

MINUTES OF THE MEETING

BUILDING CODE ADMINISTRATORS AND INSPECTORS BOARD

**Renaissance Tampa Hotel
International Plaza
4200 Jim Walter Boulevard
Tampa, FL 33607**

June 8, 2010 – 9:00 A.M.

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
Tim Dennis, Board Counsel
Jack McStravic
Wayne Smith
Charlie King
David Morris
Van Tran
Paul Centeub

REVIEW OF APPLICATIONS

Charles Lee King – Mechanical Inspector & Mechanical Plans Examiner

Mr. King was present at the meeting along with Mr. David Morris. They discussed the applications with the committee. Following discussion, the committee denied the applications due to a lack of experience.

Jack David McStravic – Building Inspector

Mr. McStravic was present at the meeting and discussed his application with the committee. Following discussion, the application was denied due to a lack of experience.

At this time, the committee reviewed applications.

RECESS

There being no further business to come before the committee, the meeting was recessed at 1:00 p.m.

June 9, 2010 - 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
Tim Dennis, Board Counsel
Casty Hobbs
Jack Brede
Edward Prince
Alvin E. Ricketson
Fredrick Smith
Steven Taylor
Don Ford

HEARINGS NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT (RESPONDENTS HAVE THE OPTION OF APPEARING ON JUNE 9 BEFORE THE APPLICATION REVIEW COMMITTEE OR JUNE 10 BEFORE THE FULL BOARD.)

Casty Hobbs – Provisional Mechanical Inspector

Mr. Hobbs was present at the meeting and was sworn in by the court reporter. Additional information had been submitted for the committee's consideration. Mr. Jack Brede was also present and sworn in by the court reporter. Mr. Brede informed the committee that Mr. Hobbs had been promoted to the position.

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that based on the additional information and testimony the committee approve the application, however, the license should be limited to Florida State College.

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

Edward L. Prince – Provisional Electrical Plans Examiner

Mr. Prince was present at the meeting and was sworn in by the court reporter. Additional information had been submitted for the committee's consideration.

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the committee table the hearing until noon on Thursday, June 10, 2010, to allow Mr. Prince time to obtain an affidavit of employment.

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

Alvin Eugene Ricketson – Modular Inspector

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

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.

Fredrick Leonso Smith – Electrical Plans Examiner

Mr. Smith 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 based on the additional information.

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

Steven Taylor – Building Code Administrator

Mr. Taylor was present at the meeting along with Mr. Don Ford. They were sworn in by the court reporter.

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the committee approve the application based on testimony at the meeting.

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

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 10:03 a.m.

June 9, 2010 – 5:00 P.M.

PROBABLE CAUSE PANEL MEETING Portions of Which May be Closed to the Public

CALL TO ORDER

Mr. Dudley, chair of the panel, called the meeting to order at 5:00 p.m.

Members Present

Fred Dudley, Chair
Richard Gathright
Bob McCormick

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Tim Dennis, Board Counsel
Libby Duffy, Prosecuting Attorney
Kristina Haeck, Court Reporter

Mr. Dennis and Ms. Duffy made a presentation to the panel regarding the procedures.

Ms. Duffy informed the panel that there were two public cases for consideration. The first case, #2008-028944 – Catherine Spafford.

Ms. Spafford was not present at the meeting. Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that a Closing Order be issued in this case.

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

Ms. Duffy stated that the next public case was #2008-020415 – Andres Villarreal.

Mr. Villarreal was not present at the meeting. Following discussion, the follow action was taken.

MOTION: Mr. McCormick made a motion that an Amended Administrative Complaint be filed.

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

At this time, the meeting was closed to the public.

June 10, 2010 – 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
Art Barthlow
Dennis Carpenter
Gerry Demers
Fred Dudley
Richard Gathright
Bob Kymalainen
Orlando Lamas

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Tim Dennis, Board Counsel
Edward H. Davis
David Hodges

**HEARINGS NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT
(RESPONDENTS HAVE THE OPTION OF APPEARING ON JUNE 9 BEFORE THE
APPLICATION REVIEW COMMITTEE OR JUNE 10 BEFORE THE FULL BOARD.)**

Michael Padron – Provisional Plumbing Plans Examiner

Mr. Padron was not present at the meeting, however, additional information had been submitted for the board's consideration.

Following discussion, the following action was taken.

MOTION: Mr. Demers made a motion that the application be approved based on the additional information provided.

SECOND: Mr. Barthlow seconded motion which passed with Vice-Chair Sasso and Mr. Carpenter voting against the motion.

Richard Lee Schultz – Plumbing Inspector

Mr. Schultz was not present at the meeting, however, additional information had been submitted for the board's consideration.

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the board uphold the denial as originally stated.

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

David Lewis Trimble – Building Inspector

Mr. Trimble was not present at the meeting and no new information had been submitted.

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the board uphold the denial as originally stated.

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

REQUEST FOR A HEARING REGARDING DENIAL OF REQUEST FOR REINSTATEMENT OF NULL AND VOID LICENSE – EDWARD H. DAVIS

Mr. Davis was present at the meeting and was sworn in by the court reporter. He discussed his situation with the board. He stated that he has completed all of the required continuing education.

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the board approve the reinstatement of the licenses as long as he has satisfied the continuing education requirements.

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

Vice-Chair Sasso asked that proof of the continuing education credits be provided at the next meeting.

Edward L. Prince – Provisional Electrical Plans Examiner

Chair McCormick informed the board that this matter was continued from the meeting earlier in the week. He stated that the building official had completed an affidavit that said structural plans instead of electrical plans. The Application Review Committee agreed to continue the hearing in order to give Mr. Prince time to provide a new affidavit from the building official. Chair McCormick stated that the affidavit provided was not a new affidavit.

MOTION: Mr. Gathright made a motion that the board uphold the denial as originally stated.

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

SETTLEMENT STIPULATIONS

Edgar R. Nazario, DBPR Case No. 2008-007045

(PCP: Dudley, Nagin, Bertolami)

Ms. Duffy informed the board that Mr. Nazario is currently in Ecuador. She received an e-mail from him asking her to sign the Settlement Stipulation on his behalf. She is not comfortable with his request.

Vice-Chair Sasso stated that Mr. Nazario worked for him for less than a year, however, he would be able to be fair in making a decision in this matter.

Ms. Duffy asked that this case be continued until the August meeting to allow her time to receive a signed Settlement Stipulation.

MOTION: Mr. Demers made a motion that the board continue the case to the August meeting.

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

Larry Lee Shuler, DBPR Case No. 2009-054181

(PCP: Dudley, McCormick, Gathright)

Chair McCormick turned the chair over the Vice-Chair Sasso since he served on the Probable Cause Panel.

Ms. Duffy stated that Mr. Shuler was to be present for the hearing, however, he submitted a letter stating that due to health reasons, he was unable to attend the meeting. He also stated that he is retired and has relinquished his licenses. Ms. Duffy stated that the Stipulation suggests imposing cost in this matter with no further licensure in Florida.

MOTION: Mr. Kymalainen made a motion that the board accept the Stipulation as presented and waive his required board meeting appearance.

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

PROSECUTING ATTORNEY REPORT – LIBBY DUFFY

Ms. Duffy informed the members that all of the cases have been presented to the Probable Cause Panel, one expert opinion has been returned, and two are in a hold status awaiting outside action. She stated that there were a total of 14 private cases.

Ms. Duffy informed the board that she would e-mail a copy of her report to them.

OLD BUSINESS

Mr. Barthlow asked for the status of the application for Mr. Steven Taylor. Chair McCormick responded that he was approved at the meeting on June 9. Mr. Kymalainen commented that there was oral testimony provided and, therefore, they approved his application. Mr. Dennis stated that Mr. Taylor and Mr. Ford were informed that the license does not authorize Mr. Taylor to do inspections or plans review since he is not the building official.

Mr. Barthlow stated that he did not see that Mr. Taylor has the required experience.

Mr. Dennis informed the board that Mr. Taylor was present before the committee based on his information hearing request. He stated that he did not think it was appropriate to be revisiting this matter without Mr. Taylor being present. Mr. Dennis commented that in the future, the board can require that all hearings are heard by the full board and not the Application Review Committee.

Mr. Dennis stated that the board should accept the findings of the Application Review Committee since the full board was not present to hear the evidence, however, if that is not the will of the board, and they do not ratify Mr. Taylor's approval, he will have to be given an opportunity for a hearing before the full board.

Mr. Demers suggested that they could accept that findings of the committee but discuss possible unlicensed activity. Mr. Kymalainen responded that they accepted Mr. Taylor's and Mr. Ford's testimony, which was under oath. Vice-Chair Sasso informed the board that the vote for approval was 2 to 1, that possible unlicensed activity should be investigated. Chair McCormick stated that it is clear that Mr. Taylor and Mr. Ford now understand what Mr. Taylor can do when licensed, and that they did not understand in the beginning.

Mr. Dennis stated that he wanted to discuss inviting Respondents to the Probable Cause Panel meetings. If it is determined that an Administrative Complaint be filed and recommended to Probable Cause Panel, the subject of the investigation would be informed and given opportunity to appear before the panel. They could bring counsel, or someone other than counsel if they confidentiality. Mr. Dennis added that many times if the person is present, it reduces the disputed issues of material facts, DOAH cases, and gives the panel a chance to make inquiries for clarification.

Ms. Duffy stated that the Respondent can answer questions for the panel. Some boards have the expert witnesses present at some of the panel meetings, which she thinks is a good idea.

Vice-Chair Sasso commented that this sounds like they are taking the authority away from the board. Ms. Duffy assured Vice-Chair Sasso that was not the case and that it gives the panel the opportunity to ask questions, and the Respondent the opportunity to answer questions. Mr. Dennis stated that this would not be expanding the ability of the panel, they would still decide if probable cause existed or not.

Mr. Dudley stated that he has some reservations about the proposal, but as chair of the panel, he would like to try this proposal. He stated that he has seen it work successfully with other boards and sometimes issues can be resolved with a Letter of Guidance. Mr. Dudley stated that he does not feel the Probable Cause Panel rule has to be changed and would like to try it for six months to see how it is works.

Mr. Kymalainen commented that he felt that individuals can not give too much information to the Probable Cause Panel, and he is totally in favor of this suggestion.

Mr. Lamas stated that he agrees with Mr. Dudley, and that individuals should be given the opportunity to defend themselves. Ms. Duffy informed the board that if a case is presented for cursory review, the Respondent will not be present. The only time they would be present is when there appears there is a violation.

Vice-Chair Sasso stated that he did not see where the law allows for this procedure, and he feels the panel is trying the entire case at the Probable Cause Panel meeting.

Mr. Dennis commented that the other boards using this process do have a rule in place, and he felt it would be a better approach to have a rule.

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the board table a decision on this matter for one day to be discussed at the meeting on Friday.

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

NEW BUSINESS

There was no old 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 11:47 a.m.

RULES WORKSHOP – 1:00 P.M.

CALL TO ORDER

Chair McCormick called the Rules Workshop to order at 1:11 p.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
Tim Dennis, Board Counsel

David Hodges
Douglas Wise
Alan C. Plante
Gerald Engel
Jerome Sanzone
Claudio Grande
Joseph Crum
Gary Brevoort
Robert Hill
Linda Patrick
Suzanne Jones
Robert von Kampen, PhD., International Code Council
Tom Allen, Building Officials Association of Florida (BOAF)
Joe Rebuck, Gold Coast Schools
Doug Harvey, BOAF

DISCUSSION REGARDING RULE 61G19-6.0035, F.A.C. – APPLICATION FOR PROVISIONAL AND/OR STANDARD CERTIFICATION

Mr. Dennis explained the procedures that will be followed. He stated that there were copies of two proposals provided in the agenda book and also copies were available for the audience.

Proposal 1

c) Each applicant for certification as an inspector or plans examiner shall demonstrate that he or she has at least one (1) year of hands-on experience in the category of certification sought, with the exception of 1 and 2 family dwelling inspector. For 1 and 2 family dwelling inspector certification, refer to the specific requirements in Rule 61G19-6.017, F.A.C. For purposes of section 61G19-6.0035 “hands-on “ experience shall be deemed to mean an individual working under the supervision of a Florida licensed contractor in the category sought. For experience other than in Florida , such experience shall be documented to be under a license holder in the area where the experience was obtained. If no license is required in the region where the experience was obtained, such experience may be documented by a practitioner otherwise qualified to act as a contractor in that trade category in that locale.

Proposal 2

61G19-6.0035 Application for Provisional and/or Standard Certification.

(1) Each individual who wishes to obtain a provisional and/or standard certificate in any certificate category shall submit the following to the Board:

(a) A completed application form for the category in which certification is sought. The form that shall be used for this purpose shall be provided by the Department and available on the Department’s website.

(b) An affidavit describing in detail each separate period of work experience listed in the application form, signed by a licensed architect, engineer, contractor, or building code administrator who has knowledge of the applicant’s duties and responsibilities during the period indicated. The form that shall be used for this purpose shall be provided by the Department and available on the Department’s website. Each affidavit must include the name and address of the applicant’s employer during the work experience period, the

dates of employment, and a description of the applicant's duties and responsibilities during the employment including any supervisory responsibilities, in sufficient detail to enable the Board to determine whether or not the applicant has the experience required for certification.

(c) Each applicant seeking to qualify for certification as an inspector or plans examiner through a combination of related postsecondary or technical education and work experience shall demonstrate that he or she has at least one (1) year of hands-on experience in the category of certification sought, with the exception of 1 and 2 family dwelling inspector. For 1 and 2 family dwelling inspector certification, refer to the specific requirements in Rule 61G19-6.017, F.A.C.

(d) Each applicant seeking to qualify for certification through a combination of postsecondary education and work experience shall submit an official copy of all college or university transcripts which document the applicant's education in addition to all required affidavits of work experience.

(e) Each applicant who is not employed by a local government agency having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes at the time of the application shall submit payment of all applicable application, examination and certification fees as specified in Chapter 61G19-10, F.A.C.

(f) For the purposes of this section, any unlicensed activity shall not be recognized for the purposes of providing required experience.

(2) In addition to all other required items, each applicant for an inspector or plans examiner certificate shall submit with the application a statement from the applicant's current employer which shall indicate the applicant's present status with the employer. Each applicant employed by a local government agency having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes at the time the application is submitted must include on the statement the signature and license number of the building code administrator or building official for the applicant's employing agency.

(3) In addition to all other required items, each applicant for a building code administrator certificate shall submit with the application a statement from the applicant's current employer which shall indicate the applicant's present status with the employer.

Specific Authority 468.606, 468.609 FS. Law Implemented 468.609 FS. History—New 11-28-95, Amended 10-1-97, 2-23-99, 6-3-03, 2-6-07, 10-4-07.

Mr. McCormick explained that the issue was the rule of thumb that the Application Review Committee uses to determine the five years of experience. Mr. Dennis commented that the purpose of the workshop was for the board to determine if they wanted to move forward with rule making.

Mr. Sasso stated that they already have definitions for experience already which are very clear.

Mr. Harvey, BOAF, stated that he provided suggested language as one year is not defined in the laws and rules. He stated that there is a problem when applicants are performing more than one type of work in a day. It appears to be difficult for the board to define that more than one type of work was performed. Mr. Dudley commented that

the drafts provided do not address this particular issue. Mr. Harvey responded that one of the BOAF members has some language that will be presented.

Mr. McCormick stated that this started with a letter that was received from Mr. Joe Crum and asked him to specifically explain the issues.

Mr. Crum stated that it should be five years of a general construction background with one year in the specific trade that they are applying for and provided the following suggestion:

An applicant may satisfy the requirements of Section 468.609(2)(c)1 Florida Statute through a minimum of one year of hands on experience in the field certification being sought and a total of five years of overall general experience in the construction trade. General experience shall include supervision such as general, building, or residential contractor or project superintendant in the trades. As long as the applicant can demonstrate that, during the entire period of required experience, he or she had regular experience with the trade(s) corresponding to the certification category being sought.

Mr. McCormick stated that he felt that the last sentence was vague. Mr. Dennis commented that the proposal by Mr. Crum is related to the cases that are currently before the District Court of Appeal. The requirement is that the five years of experience has to be in the category of certification sought. Mr. Dennis stated that the proposed draft was to simply ensure that with secondary education, you must have one year of hands-on experience.

Mr. Sasso stated that he considers the five years of experience being specific to the category being sought. The one year of hands-on experience is only applicable to someone using education to qualify. He commented that the draft proposed by Mr. Crum would allow someone to apply for every license available.

Mr. Dudley stated that it may be more appropriate to look at this once the pending cases are complete. Mr. Dennis stated that the two cases are before the Fifth District Court of Appeal and perhaps they should wait until the cases have been heard by the court.

Mr. Tom Allen stated that the BOAF board felt they could not make a judgment call on this, and they wanted to bring this matter before this board for discussion. He stated that the membership is unclear on how the board applies the rule, and they were seeking clarification.

Mr. McCormick responded that the board went around the state two years ago and discussed issues that were problematic. He stated that they brought up this subject at every outreach event.

Following discussion, Mr. Dennis stated that the board may want to clarify Rule 61G19-6.0035 (1)(c), F.A.C., to avoid any further confusion about the one year of hands on experience.

Mr. Harvey stated that the secondary issue was that documentation of 2,000 hours of hands-on experience may need to be added to the rules. Another issue is when an applicant applies for licensure, and their building official thinks they are qualified, but they are denied for not meeting the requirements.

Mr. Crum informed the board that this was not a City of Deland issue, and he does not want to be adversarial to the board. He stated that the cases were a separate issue.

Mr. Dudley asked Mr. Dennis to research if the one year issue has been discussed by the Construction Industry Licensing Board and report back to the board on his findings.

ADJOURNMENT

There being no further business for the Rules Workshop, the workshop was adjourned at 2:03 p.m.

RULES AND LEGISLATION COMMITTEE

CALL TO ORDER

Mr. Gathright, Chair of the committee, called the meeting to order at 2:04 p.m.

Members Present

Richard Gathright, Chair
Fred Dudley
Gerry Demers
Bob Kymalainen

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Tim Dennis, Board Counsel
Bob McCormick, Board Member
Nick Sasso, Board Member
Art Barthlow, Board Member
Orlando Lamas, Board Member
Dennis Carpenter, Board Member
Rob von Kampen, ICC
Joe Crum
David Hodges
Joe Reback
Doug Harvey, BOAF
Tom Allen, BOAF

LEGISLATIVE REPORT

Mr. Gathright provided a copy of his reports for the committee's review. He stated that the first report listed the bills that were monitored during the 2010 Legislative Session. He stated that Mr. Dudley also provided information about the building code related bills.

The committee discussed the new surcharge assessment that goes into effect on October 1.

Mr. Harvey informed the board that attendees at the BOAF conference were notified about the changes to the surcharge. He also stated that he was willing to have the new form placed on the BOAF web page.

RULES REPORT – TIM DENNIS

Discussion of Rule 61G19-6.0036, F.A.C. - Application for Certification Review

Mr. Dennis stated that there were two rules on the agenda for discussion. The first was a draft for their review to make sure all the categories are included in the list of the applications that the board wanted the committee to review.

Following discussion, Mr. Dennis informed the committee that he would reword the language and notice it for rule development at the next meeting.

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

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

Discussion of Rule 61G19-1.009, F.A.C. – Definitions

Mr. Dennis stated that there had been discussion regarding a definition of hands-on experience.

Mr. Sasso suggested that in (8) they add "hands-on." In discussion, Mr. Dudley suggested that Mr. Dennis review the definitions and, if changes are necessary, he report back at the next meeting with rule drafts.

Mr. McCormick suggested that they may want to add time amounts, if possible. Mr. Carpenter commented that they may want to contact the Department of Labor to determine the amount of time considered as a work week.

Mr. Kymalainen stated that the problem is not the hours, but it is the mixing of work in the time period. He has a problem when someone says they are doing three different jobs at one time.

Mr. Dennis informed the committee that he would research these issues.

DISCUSSION OF RULE 61G19-9.001, F.A.C. - CONTINUING EDUCATION FOR BIENNIAL RENEWAL – NICK SASSO

Mr. Sasso asked that this be removed from the agenda.

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 3:22 p.m.

**EXAMINATION AND CONTINUING EDUCATION COMMITTEE
CALL TO ORDER**

Mr. McCormick, Chair of the committee, called the meeting to order at 3:22 p.m.

Members Present

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

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Tim Dennis, Board Counsel
Rob von Kampen, ICC
Joe Crum
David Hodges
Joe Rebuck
Doug Harvey, BOAF
Tom Allen, BOAF

Mr. Gathright recused himself from the committee meeting.

**CONTINUING EDUCATION COURSES FOR REVIEW
PALM BEACH COUNTY PLANNING, ZONING & BUILDING
Renewal Courses**

1. Residential Electrical Blue Print Reading

2. Requesting 2 hours GENERAL credit (F-1569, A-2083)
National Electrical Code Review (Commercial/Industrial) General Wiring Methods
Requesting 2 hours GENERAL credit (F-1576, A-2107)
3. Commercial/Industrial Service Wiring Methods
Requesting 2 hours GENERAL credit (F-1571, A-2085)
4. Fire Resistivity of Buildings as Related to Occupancies
Requesting 2 hours GENERAL credit (F-1561, A-2101)

MOTION: Mr. Demers made a motion that the committee approve courses #1 – #4 as submitted.

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

5. Introduction to Building Code
Requesting 2 hours GENERAL credit (F-1562, A-2102)

Following discussion, the following action was taken.

MOTION: Mr. Demers made a motion that the committee approve course #5 as submitted.

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

6. Comparison of Occupant Fire Protection vs. Building Fire Protection
Requesting 2 hours GENERAL credit (F-1563, A-2103)

MOTION: Mr. Barthlow made a motion that the committee approve course #6 as submitted.

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

7. General Building Heights and Areas
Requesting 2 hours GENERAL credit (F-1566, A-2104)
8. A/C Equipment and Control Wiring Methods
Requesting 2 hours GENERAL credit (F-1570, A-2084)
9. National Electric Code Review (Residential) Wiring Methods
Requesting 2 hours GENERAL credit (F-1572, A-2086)
10. National Electric Code Review of Residential and Commercial Pools and Spas
Requesting 2 hours GENERAL credit (F-1573, A-2087)
11. Ethics Training for the Florida Code Officials
Requesting 1 hour LAWS & RULES (Ethics) credit (F-1625, A-2094)
12. Commercial/Industrial Electrical Blue Print Reading
Requesting 2 hours GENERAL credit (F-1580, A-2106)

MOTION: Mr. Demers made a motion that the committee approve courses #7 - #12 as submitted.

SECOND: Mr. Barthlow 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. David Hodges commented that an individual is allowed to perform coastal construction inspections if they hold a standard building inspector license. He added that this does not protect the public. He stated that they should be required to have the coastal construction inspector modifier to perform inspections on the coast. Mr. Demers responded that it has some merit, but that each jurisdiction should make that determination.

Mr. Demers commented that it was the building official's responsibility to make this determination. Mr. McCormick commented that this was not an issue according to the board. Mr. Hodges disagreed.

ADJOURNMENT

There being no further business to come before the committee, the meeting was adjourned at 3:50 p.m.

EXECUTIVE COMMITTEE

CALL TO ORDER

Mr. McCormick, Chair of the committee, called the meeting to order at 3:52 p.m.

Members Present

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

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Tim Dennis, Board Counsel
Rob von Kampen, ICC
Joe Crum
David Hodges
Joe Reback
Doug Harvey, BOAF
Tom Allen, BOAF

DISCUSSION OF CS/CS/CS/HB 713 AND CS/CS/SB 1330 - DBPR BILL AND HB 663

Mr. Dennis asked that this topic be continued to the meeting on Friday.

Mr. Dennis informed the committee that there is a provision in these bills which will allow spouses of military personnel whose duty station is in Florida to obtain a temporary license.

Mr. Dudley suggested that Ms. Barineau research with the General Counsel's Office to see if the department is developing an application for this transaction.

MOTION: Mr. Dudley made a motion that the committee defer the discussion on new temporary licenses to the August meeting.

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

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 3:56 p.m.

June 11, 2010 - 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
Art Barthlow
Dennis Carpenter
Gerry Demers
Fred Dudley
Richard Gathright
Bob Kymalainen
Orlando Lamas

Others Present

Charlie Liem, Interim Secretary, Department of Business and Professional Regulation
Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Tim Dennis, Board Counsel
John Barrios

Rob von Kampen, ICC
David Hodges
Rob Nagin
Doug Harvey

APPROVAL OF THE APRIL 13 - 16, 2010, MINUTES OF THE MEETING

Mr. Dennis stated that he was not shown as present on April 13, 2010.

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

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

REPORTS

Chair's Report – Bob McCormick

Chair McCormick did not have a report to give at this time.

Application Review Committee – Nick Sasso

Vice-Chair Sasso reported that the committee reviewed 66 applications, of which 23 were approved and 43 were denied.

Vice-Chair Sasso read into the record the names, types of applications, and the reasons for denial of the applications denied by the committee.

Beal, Craig Geoffrey – plumbing inspector – lack of experience; Castro, Ismael – provisional building plans examiner – not newly hired or promoted into the position; provisional mechanical plans examiner, provisional plumbing plans examiner, provisional electrical plans examiner, provisional mechanical inspector, provisional plumbing inspector, provisional electrical inspector – lack of experience and not newly hired or promoted into the position; mechanical plans examiner, plumbing plans examiner, electrical plans examiner, mechanical inspector, plumbing inspector and electrical inspector – lack of experience; Cole, Thomas Michael – provisional 1 & 2 family dwelling inspector – lack of experience; Fineran, Dale R. – mechanical inspector – lack of experience; Fiorentino, Dominick III – building inspector - lack of experience; German, Michael Lee – plumbing inspector – lack of experience; Giametta, Christopher Thomas – plumbing inspector – lack of experience; Griffin, Craig Layne – provisional 1&2 family dwelling inspector – does not meet requirements of 61G19-6.017; Grooms, Darryl D. – electrical inspector – lack of experience; Hagerty, Mark – building inspector – lack of experience; Herr, Frank T. – provisional 1&2 family dwelling inspector – lack of experience and not newly hired or promoted into the position; Johnson, Samuel Lee Jr. – 1&2 family dwelling inspector – does not meet requirements of 61G19-6.017; Jones, Randy Thomas – provisional building code administrator – lack of experience and not newly hired or promoted into the position; Kaklias, Vassilios - building inspector – lack of experience; King, Charles Lee – mechanical inspector and mechanical plans examiner – lack of experience; Mayo, Bruce Clayton – 1&2 family dwelling inspector – does not meet requirements of 61G19-6.017; McStravic, Jack David – building inspector – lack of experience; Parker, David W. – mechanical inspector, mechanical plans examiner,

electrical inspector & electrical plans examiner – lack of experience; Proper, Alan David – provisional 1&2 family dwelling inspector – does not meet requirements of 61G9-6.017; Rojas, Alexander – building inspector – lack of experience; Scofield, Richard Lee – building inspector – lack of experience; Smith, Douglas Adam – roofing inspector – does not meet requirements of 61G19-6.016(3); Stack, Daniel Grant – provisional 1&2 family dwelling inspector – does not meet requirements of 61G9-63017; Walker, Lawrence Mark – provisional building plans examiner – lack of experience and not newly hired or promoted into the position; Walsh, Thomas F. – plumbing inspector and plumbing plans examiner – lack of experience; Williams, Kelvin – building inspector – lack of experience.

Vice-Chair Sasso stated that a board member had applied for the Building Code Administrator's license and the application was approved by the committee. He wanted the board to accept that the committee approved Mr. Barthlow. Mr. Barthlow recused himself from the vote.

MOTION: Mr. Dudley made a motion that the board approve Mr. Barthlow's Building Code Administrator's application.

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

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the board approve the actions of the committee.

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

Ratification List

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

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

Mr. Dennis stated that the board needed to ratify the decisions of the informal hearings heard by the Application Review Committee.

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the board approve the findings of the Application Review Committee on the informal hearings with the exception of Mr. Steven Taylor.

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

Chair McCormick commented that the committee had discussion, voted to approve Mr. Steven Taylor, and Mr. Taylor left the meeting thinking he was approved. He stated that he personally has reservations if they reverse the decision of the committee. Mr. Dennis stated that if it is problematic for the committee to continue to do this, the board can change the process. He informed the board that if they change the decision of the

committee, they would have to permit the applicant an opportunity to come back before the board.

Mr. Barthlow stated that Mr. Taylor has not demonstrated that he has the required experience. The affidavit states that he is the Assistant Building Official.

Mr. Carpenter asked if the Application Review Committee was able to validate the 10 years experience sufficient for them to reverse the decision and issue a license. Vice-Chair Sasso responded that he voted against approval because he felt it was weak, however, the other two members thought it should be approved, which happens by majority vote.

Mr. Kymalainen commented that the provisional license which Mr. Taylor was previously issued was good for three years. He reviewed the experience and was able to validate the 10 years of experience based on affidavits and testimony provided at the hearing.

Mr. Demers stated that he had questions about the documents, however, he was not present for the hearing, and he accepts the committee's decision.

Vice-Chair Sasso stated that based on the application, it looks like he needs to be investigated. Mr. Kymalainen responded that Mr. Taylor and Mr. Ford testified that he is not performing unlicensed activity work.

Chair McCormick stated that Mr. Taylor appeared before the committee and provided testimony, documents, and explained his situation. He has been doing home inspections and had an employee which equated to supervisory experience. He took the information provided and accepted it as the truth and was convinced that he has the required experience. Chair McCormick stated that Mr. Taylor also has to pass the examinations in order to receive a license.

Mr. Dudley asked if the issues on the review sheet addressed. Vice-Chair Sasso responded that they were not. Chair McCormick responded that no unlicensed activity was considered.

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the board uphold the recommendation of the Application Review Committee and approve Mr. Steven Taylor's application for the Building Code Administrator's license.

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

Chair McCormick introduced Interim Secretary Charlie Liem and welcomed him to the meeting.

Secretary Liem informed the board that he was in Tampa and he wanted to take the opportunity to attend the meeting. He asked the board to provide any legislative issues they may have for submission to the Governor's Office in August.

Chair McCormick welcomed Mr. Rob Nagin, former member of the board. He and Secretary Liem presented him with a plaque for his service while on the board.

Rules and Legislation Committee – Richard Gathright

Mr. Gathright did not have a report to give at this time.

Mr. Dennis stated that he will do a rule development notice for the August meeting.

Examination and Continuing Education Committee – Bob McCormick

Chair McCormick reported that the committee reviewed and approved 12 continuing education courses.

Executive Committee – Bob McCormick

Chair McCormick reported that the committee discussed HB663.

Board Counsel – Tim Dennis

Mr. Dennis reported that there are two licensure hearings that have been appealed to the Fifth District Court of Appeals.

Outcome of Research Regarding Inviting Respondents in Disciplinary Cases to Probable Cause Panel Meetings

Mr. Dennis stated that this was discussed yesterday. If the board wants to proceed with this proposal, he recommends that a rule be developed. He would bring back a draft to the August meeting that would be noticed for discussion. Mr. Dudley suggested that based on Mr. Dennis' advice for a rule, that the members go on record whether they think this is a good idea or not so Mr. Dennis would know if he needed to move forward with rule development.

Vice-Chair Sasso stated that he thinks it is highly improper to have the Probable Cause Panel meet with the Respondent present at the meeting. He stated that according to the law probable cause is the sole decision of panel. The purpose is to determine if there is probable cause to move forward or close the case. Vice-Chair Sasso stated that a person should not be given a platform. This diminishes the role of the board.

Mr. Kymalainen stated that he felt that if someone has been accused of something, they should have every due process possible available to them and would like the process to move forward as suggested.

Mr. Demers stated that he thought it was a good idea to have them present. Mr. Dennis explained the process of a complaint and going before the Probable Cause Panel.

Mr. Harvey commented that the Probable Cause Panel was not the judge and jury, and if probable cause is found it becomes a public record after ten days. If cases are dismissed, the information should be removed from their licenses.

Chair McCormick stated that he was against this process, but will discuss his reasons at the August meeting if they have a rule development meeting as suggested by Mr. Dudley.

Mr. Dudley commented that he has have mixed feelings as he knows this will extend the meetings.

MOTION: Mr. Demers made a motion that the board authorize Mr. Dennis to move forward with rulemaking.

SECOND: Mr. Dudley seconded the motion which passed with Vice-Chair Sasso and Mr. Barthlow voting against the motion.

Executive Director – Robyn Barineau Financial Report Ending March 31, 2010

Ms. Barineau informed the board that they have 1.2 million dollars in their operating account, \$250,000 in the unlicensed activity account.

Ms. Barineau provided the following tentative meeting dates through June 2011.

August 10-13 Palm Beach

October 27-29 Gainesville

December 1-3 Orlando

February 16-18 Fernandina Beach

April 6-8 Panama City

June 8-10 Orlando

Ms. Barineau informed the board that she has reached out to the State Fire Marshals Office regarding HB663, and she will be able to provide more information at the August meeting.

ICC Update – Rob von Kampen, Ph.D.

Dr. von Kampen provided a report and discussed it with the board. He informed the board how they review exam questions and alter, if necessary.

PUBLIC COMMENTS

There were no public comments.

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. Chair McCormick reminded the board that legislative input will be discussed at the August meeting along with election of officers.

ADJOURNMENT

There being no further business to come before the board at this time, the meeting was adjourned at 12:00 p.m.