credit.

MOTION: Mr. Demers made a motion that the committee approve the course for 10 hours of general continuing education credit.

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

### **Safebuilt Florida, Inc.**

Mr. Haigis was present at the meeting.

1. Electrical Inspector Cross Training Program
2. Mechanical Inspector Cross Training Program

Mr. Haigis informed the committee that he provides contract services in Bonita Springs and is their building official. He stated that since they are private providers, they cannot take the BOAF training program, and he wants to be able to cross train employees.

Mr. McCormick commented that the rules spell out the training program requirements. Mr. Sasso stated that he did not see that the required materials had been submitted.

Mr. Haigis informed the committee that they want to be able to use the BOAF training program for the classroom portion. Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the committee deny the programs as submitted as they do not comply with the requirements of Rule 61G19-7.004, F.A.C.

SECOND: Mr. Carpenter 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. Harvey asked if when continuing education instructors change, are providers required to resubmit their courses for approval again.



Following discussion, Mr. Dennis stated that they would not have to submit a new request for an instructor, however, they do have the responsibility of ensuring that the instructors are qualified to teach the course.

## **ADJOURNMENT**

There being no further business to come before the committee, the meeting was adjourned at 4:27 p.m.

## **EXECUTIVE COMMITTEE**

### **CALL TO ORDER**

Mr. McCormick, Chair of the committee, called the meeting to order at 4:27 p.m.

### **Members Present**

Bob McCormick, Chair  
Art Barthlow  
Dennis Carpenter  
Gerry Demers  
Richard Gathright  
Bob Kymalainen  
Orlando Lamas  
Nick Sasso

### **Members Not Present**

Fred Dudley

### **Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Katharine Dodson, Administrative Assistant  
Tim Dennis, Board Counsel  
Libby Duffy, Prosecuting Attorney  
Doug Harvey, Building Officials Association of Florida  
Patrick Hubbard  
Gary Salfelder  
Paul Carrafa  
Mathew McDonald  
Peter Haigis  
John Connelly  
Joe Rebuck, Gold Coast Schools  
David Hodges  
Bob Bass, City of Tampa  
Mark Morse  
Jane Waddel  
William Dumbaugh  
John Farinelli  
Phil Sutherland, Universal Engineering Sciences

## **OLD BUSINESS**

### **Limiting Provisional Licenses to a Single Municipality**

Mr. McCormick stated that this issue was discussed at the last meeting. Mr. Sasso commented that with the current state of the economy, he did not think that the board should issue provisional licenses. He stated that if someone has passed the test, they should be given the job. The law states that provisional licenses “may” be issued rather than “shall” be issued.

Mr. McCormick asked if the board wanted to limit provisional licenses to the sponsoring municipality. Mr. Dennis informed the board that under the statutes and rules, the board has the authority to limit a provisional licensee to the employing jurisdiction when the license was issued.

Ms. Barineau informed the committee that the department can add this on the license as a modifier.

Following discussion, no action was taken on this issue.

In discussion, Mr. Dennis commented that Chapter 468.609, F.S., did say “may” so the rule could be amended if the board voted to do so, however, there may be ramifications if they did make the change.

Mr. McCormick asked if the board wanted to change the length of provisional licenses from three years to one year. Mr. Harvey informed the members that BOAF was working on this change legislatively.

Mr. McCormick asked the members if they wanted to reduce the time for provisional licenses and all members present agreed to proceed. Ms. Barineau stated that she would convey this request to the department.

## **NEW BUSINESS**

Mr. Rebeck asked to address the board. He stated that Gold Coast takes their continuing education courses seriously, and he understands the board’s point in the denials. Mr. Rebeck stated that normally he would appeal the denials, however, there are courses that will be offered in early April, and he asked if they would reconsider the two courses that were denied.

**MOTION:** Mr. Gathright made a motion that the committee reconsider the denied courses for Gold Coast.

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

Mr. Rebeck offered amendments to the following courses.

1. The Principles of Florida Statutes and Rules (Classroom)(0007289)  
Requesting 2 hours LAWS & RULES credit (F-1516, A-1962)
2. The Principles of Florida Statutes and Rules (Internet)(0007290)  
Requesting 2 hours LAWS & RULES credit (F-1517, A-1963)

In discussion, Mr. Rebeck provided a hand-written amendment to the courses and stated that he would provide the department with a revised outline.

**MOTION:** Mr. Gathright made a motion that the committee approve the courses based on amended outline.

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

### **ADJOURNMENT**

There being no further business to come before the committee, the meeting was adjourned at 5:16 p.m.

**February 12, 2010**

### **CALL TO ORDER**

Chair McCormick called the meeting to order at 9:05 a.m.

#### **Members present**

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

#### **Members Not Present**

Orlando Lamas

#### **Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Katharine Dodson, Administrative Assistant  
Tim Dennis, Board Counsel  
Doug Harvey, Building Officials Association of Florida  
Bob Bass, City of Tampa  
John Farinelli

Chair McCormick informed the board that Mr. Lamas had to return to Miami this morning.

**MOTION:** Mr. Kymalainen made a motion that the board excuse the absence of Mr. Lamas.

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

### **APPROVAL OF THE DECEMBER 1 – 4, 2009, MINUTES OF THE MEETING**

**MOTION:** Mr. Gathright made a motion that the board approve the minutes as submitted.

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

### **APPEARANCE BY BRIAN SCHEURER TO DISCUSS HIS NULL AND VOID LICENSE**

Mr. Scheurer was not present at the meeting, however, he submitted a letter for the board's consideration.

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion the board deny Mr. Schuerer's request and, therefore, he must reapply for licensure.

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

### **REPORTS**

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

Chair McCormick informed the board that he had written the letters of appreciation for Ms. Libby Duffy, Mr. Luther Council and Ms. Peggy Bertalomi.

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

##### **Ratification List**

Vice-Chair Sasso stated that the board had been provided with a copy of the ratification list.

MOTION: Mr. Dudley made a motion that the board approve the ratification list.

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

Vice-Chair Sasso reported that the committee reviewed a total of 83 applications. They approved 34 and denied 49.

MOTION: Mr. Dudley made a motion that the board accept the committee's report for the approved applications.

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

Mr. Dennis stated that in the future, a copy of the approved and denied list will be provided to the members prior to the last day of the meeting for their review.

Mr. Dennis read into the record the names, types of applications, and the reasons for denial of the applications denied by the committee.

Bargaineer, Charles E. – 1&2 family dwelling inspector – not eligible for endorsement; Barnett, Dale Christopher – building inspector, building plans examiner, building code administrator, mechanical plans examiner, plumbing plans examiner, mechanical inspector, plumbing inspector and 1&2 family dwelling inspector – lack of experience and not eligible for endorsement, 1&2 family dwelling plans examiner – does not meet requirements of 61G19-6.016(6), F.A.C.; Berki, Robert Alexander – mechanical inspector – lack of experience; Berko, Joseph Michael – plumbing inspector – lack of experience; Dasari, Sandeep S. – electrical inspector, plumbing inspector, mechanical inspector, and 1&2 family dwelling inspector – lack of experience; Davis, Edward Hugh – hardship to reactivate null and void license – CE not completed for null and void period not eligible; David P. Defazio –

provisional building plans examiner – lack of good moral character; Forest, Walter Thomas – provisional electrical inspector – lack of experience and not newly hired or promoted; Godek, Michael R. – building code administrator – lack of experience; Harris, Arthur Allen – building code administrator – lack of experience; Hight, Rodney – building code administrator – lack of experience; Hobbs, Casty – provisional plumbing inspector and provisional mechanical inspector – lack of experience; King, Charles Lee – mechanical plans examiner – lack of experience; Krill, Michael Ray – plumbing inspector – lack of experience; Matthews, David Graham – plumbing inspector – lack of experience; Middleton, Donald Richard – provisional building inspector – lack of experience; Monaco, Michael Peter – 1&2 family dwelling inspector – does not meet requirements; Osborne, Michael Lewis – plumbing inspector – lack of experience; Pagan, Julio – provisional building inspector – lack of experience; Pallonis, Nancy – building code administrator – lack of experience; Prince, Edward L. – provisional electrical plans examiner – lack of experience; Ricketson, Alvin Eugene – modular inspector – lack of experience; Riech, Harry Carl – 1&2 family dwelling inspector – lack of experience; Root, Dana Chapin – 1&2 family dwelling inspector and plumbing inspector – lack of experience; Schultz, Richard Lee – plumbing inspector – lack of experience; Shirley, Herschel Andrew – 1&2 family dwelling inspector – lack of experience; Smith, Fredrick L. – electrical plans examiner – lack of experience; Smith, Henry Earl – provisional 1&2 family dwelling inspector and 1&2 family dwelling inspector – lack of experience; Stenkewitz, Volker – electrical inspector – lack of experience; Taylor, Steven J. – building code administrator – lack of experience; Trimble, David Lewis – provisional mechanical inspector, provisional plumbing inspector, and building inspector – lack of experience; Urquhart, Glen D. – building code administrator – lack of experience; Young, James Edgar, III – building code administrator – lack of experience.

MOTION: Mr. Dudley made a motion that the board approve the denials as read into the record with the exception of David P. Defazio who was denied for lack of moral character.

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

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the board deny the application of David P. Defazio based on the board rules and Chapter 455.227(1)(j), F.S.

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

### **Rules and Legislation Committee – Richard Gathright**

Mr. Gathright reported that several bills have been presented of which some are out of committee, some are still in committee, and he will continue to monitor them.

### **Examination and Continuing Education Committee – Bob McCormick**

Chair McCormick reported that the committee reviewed 42 courses, of which 36 were approved and six were denied. He also reported that a cross-training program course was submitted for ten hours of CE credit only which was approved and two new cross training programs were submitted by a new provider and were denied.

### **Executive Committee – Bob McCormick**

Chair McCormick reported that the committee discussed an issue about limiting all provisional licenses to the jurisdiction that sponsored the license, however, no action was taken.

Chair McCormick reported that Vide-Chair Sasso raised the issue of reducing the life of provisional licenses. The executive director was asked to inform the department of this. Also, BOAF confirmed that they are also pursuing this issue.

### **Board Counsel – Tim Dennis**

Mr. Dennis informed the board that there is one pending administrative hearing, which is for Michael Krill, and the video conference is scheduled for March 30. He stated that he will work with Chair McCormick as he is to appear as a witness for the board.

Mr. Dennis reported that they currently have an appeal from the final order for James Pappalardo that is pending in the Fifth District Court of Appeals. He stated that in March of 2009, Ms. Ann Cocheu represented the board at a formal hearing and the board adopted the recommended order in which the judge recommended denial. He stated that the initial brief had filed.

Mr. Dennis discussed the pending rules. He stated that he understands that BOAF has requested a review of Rule 61G19-6.0035, F.A.C., which will be on the agenda for the next board meeting.

Mr. Dennis indicated that the Joint Administrative Procedures Committee (JAPC) has informed another licensing board that they have no authority to verify work experience. The board asked Mr. Dennis to research their statute to ensure there is authority to verify work experience and if not, that Chair McCormick, Ms. Barineau and Mr. Dennis prepare a letter to the department for assistance with a statutory change.

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that Mr. Dennis research their statute to ensure there is authority to verify work experience and if not, that Chair McCormick, Ms. Barineau and Mr. Dennis prepare a letter to the department for assistance with a statutory change.

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

### **EXECUTIVE DIRECTOR – ROBYN BARINEAU**

Ms. Barineau did not have a report to give at this time.

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

Dr. von Kampen was not present and did not submit a report.

### **PUBLIC COMMENTS**

There were no public comments to come before the board at this time.

**OLD BUSINESS**

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

**NEW BUSINESS**

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

**BOARD MEMBER TRAINING**

At this time, board member training was conducted.

**ADJOURNMENT**

There being no further business to come before the board, the meeting was adjourned at 11:45 a.m.