

MINUTES OF THE MEETING

BUILDING CODE ADMINISTRATORS AND INSPECTORS BOARD

HILTON OCALA

3600 SOUTHWEST 36TH AVENUE

OCALA, FLORIDA

OCTOBER 14, 15, 16, & 17, 2008

OCTOBER 14, 2008 - 9:00 A.M.

APPLICATION REVIEW COMMITTEE

CALL TO ORDER

Mr. Sasso, Chair of the Committee, called the meeting to order at 9:02 a.m.

Members Present

Nick Sasso, Chair

Richard Gathright

Bob McCormick

Others Present

Robyn Barineau, Executive Director

Elise Rice, Government Analyst

Don Kukla

David Herron

Stephen Ciardiello

Kevin Burnette

Jeffrey Bunch

John Farinelli

Robert Bailey

Michael Wunschel

REVIEW OF APPLICATIONS

John Farinelli – Modular Plans Examiner & Modular Inspector

Mr. Farinelli was present at the meeting and the Committee approved his applications following discussion.

David Herron – Electrical Plans Examiner & Provisional Electrical Plans Examiner

Mr. Herron was present at the meeting and the Committee denied the applications for lack of experience.

Don Kukla – Provisional Building Plans Examiner

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

Jeffrey Bunch – Provisional Mechanical Inspector & Mechanical Inspector
Mr. Bunch was present at the meeting and the Committee approved his applications.

Stephen Ciardiello – Provisional Electrical Plans Examiner & Electrical Plans Examiner
Mr. Ciardiello was present at the meeting and the Committee approved his applications.

Robert Bailey – Building Code Administrator
Mr. Bailey was present at the meeting and the Committee tabled discussion of his application until the end of the meeting in order to allow Mr. Bailey time to obtain additional affidavits. Mr. Bailey provided the Board the additional affidavits, and his application was approved.

At this time, the Committee continued to review applications.

RECESS

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

OCTOBER 15, 2008 - 9:00 A.M.

**APPLICATION REVIEW COMMITTEE
CALL TO ORDER, PLEDGE OF ALLEGIANCE AND WELCOME**

Mr. McCormick, Chair of the Board, called the meeting to order at 9:01 a.m.

Members Present

Nick Sasso
Richard Gathright
Bob McCormick

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Ann Cocheu, Board Counsel
Maria Dieffenwierth, Court Reporter
Sprague Owings
Doug Smith
Joseph W. Specht
Charles George
James A. Lyons
Rene Reyes
John Schmidt
Mike Richel

HEARINGS NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT

Charles H. George – Building Inspector

Mr. George was present at the meeting and was sworn in by the court reporter. Additional information was provided at the meeting for the Committee’s review.

Following discussion, the following action was taken.

MOTION: Mr. Sasso made a motion that the Committee uphold the denial as originally stated.

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

James A. Lyons – Mechanical Inspector, Building Inspector, Plumbing Inspector & Electrical Inspector

Mr. Lyons was present at the meeting and was sworn in by the court reporter. Additional information was previously submitted for the Committee’s review.

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the Committee uphold the denial for the Mechanical Inspector, Plumbing Inspector, and Electrical Inspector applications as originally stated.

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

Following discussion regarding the Building Inspector application, the following action was taken.

MOTION: Mr. Gathright made a motion that the Committee approve the Building Inspector’s application.

SECOND: Mr. McCormick seconded the motion passed unanimously.

It was noted that Mr. Lyons will have to take the Principles and Practice Examination prior to licensure.

Sprague Owings – 1&2 Family Dwelling Inspector

Mr. Owings was present at the meeting and was sworn in by the court reporter. Mr. McCormick stated that this application was by endorsement, and he did not show that he had taken the examination.

Following discussion, the following action was taken.

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

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

Rene Reyes – Provisional Building Inspector

Mr. Reyes was present at the meeting and was sworn in by the court reporter. Mr. Reyes provided additional information and stated that he was not currently employed with the city at this time. He indicated he was on a leave of absence.

Mr. McCormick stated that the Committee needed a letter from the Building Official stating that Mr. Reyes is an employee with them pending the approval of the provisional application. The Committee tabled the hearing at this time.

Mr. Reyes provided the Committee with a letter from the Building Official for their review.

Following discussion, the following action was taken.

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

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

Michael P. Richel – Building Inspector

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

Following discussion, the following action was taken.

MOTION: Mr. Sasso made a motion that the Committee approve the application.

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

John Schmidt – Provisional Electrical Inspector

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

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the application.

SECOND: The motion died.

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the application, however, the license be limited to Hardee County only.

SECOND: The motion died.

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the Committee approve the application, however, the provisional license is limited to Hardee County only.
SECOND: Mr. Sasso seconded the motion and it passed unanimously.

Doug Smith – 1&2 Family Dwelling Inspector

Mr. Smith was present at the meeting and was sworn in by the court reporter. Additional information was provided at the meeting for the Committee’s review.

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the Committee approve the application based on the additional information.
SECOND: Mr. Sasso seconded the motion and it passed unanimously.

Joseph W. Specht – Electrical Inspector & Electrical Plans Examiner

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

Following discussion the following action was taken.

MOTION: Mr. Sasso made a motion that the Committee uphold the denials as originally stated.
SECOND: Mr. McCormick seconded the motion and it passed unanimously.

Robert Romero – Electrical Plans Examiner

Mr. Romero was not present, however, he had submitted a letter requesting a continuance if the Committee did not approve the additional information submitted. He provided additional information for the Committee’s review.

Ms. Cocheu informed the Committee that they could proceed with the hearing even if a continuance was requested.

MOTION: Mr. Sasso made a motion that the Committee uphold the denial as originally stated.
SECOND: Mr. Gathright seconded the motion and it passed unanimously.

Review of Applications

At this time, the Committee continued to review applications.

ADJOURNMENT

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

OCTOBER 16, 2008 – 9:00 A.M.

BOARD MEETING

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
Elizabeth Duffy, Prosecuting Attorney
Ann Cocheu, Board Counsel
Gordon “Don” Brindley
John Farinelli, International Code Council
Jason Stevenson
Jane Waddel
John Darley
Bob Olynick, England Enterprises
Charles B. Ayers
Adam Kasprzak
David Hodges
Doug Harvey, Building Officials Association of Florida
Joe Rebuck, Gold Coast Schools
Doug Sucik, International Code Council
Robert Bailey
Phil Mastro Simone
Sam Gerace
Sharon Mignardi

Hearings Not Involving Disputed Issues of Material Fact

Charles B. Ayers – Mechanical Inspector

Mr. Ayers was present at the meeting and was sworn in by the court reporter.
Additional information was provided 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 additional information.

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

Sven Jetzkewitz – Building Inspector

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

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the Board uphold the denial as originally stated.

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

Robert Emmett Kane – Mechanical Inspector & Provisional Electrical Inspector

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

MOTION: Mr. Franklin made a motion that the Board uphold the denial as no new information had been provided.

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

Adam Kasprzak – Building Inspector

Mr. Kasprzak 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. Gathright made a motion that the Board uphold the denial as originally stated.

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

John R. McConnell, Jr. – Plumbing Plans Examiner & Mechanical Plans Examiner

Mr. McConnell was not present at the meeting, however, additional information had been submitted for the Board's review. Ms. Rice explained that the Board requested a copy of his previous applications that had been submitted for them to review.

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the Board uphold the denials as originally stated.

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

Aaron Lee Silverman – Provisional Building Inspector

Mr. Silverman was not present at the meeting, however, additional information had been submitted for the Board's review.

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the Board approve the application.
SECOND: Mr. Franklin seconded the motion which passed with Mr. Nagin, Vice-Chair Sasso, and Mr. Gathright voting against the motion.

Robert Snowden, Jr. – Building Inspector & Building Plans Examiner - Endorsement

Mr. Snowden was not present at the meeting, however, additional information had been submitted for the Board's review.

Following discussion, the following action was taken.

MOTION: Mr. Nagin made a motion that the Board uphold the denial as originally stated.
SECOND: Mr. Gathright seconded the motion and it passed unanimously.

Vice-Chair Sasso stated that during the Application Review Committee meeting it was pointed out that Rule 61G19-6.016, Florida Administrative Code, does not state that there is a test required for the Modular Plans Examiner and Modular Inspector licenses. He stated that this needs to be added to the rules.

Chair McCormick commented that prior to the rule change, there was language regarding the examination. When the rule was amended the language was removed. Chair McCormick suggested that the Board have Ms. Cocheu review the previous language and provide a draft for their review as a rule development.

MOTION: Vice-Chair Sasso made a motion that the Board direct Board Counsel to review the previous language for the modular categories and draft a rule proposal for rule development at the next meeting.
SECOND: Mr. Gathright seconded the motion and it passed unanimously.

HEARING NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT – CONTINUING EDUCATION

Gordon Don Brindley, Inc. – Proper Mounting Heights for Fixtures, Etc., Accessibility Code – Renewal Course

Mr. Brindley was present at the meeting. He informed the Board that his course was taught with the latest edition of the accessibility code.

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the Board approve the course as modified.
SECOND: Mr. Sasso seconded the motion and it passed with Mr. Dudley voting against the motion.

INFORMAL HEARING

John Michael Darley – DBPR Case # 2007-067928

PCP: Nagin, Dudley, Bertolami

Ms. Duffy informed the Board that this case was pulled from the agenda for presentation at a future date.

MOTION OF WAIVER AND FINAL RIGHTS

Phillip W. Mastrosimone – DBPR Case # 2007-052961

PCP: Nagin, Dudley, Bertolami

Mr. Mastrosimone was present at the meeting and was sworn in by the court reporter.

Ms. Duffy stated that this case was before the Board as a Motion for Waiver as no response was received by the Department. She stated that since Mr. Mastrosimone was present, the Board may wish to hear from him.

Ms. Duffy stated that this was a two-count complaint for violations of permits issued. The Department requested the imposition of a reprimand to probation, and a fine of up to \$1500.

Mr. Mastrosimone informed the Board that he did not respond to the complaint because he was in the hospital. He stated that he felt it was important for him to come to the meeting because he understands the responsibilities of the Building Official.

Following discussion, the following action was taken.

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

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

Chair McCormick asked for a penalty recommendation.

MOTION: Mr. Kymalainen made a motion that the Board place the Respondent on probation for a period of one-year during which time he will have to attend a full Thursday session of a Board meeting, issue a reprimand, and impose costs in the amount of \$97.21.

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

SETTLEMENT STIPULATION

Sumner Bowman – DBPR Case # 2007-039112

PCP: Nagin, Dudley, Council

Mr. Bowman was not present at the meeting. Ms. Duffy provided the members with a copy of page two of the Settlement Stipulation which was not included in the agenda book. She informed the Board that Mr. Bowman was denied a provisional license but had a hearing before the Board and was approved for the provisional license with the stipulation that he take the examination for licensure within nine months, which he never did. Mr. Bowman informed Ms. Duffy that he was no longer working where needed this

license, and he voluntarily relinquished his license. She stated that he also paid the costs involved in this matter.

Ms. Duffy informed the Board that the Department recommended that the Board adopt the Settlement Stipulation as presented.

MOTION: Vice-Chair Sasso made a motion that the Board adopt the Settlement Stipulation as presented.

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

PROSECUTING ATTORNEY REPORT – LIBBY DUFFY

Ms. Duffy stated that she did not have a written report to present at this time, however, she would try to get it for this meeting. Mr. Dudley suggested that Ms. Duffy continue the report in the same format as previously provided by Ms. Leigh. Chair McCormick stated that he would like to see the report at this meeting, if possible.

61G19-5.002 Disciplinary Guidelines – Response to Nick Sasso’s Questions

Ms. Duffy informed the Board that she had reviewed the questions and believed the reason they have the guidelines is that of the three different types that are listed, not all were the same. She stated that the references in the statutes are different even though they cover basically the same ground. The Board is supposed to adopt rules to implement the statutes.

Mr. Dudley suggested that if this is likely to cause confusion, perhaps the Board should ask Ms. Cocheu to look at the rules and report back at the next meeting if changes are necessary.

Ms. Cocheu responded that she could notice the rules for the Board in order for discussion at the next meeting.

Mr. Dudley stated that he did not want the review done for the severity of the penalties, but to see if the rules were confusing, and that would be an area Ms. Cocheu would review. He stated that they could potentially have guidelines that are conflicting. Ms. Cocheu responded that she can review the rules and make sure there is a line item for everything. Chair McCormick stated that Ms. Cocheu could prepare a rule proposal if she felt there was a conflict.

Vice-Chair Sasso stated that the point of his question was to simplify.

Ms. Duffy informed the Board that she will be scheduling a Probable Cause Panel telephone conference call for November.

RECESS

There being no further business to come before the Board at this time, the meeting was recessed at 12:00.

**RULES AND LEGISLATION COMMITTEE
CALL TO ORDER**

Mr. Nagin, Chair of the Committee, called the meeting to order at 1:15 p.m.

Members Present

Rob Nagin, Chair
Fred Dudley
Bob Kymalainen

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Elizabeth Duffy, Prosecuting Attorney
Ann Cocheu, Board Counsel
Bob McCormick, Board Member
Richard Gathright, Board Member
Nick Sasso, Board Member
John Farinelli, International Code Council
Jane Waddel
Bob Olynick, England Enterprises
David Hodges
Doug Harvey, Building Officials Association of Florida
Joe Rebeck, Gold Coast Schools
Doug Sucik, International Code Council
Robert Bailey
Sam Gerace
Sharon Mignardi

LEGISLATIVE REPORT – ROB NAGIN

Mr. Nagin informed the Committee that he did not have anything to report at this time.

Mr. Dudley informed the Committee that he understands the Department will probably have a 2009 legislative package.

RULES REPORT – ANN COCHEU

Ms. Cocheu reported that she was working with the Joint Administrative Procedures Committee on Rule 61G19-7.002, Florida Administrative Code. She stated that they will not allow a technical change in subsection (1) as it references the registration form, which is out of date. Ms. Cocheu stated that the newer form number 4256-1 will be used to amend the rule and asked the Board to authorize her to proceed.

MOTION: Mr. Dudley made a motion that the Committee adopt the report and authorize Ms. Cocheu to make the necessary changes to Rule 61G19-7.002, Florida Administrative Code, to address the concerns of the Joint Administrative Procedures Committee.

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

Mr. Dudley informed the Committee that Ms. April Skilling, Deputy General Counsel for the Department, was at the last Construction Industry Licensing Board meeting and discussed the 2008 Legislative session that resulted in changes with the way that rules are handled. One of the new requirements is a Statement of Estimated Regulatory Costs (SERC) has to be prepared and provided with the rule text.

Ms. Cocheu informed the Board that a rule which was in the system prior to the effective date of the SERC requirement will not be affected by the new requirement.

Ms. Barineau informed the Committee that she will need technical assistance from the Board in some areas when she prepares a SERC.

DISCUSSION REGARDING BUILDING CODE SERVICES, CHAPTER 468.603(1), FLORIDA STATUTES

Ms. Cocheu stated that she has reviewed this topic and found nothing definitive. Mr. McCormick stated that this discussion was a result of Building Officials offering their services to more than one jurisdiction/location. He brought this up at the last meeting since there are individuals that hold a Building Code Administrators license, and they were offering services to three or four small jurisdictions. He stated that it appears that the language would prohibit a private provider employee from taking advantage of this situation.

In discussion, Mr. Sasso stated that a licensee could not use their Building Code Administrator license to go to a jurisdiction and perform inspections/plan review. It was suggested that the Chair of the Board draft a letter to include in the next newsletter on this issue.

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the Committee recommend that Ms. Cocheu do research to determine if the Board can define employee/employer or if they need to request a legislative change for this to be defined.

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

DISCUSSION REGARDING HOME INSPECTORS

Ms. Cocheu stated that she will research this issue and report back to the Board at the next meeting. She stated that she would notice Rule 61G14-6.016 (4) and (5) and 61G14-5.002, Florida Administrative Code.

NEW BUSINESS

Mr. McCormick stated that there is an examination for the modular categories of licensure. The rule was amended, and the requirement for the examination was deleted.

MOTION: Mr. Dudley made a motion that the rule be amended to include the requirement for the examination.

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

OLD BUSINESS

Mr. Dudley stated that he wanted to make the Board aware of a private legal matter. The Construction Industry Licensing Board (CILB) is considering a rule change regarding the delivery of their continuing education courses. He stated that the rule has not been published yet, and it would impact the courses that this Board authorizes to be delivered via the internet as the CILB rule allows their licensees to take certain courses that this Board authorizes. Mr. Dudley suggested that perhaps Ms. Barineau could meet with Mr. Tim Vaccaro on this issue when other boards make changes in their continuing education courses that would impact this Board.

Ms. Cocheu stated that this was more of an issue with the providers than with the Board. Mr. Dudley responded that he just wanted the Board to be aware of this matter.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 2:15 p.m.

EXAMINATION AND CONTINUING EDUCATION COMMITTEE

CALL TO ORDER

Mr. Franklin, Chair of the Committee called the meeting to order at 2:15 p.m.

Members Present

Dennis Franklin, Chair
Richard Gathright
Bob McCormick
Nick Sasso

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Elizabeth Duffy, Prosecuting Attorney
Ann Cocheu, Board Counsel
Rob Nagin, Board Member
Bob Kymalainen, Board Member
Fred Dudley, Board Member
John Farinelli, International Code Council
Jane Waddel
Bob Olynick, England Enterprises
David Hodges
Doug Harvey, Building Officials Association of Florida
Joe Rebuck, Gold Coast Schools
Doug Sucik, International Code Council

Robert Bailey
Sam Gerace
Sharon Mignardi

**CONTINUING EDUCATION COURSES FOR REVIEW
GOLD COAST SCHOOL OF CONSTRUCTION, INC.**

New Courses

1. Ethics in the Construction Industry - Classroom
Requesting 2 hours ETHICS credit

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the Committee approve the classroom course for 1 hour of ethics and 1 hour of general credit.

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

2. Ethics in the Construction Industry - Internet
Requesting 2 hours ETHICS credit

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the Committee deny the internet class according to Rule 61G19-19.004(4) & (5), Florida Administrative Code.

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

BUILDING OFFICIALS ASSOCIATION OF FLORIDA

New Courses

1. Area of Accessibility
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.

2. Florida Building Codes Update
Requesting 4 hours GENERAL credit

Mr. Doug Harvey provided the Committee with a revision to this course. Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the course with the revisions.

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

3. Building Green and the Florida Energy Code
Requesting 2 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 and it passed with Mr. Sasso voting against the motion.

4. FBC Laws and Rules
Requesting 2 hours LAWS & RULES credit

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

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

5. Workplace Safety
Requesting 1 hour 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 and it passed unanimously.

6. Workers Compensation
Requesting 1 hour GENERAL credit

Following discussion, the following action was taken.

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

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

INTERNATIONAL CODE COUNCIL

New Courses

MOTION: Mr. McCormick made a motion that the Committee approve course numbers 1, 2, 3, & 4 as submitted.

SECOND: The motion died for lack of a second.

Mr. John Farinelli was present on behalf of the International Code Council.

1. 2006 International Building Code-Issuing Temporary Certificate Of Occupancy - Internet
Requesting 1 hour GENERAL credit

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

SECOND: The 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. McCormick and Mr. Franklin voting against the motion.

Following discussion, the following action was taken.

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

SECOND: Mr. Franklin seconded the motion which failed with Mr. Sasso and Mr. Gathright voting against the motion.

At this point, Mr. Franklin turned the meeting over to Chair McCormick for the full Board to consider this course.

Chair McCormick called for further discussion.

MOTION: Mr. Nagin made a motion that the Board approve the course as submitted.

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

At this time, Chair McCormick turned the meeting back over to the Examination and Continuing Education Committee.

2. Green Building and Leed
Requesting 6 hours GENERAL credit

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

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

3. 2006 IBC Day Care Assistive Living Center Requirements - Internet
Requesting 3 hours 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.

- 2006 International Building Code – Structural Loads - Internet
Requesting 2 hours 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.

Mr. McCormick stated that he would like to discuss this course, therefore, the following action took place.

MOTION: Mr. McCormick made a motion that the Committee reconsider the course.

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

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the course for 1 hour of general credit.

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

- 2006 I-Codes and Green Building
Requesting 6 hours 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 with Mr. Sasso voting against the motion.

THESE COURSES WERE CONTINUED FROM THE BOARD MEETING ON AUGUST 15, 2008

ENGLAND ENTERPRISES, INC.

New Courses

- Ethics (Inspectors Do's and Don't's) Classroom
Requesting 1 hour ETHICS credit
- Ethics (Inspectors Do's and Don't's) Internet
Requesting 1 hour ETHICS credit
- Residential Gas (Internet)
Requesting 12 hours GENERAL credit
- Residential Plumbing (Internet)
Requesting 12 hours GENERAL credit
- Building Codes (Associated Codes & Standards) Internet
Requesting 1 hour GENERAL credit

Mr. Bob Olynick was present on behalf of England Enterprises. He stated that Mr. England thought these courses were denied at the last meeting and requested that they be allowed to withdraw them.

MOTION: Mr. Sasso made a motion that England Enterprises be allowed to withdraw course numbers 1-5 as requested.

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

Renewal Course(s)

1. Residential Electrical Inspector (0006825)
Requesting 18 hours 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. Florida Law Update (0006808)
Requesting 3 hours LAWS & RULES credit

MOTION: Mr. McCormick made a motion that the Committee approve the course for 2 hours of laws and rules and 1 hour of general credit.

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

3. Means of Egress (0006814)
Requesting 6 hours 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.

4. Building Accessibility Inspector/Review (0006824)
Requesting 3 hours ACCESSIBILITY credit

MOTION: Mr. McCormick made a motion that the Committee approve the course for 2 hours of accessibility and 1 hour of general credit.

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

BRB Code Educators, Inc.

1. Fire Rated and Smoke Resistant Walls FBCB Chapter 7:
Construction/Inspection
Requesting 2 hours 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.

OLD BUSINESS

There was no Old Business to come before the Committee at this time.

NEW BUSINESS

Discussion of Guidelines for Approval of Online Training Courses – Bob McCormick

Mr. McCormick stated that this was provided to make the Committee aware of the changes that make take place with CILB.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 3:44 p.m.

EXECUTIVE COMMITTEE

CALL TO ORDER

Chair McCormick called the meeting to order at 3:44 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
Elizabeth Duffy, Prosecuting Attorney
Ann Cocheu, Board Counsel
John Farinelli, International Code Council
Jane Waddel
Bob Olynick, England Enterprises
David Hodges
Doug Harvey, Building Officials Association of Florida
Joe Rebuck, Gold Coast Schools
Doug Sucik, International Code Council
Robert Bailey
Sam Gerace
Sharon Mignardi

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 business to come before the Committee, the meeting was adjourned at 3:45 p.m.

OCTOBER 17, 2008 - 9:00 A.M.

CALL TO ORDER, PLEDGE OF ALLEGIANCE AND WELCOME

Chair McCormick called the meeting to order at 9:03 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
Elizabeth Duffy, Prosecuting Attorney
Ann Cocheu, Board Counsel
Doug Harvey, BOAF
Doug Sucik, ICC
David Hodges

APPROVAL OF THE AUGUST 12 - 15, 2008, MINUTES OF THE MEETING

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

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

REPORTS

Chair's Report – Bob McCormick, Chair

Chair McCormick stated that there was an applicant several meetings back that was trying to use experience from Lake Helen, and they had requested an investigation be opened. He reported that the individual received a cease and desist order and Lake Helen had satisfied the investigation as they showed the individual worked with a third party.

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

Vice-Chair Sasso reported that the Committee reviewed a total of 129 applications of which 64 were approved, and 65 were denied.

MOTION: Mr. Nagin made a motion that the Board approve the actions of the Committee and the Ratification List.

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

Vice-Chair Sasso informed the Board that the Committee discovered that the rule for the Modular Inspector does not include the word “test,” and they instructed Ms. Cocheu to follow-through with amending the rule.

Rules and Legislation Committee – Rob Nagin

Mr. Nagin reported that Ms. Cocheu is to follow up on several items. Rule 61G19-6.016(4) & (5), Florida Administrative Code, regarding the modular examination requirement; Rule 61G19-5.002, Florida Administrative Code, regarding the disciplinary procedures; and Rule 61G19-7.005 & .015, Florida Administrative Code, regarding the “new” form.

Mr. Nagin reported that Mr. Dudley brought to the Committee’s attention the Statement of Regulatory Costs which has to be prepared for all rules.

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.

Examination and Continuing Education Committee – Dennis Franklin

Mr. Franklin reported that the Committee reviewed 23 continuing education courses of which 16 were approved, two were denied and five were withdrawn.

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

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

Executive Committee – Bob McCormick, Chair

Chair McCormick stated that he did not have a report.

Board Counsel – Ann Cocheu

Building Department Recordkeeping

Ms. Cocheu reported that Vice-Chair Sasso, at the last meeting, expressed concern with the building department’s recordkeeping and asked her to research to see if there was a possible way to develop a rule and pin down the responsibility. Ms. Cocheu stated that this would have to be a legislative change.

Executive Director – Robyn Barineau
Financial Report

Ms. Barineau discussed the financial report with the Board. She reported that the balance was \$351,000 as of June 30, 2008, and there was a transfer to the recovery fund of over \$2 million. She added that the Board's Unlicensed Activity account had a balance of \$201,000.

Ms. Barineau informed the Board that with the paperless issue moving forward, she is hopeful that in December there will be a demonstration for the members. All of the members will receive a lap top. Ms. Barineau stated that they were slightly behind schedule as the office was supposed to start development in September, however, they have not started at this time.

ICC Update – Doug Sucik
CBT Administrations

Mr. Sucik informed the Board that it was a pleasure to be present at the meeting. He reported that the modular examinations were launched and the computer-based testing is continuing, along with the paper-and-pencil examinations.

Mr. Sucik stated that there was a question regarding the number of times a person could take the examination if the paper-and-pencil examination was discontinued. The question was if someone could take the computer-based test more than twice in six months. Mr. Sucik informed the Board that this would be up to the International Code Council Board, and they would have to make an exception to the rule for Florida. He stated that the reason for the two times in six months is that there are only a certain number of forms and if an individual takes the examination more, they could possibly get the same form. Mr. Sucik informed the Board that this will be on the agenda for the next meeting to discuss.

Mr. Nagin asked if there would be a cost to develop a third form. Mr. Sucik responded that was part of the issue, and he was not sure if there would be a cost for this. He stated that if they were short of items, they would have to create more, however, he did not think they would be short. He stated that he will let Ms. Barineau know when the meeting will take place.

Mr. Sucik asked the Board if three times would be sufficient. Mr. Nagin responded that currently someone could take the examination four times if they chose the paper-and-pencil administration.

Mr. Sucik stated that it is a national requirement for the two times within six months and they will have to make an exception to their policy for Florida. Chair McCormick responded that he would like for individuals to be able to take the examination four times every six months. Mr. Sucik stated that he would pass this information on to Dr. von Kampen.

Chair McCormick asked if Mr. Sucik had any pass/fail information. Ms. Barineau responded that Dr. von Kampen wanted to present the information at the December meeting and asked that the Board wait until then.

CORRESPONDENCE

Complaint and Investigative Statistics July 08 – August 08

This was provided for informational purposes. Mr. Dudley asked that more information be provided on the form.

Vice-Chair Sasso stated that he wanted to see the cases that were not found to be legally sufficient which they should be able to do because they are the Board. Ms. Cocheu responded that the Board has to hold meeting in which the public can attend. She suggested that perhaps they could meet with the investigative staff to ensure that everyone is in agreement with the information that is reviewed. Mr. Dudley responded that that would be a good idea and that perhaps the investigative staff could bring a random sample for the Board to review with the confidential information redacted.

Following discussion, Ms. Barineau informed the Board that she would discuss this with the Department and see how to proceed.

OLD BUSINESS

Vice-Chair Sasso commented that there was a case that is over two years old where individuals were pressured to perform services they were not licensed to perform and he wanted some resolution in this matter. Ms. Barineau responded that the case was with the State Attorney's office.

Vice-Chair Sasso commented that a concern is what the inspector does is they find themselves in this type of situation, the licensee has to follow the law and there has to be something or somewhere they can go for immediate action. Ms. Cocheu responded that they would need to seek private legal counsel as this was not really a Board issue.

Following discussion, Chair McCormick stated that it was not proper for the Board to discuss this at this time.

NEW BUSINESS

Chair McCormick stated that he appreciated being elected Chair of the Board and wanted to thank everyone for the service they provide. He stated that some of the members have expired terms and wanted to say he appreciates the service they have provided if this happens to be their last meeting.

Mr. David Hodges stated that he had an issue with threshold inspectors in smaller areas and wanted the Board to address this in a newsletter. Chair McCormick responded that the rules were very clear on this, however, they may put something in a newsletter. Ms. Cocheu stated that he could also address this with the Board of Architecture and Interior Design and the Professional Engineers Board. Mr. Nagin stated that this was a building code issue and he should address the Florida Building Commission.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:03 p.m.