

## MINUTES OF THE MEETING

**BUILDING CODE ADMINISTRATORS AND INSPECTORS BOARD  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
1940 NORTH MONROE STREET  
TALLAHASSEE, FL 32399  
DECEMBER 12, 13, 14, & 15, 2006 9:00 A.M.**

**DECEMBER 12, 2006-9:00 A.M.**

### **APPLICATION REVIEW COMMITTEE**

#### **Call To Order**

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

#### **Members Present**

Bob Kymalainen  
Bob McCormick  
Nick Sasso

#### **Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Jeffrey French  
Robert Berki  
Donald Rampersand  
Michael Hunt  
William Evans  
James Gasgne  
Robert Light  
David Conch  
Paul Fontaine  
Arthur C. Wade, Sr.  
Ronald Farris  
Ed Schweran  
Kyle Whitehead  
Cosmo Tornese  
Don Fuchs  
Ernesto F. Fernandez  
Douglas Harvey  
David Rovell-Rixx  
Richard Elkins  
Mark Boice  
Jack Spivey  
Glenn Dodson  
William J. Hammond

Gerry A. Demers  
Lee R. DePauw  
Stan Arnold  
Linda Awad  
Jerry Estes  
John Stone  
Wayne Francis

**Training Session 9:00 a.m. – 11:00 a.m.**

At this time, the Committee discussed the application process with the audience.

**Review Of Applications**

At this time, the Committee reviewed applications of individuals that were present.

**Stanley Dean Arnold – 1&2 Family Dwelling Inspector**

Mr. Arnold was present at the meeting and the Committee approved the application.

**Robert Alexander Berki – Provisional 1&2 Family Dwelling Inspector & 1&2 Family Dwelling Inspector**

Mr. Berki was present at the meeting and the Committee approved the applications, however, the provisional application was approved for Osceola County only.

**Gerry Allen Demers – Roofing Inspector – Voluntary**

Mr. Demers was present at the meeting and the Committee approved the application.

**William Duane Doering – Provisional Electrical Inspector, Provisional Plumbing Inspector, Provisional Mechanical Inspector, Plumbing Inspector, Mechanical Inspector, Electrical Inspector**

Mr. Doering was present at the meeting and the Committee denied the applications due to a lack of experience.

**Richard Elkins – Provisional Building Inspector, Provisional Plumbing Inspector, Provisional Building Plans Examiner, Provisional Plumbing Plans Examiner, Provisional 1&2 Family Dwelling Inspector**

Mr. Elkins was present at the meeting and the Committee approved the applications with the exception of the provisional 1&2 family dwelling inspector application which was denied for lack of electrical experience.

**William H Evans - Provisional 1&2 Family Dwelling Inspector & 1&2 Family Dwelling Inspector**

Mr. Evans was present at the meeting and the Committee approved the applications, however, the provisional application was approved for Osceola County only.

**Jeffrey James French – Provisional Building Inspector**

Mr. French was present at the meeting and the Committee approved the application.

**James Tolan Gasque, III – Provisional 1&2 Family Dwelling Inspector & 1&2 Family Dwelling Inspector**

Mr. Gasque was present at the meeting and the Committee approved the applications, however, the provisional license was approved for Osceola County only.

**Donald Rampersaud – Electrical Inspector, Electrical Plans Examiner, Provisional Electrical Inspector And Provisional Electrical Plans Examiner**

Mr. Rampersaud was present at the meeting and the Committee approved the applications.

**Ernesto Fidel Fernandez – 1&2 Family Dwelling Inspector**

Mr. Fernandez was present at the meeting and the Committee approved the applications.

**John M. Stone, Sr. – Building Code Administrator & Provisional Building Code Administrator**

Mr. Stone was present at the meeting and the Committee approved the applications.

At this time, the Committee reviewed applications.

**RECESS**

There being no further business to come before the Committee at this time, the meeting was recessed at 7:30 p.m.

**DECEMBER 13, 2006-9:00 A.M.**

**APPLICATION REVIEW COMMITTEE**

**CALL TO ORDER**

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

**Members Present**

Bob Kymalainen  
Bob McCormick  
Nick Sasso

**Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Robert Light  
Michael Hunt  
Lawrence Murphy  
William Moore  
William E. Neary, III  
Gerry Faircloth  
Kenneth D. Hafner  
Bill LeMaster  
Richard McDaniel  
Benjamin Herrera  
Douglas Harvey  
Robert Barbee  
Gerald Engles  
Michael German  
John Desnoyer  
Christopher Cole  
Patrick Murphy  
Abdulaziz A. Al-Khabbaz  
Don Fuchs  
Lee Tolar  
Ken Lubecki  
Wayne Francis  
John T. Berry  
Larry Fuhrman  
David Lake  
Donald Lambert  
Linda Lambert  
Robert Faulkner  
Roy Oakes  
Robert Burkett  
Robert Metcalf  
Matthew Kilgour  
Robert Wood  
Alphanette Waters  
Arlene Forbing, DBPR  
Suzanne Lee, DBPR  
Josefina Tamayo, DBPR

Della Brabson, DBPR  
Robin Herring, DBPR  
Alicia Thompson, DBPR  
Wendy Winkler, DBPR

## **REVIEW OF APPLICATIONS AND REQUESTS FOR HEARINGS**

### **Abdulaziz A. Al-Khabbaz – Provisional Building Plans Examiner**

Mr. Al-Khabbaz was present along with Mr. Bill Hammond, Building Official. Additional information had submitted for the Committee's review. Following discussion, the following action was taken.

- MOTION: Mr. Kymalainen made a motion that the Committee approve the Provisional Building Plans Examiner application with the submission of an affidavit by the Building Official.
- SECOND: Mr. Sasso seconded the motion and it passed unanimously.

### **Robert S. Barbee – 1&2 Family Dwelling Inspector**

Mr. Barbee was present at the meeting along with Mr. Jerry Engle, CBO, and Mr. Michael German. Additional information had been submitted for the Committee's review. Following discussion, the following action was taken.

- MOTION: Mr. Sasso made a motion that the Committee approve the 1&2 family dwelling inspector application based on his meeting the requirements of Rule 61G19-6.017(2)(d), Florida Administrative Code (F.A.C.).
- SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

### **David L. Benninghoff – Provisional: Electrical Inspector, Mechanical Inspector, Building Inspector & Plumbing Inspector**

Mr. Larry Fuhrman, Building Official for the City of Titusville, was present on behalf of Mr. Benninghoff. 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 provisional electrical inspector application and uphold the denial of the provisional mechanical, plumbing and building inspector applications.
- SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

### **John T. Berry - Provisional Building Inspector**

Mr. Berry was present at the meeting along with Mrs. Berry, his wife. Additional information had been submitted for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. Kymalainen made a motion that the Committee approve the provisional building inspector application.

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

**Robert B. Burkett – Building Code Administrator**

Mr. Burkett was present at the meeting and provided additional information for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. Kymalainen made a motion that the Board approve the building code administrator application.

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

**Christopher Cole – Building Plans Examiner & Building Inspector**

Mr. Cole was present at the meeting along with Mr. John Desnoyer. Additional information was provided at the meeting for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. Kymalainen made a motion that the Committee approve the building plans examiner and building inspector applications.

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

**Gerald Faircloth – Provisional: Electrical Inspector, Mechanical Inspector & Plumbing Inspector**

Mr. Faircloth was present at the meeting along with Mr. Bill LeMaster, Okaloosa County. Additional information was provided at the meeting for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. Kymalainen made a motion that the Committee approve the Provisional Electrical Inspector and Provisional Mechanical Inspector applications and uphold the denial of the Provisional Plumbing Inspector application.

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

**Robert Faulkner – Provisional Mechanical Inspector**

Mr. Faulkner was present at the meeting and 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 provisional mechanical inspector application.

SECOND: Mr. Kymalainen seconded the motion which passed unanimously.

**Michael Goldfarb – Building Inspector**

Mr. McCormick stated that a letter had been submitted withdrawing his request for a hearing.

**Noel Graham – Provisional Building Inspector –**

Mr. Michael Hunt informed the Committee that the request for a hearing was being withdrawn as Mr. Graham did not have the required experience.

**Kenneth Hafner – Endorsement: Mechanical Inspector, Mechanical Plans Examiner & Plumbing Inspector**

Mr. Hafner was present at the meeting and additional information had been submitted for the Committee's review. He stated that the endorsement portion was checked in error. He should have checked examination as he had taken all the exams.

Mr. Kymalainen recused himself as he knew Mr. Hafner, and he previously worked for him.

MOTION: Mr. Sasso made a motion that the Committee uphold the denial of the mechanical inspector, mechanical plans examiner and plumbing inspector applications by endorsement as he does not meet the requirements.

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

**Benjamin Herrera – Provisional Building Inspector**

Mr. Herrera was present at the meeting and provided additional information for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. Kymalainen made a motion that the Committee approve the provisional building inspector application.

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

**Matthew Kilgour – Building Inspector & Provisional Building Inspector**

Mr. Kilgour was present at the meeting along with Mr. Robert Metcalf, his supervisor. Additional information had been provided for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. Kymalainen made a motion that the Committee approve the building inspector and provisional building inspector applications with the submission of the additional experience affidavit.

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

**David Lee Lake – Electrical Inspector – Endorsement**

Mr. Lake was present at the meeting and provided additional information for the Committee's review. During discussion, it was noted that Mr. Lake had not taken equivalent examinations.

MOTION: Mr. Sasso made a motion that the Committee uphold the denial of the electrical inspector application by endorsement.

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

**Donald R. Lambert – Building Inspector**

Mr. Lambert was present at the meeting and additional information had been submitted for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. Kymalainen made a motion to approve the building inspector application.

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

**Robert E. Light – Building Inspector, Mechanical Inspector, Plumbing Inspector, Provisional Building Inspector, Provisional Mechanical Inspector & Provisional Plumbing Inspector**

Mr. Light was present along with Mr. Michael Hunt. Additional information was submitted for the Committee's review. Mr. Light informed the Committee that he was withdrawing his provisional and standard mechanical and plumbing inspector applications and the provisional building inspector application. Following discussion, the following action was taken.

MOTION: Mr. Kymalainen made a motion that the Committee approve the building inspector application based on the supplemental information provided.

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

**Kenneth Lubecki – Provisional Electrical Inspector, Electrical Inspector, 1&2 Family Dwelling Inspector, Provisional 1&2 Family Dwelling Inspector, Provisional Mechanical Inspector, Mechanical Inspector & Provisional Plumbing Inspector**

Mr. Lubecki was present along with Mr. Patrick Murphy, Building Official. Additional information was provided at the meeting for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. Kymalainen made a motion that the Committee approve the provisional & standard 1&2 family dwelling inspector applications and uphold the denial for the provisional electrical inspector, electrical inspector, provisional mechanical inspector, mechanical inspector and provisional plumbing inspector applications.

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

**Richard B. McDaniel – Provisional: Electrical Plans Examiner & Mechanical Plans Examiner**

Mr. McDaniel was present at the meeting along with Mr. Bill LeMaster. 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 provisional electrical plans examiner application and uphold the denial of the mechanical plans examiner application.

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

**William B. Moore – 1&2 Family Dwelling Inspector**

Mr. Moore was present at the meeting and provided additional information for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. Sasso made a motion that the Committee uphold the denial of the 1&2 family dwelling inspector application.

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

**Lawrence P. Murphy – 1&2 Family Dwelling Inspector, Building Inspector, Plumbing Inspector & Mechanical Inspector**

Mr. Murphy was present and additional information had been submitted for the Committee's review. Mr. Murphy informed the Committee that he had already passed the plumbing and building examinations. Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the 1&2 family dwelling inspector application and uphold the denial for the building inspector, plumbing inspector and mechanical inspector applications.

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

Following discussion, the following action was taken.

MOTION: Mr. Sasso made a motion that the Committee reconsider the applications.

SECOND: Mr. Kymalainen seconded the motion which failed with Mr. Kymalainen and Mr. McCormick voting against the motion.

**William Neary – Modular Plans Examiner - Voluntary**

Mr. Neary was present at the meeting and provided additional information for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the modular plans examiner – voluntary application.

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

**Ray Oakes – Building Inspector**

Mr. Oakes was present at the meeting and provided additional information for the Committee's review. Following discussion, the following action was taken.

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

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

**Lester L. Tolar – Provisional Building Inspector**

Mr. Tolar was present at the meeting and provided additional information for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. Sasso made a motion that the Committee uphold the denial of the provisional building inspector application.

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

**Alphanette Waters – Building Inspector, Mechanical Inspector & Plumbing Inspector**

Ms. Waters was present at the meeting along with Mr. Bob Sasser, Nassau County. 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 of the building inspector, mechanical inspector and plumbing inspector applications.

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

**Robert E. Wood – Electrical Inspector**

Mr. Wood was present at the meeting along with Mr. Bob Sasser, Nassau County. 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 of the electrical inspector application.

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

At this time, the Committee reviewed applications.

**RECESS**

There being no further business to come before the Committee at this time, the meeting as recessed at 7:30 p.m.

**December 14, 2006 – 9:00 A.M.**

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

Vice-Chair McCormick called the meeting to order at 9:15 a.m. He informed the Board that he would chair the meeting at the request of Chair Kymalainen.

**Members Present**

Bob Kymalainen, Chair  
Linda Armstrong  
Dennis Franklin  
Bob McCormick, Vice-Chair  
Rob Nagin  
Nick Sasso  
Charles Sheridan

**Members Not Present**

Fred Dudley

**Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Jeffrey Jones, Board Counsel  
Dennis Yecke, Deputy Secretary of Professional Regulation, DBPR  
Josefina Tamayo, General Counsel, DBPR  
Jessica Leigh, Prosecuting Attorney  
Tim Vaccaro, Director, Division of Professions, DBPR  
Maria Mattheu, Administrative Assistant, DBPR  
George Ayrish, Bureau of Education and Testing (BET), DBPR  
Alexandra Auguste-Toussaint, BET  
Kasandra Broadnax, BET  
Ed Bayo, Esquire  
Don Fuchs, BOAF  
Douglas Harvey, BOAF  
Ronnie Spooner, BOAF  
John O'Connor, BOAF  
Rob von Kampen, ICC  
Luther Council, City of Tallahassee and former BCAIB member  
Connie Butler, Court Reporter  
John Rush Crockett  
Dan Peterson, B&F Technical Code Services  
Tom Panger, Duval County School System  
Wayne Francis  
David Hodges, FTCI  
E. Gary Early

Ms. Barineau informed the Board that Mr. Dudley had a conflict with the meeting dates and would not be able to attend.

MOTION: Mr. Franklin made a motion that the Board excuse Mr. Dudley's absence.

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

### **John Rush Crockett – Provisional Building Inspector**

Mr. Crockett was present and sworn in along with Ed Bayo, Esquire. Additional information had been submitted for the Board's review. Following discussion, the following action was taken.

MOTION: Mr. Franklin made a motion that the Board approve the provisional building inspector application.

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

### **Jose Cueto – Provisional Plumbing Inspector**

Mr. Cueto was not present at the meeting and no additional information had been submitted for the Board's review.

MOTION: Mr. Sasso made a motion that the Board uphold the denial of the provisional plumbing inspector application.

SECOND: Mr. Kymalainen seconded the motion and it passed with Mr. Sheridan voting against the motion.

### **Frank DeVoll – Provisional Building Inspector**

Mr. DeVoll was present at the meeting and sworn in by the court reporter. Additional information had been submitted for the Board's review. Following discussion, the following action was taken.

MOTION: Mr. Franklin made a motion that the Board approve the provisional building inspector application.

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

Chair Kymalainen commented that the Board had, in the past, considered supervision as hands-on experience, and they needed to clarify their position.

Vice-Chair McCormick commented that they could address that issue later in the meeting.

### **Dan Divan – Electrical Inspector – Endorsement**

Mr. Divan was not present at the meeting and no additional information had been submitted.

MOTION: Mr. Sasso made a motion that the Board uphold the denial of the electrical inspector – endorsement application.  
SECOND: Mr. Sheridan seconded the motion and it passed unanimously.

**Russell H. Hammond – 1&2 Family Dwelling Inspector**

Mr. Hammond was not present at the meeting and no additional information had been submitted.

MOTION: Mr. Sasso made a motion that the Board uphold the denial of the 1&2 family dwelling inspector application.  
SECOND: Mr. Nagin seconded the motion and it passed unanimously.

**Michael D. Jones – Provisional: Mechanical Inspector, Plumbing Inspector & Electrical Inspector**

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

MOTION: Mr. Sheridan made a motion that the Board approve the provisional applications for mechanical inspector, plumbing inspector and electrical inspector based on the affidavits submitted.  
SECOND: Mr. Franklin seconded the motion which failed with Chair Kymalainen, Vice-Chair McCormick, Mr. Sasso, Mr. Nagin and Ms. Armstrong voting against the motion.

MOTION: Mr. Sasso made a motion that the Board uphold the denial of the provisional applications for mechanical inspector, plumbing inspector and electrical inspector.  
SECOND: Mr. Nagin seconded the motion and it passed unanimously.

**Michael A. Martz – Provisional Plumbing Inspector**

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

MOTION: Mr. Sasso made a motion that the Board uphold the denial of the provisional plumbing inspector application.  
SECOND: Mr. Nagin seconded the motion and it passed unanimously.

**Gene L. Osburn – Provisional Building Code Administrator**

Mr. Osburn 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. Sasso made a motion that the Board uphold the denial of the provisional building code administrator application.  
SECOND: Mr. Franklin seconded the motion.

Following discussion, a vote was taken on the motion which failed with all members voting against the motion.

MOTION: Mr. Franklin made a motion that the Board approve the provisional building code administrator application.

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

### **Thomas F. Panger – Provisional: Mechanical Inspector & Plumbing Inspector**

Mr. Panger was present and was sworn in by the court reporter. Additional information was submitted for the Board's review. Following discussion, the following action was taken.

MOTION: Mr. Sheridan made a motion that the Board approve the provisional applications for mechanical inspector and plumbing inspector.

SECOND: Mr. Franklin seconded the motion which failed with Vice-Chair McCormick, Mr. Nagin, Mr. Sasso, and Ms. Armstrong voting against the motion.

MOTION: Mr. Nagin made a motion that the Board approve the plumbing application for a standard license and uphold denial on the provisional mechanical inspector application.

SECOND: Mr. Sheridan seconded the motion and it passed with Vice-Chair McCormick voting against the motion.

Mr. Panger informed the Board that he did not have an objection to changing the application from provisional to standard. Mr. Jones stated that this had been done in the past.

### **HEARINGS NOT INVOLVING ISSUES OF DISPUTED MATERIAL FACTS B&F Technical Code Services, Inc.**

Mr. Daniel Peterson, Manager, was present on behalf of B&F Technical Code Services, Inc., and was sworn in by the court reporter.

In discussion, Mr. Peterson informed the Board that the courses will be updated as new information is received on the building code.

MOTION: Mr. Nagin made a motion that the Board approve B&F Technical Code Services, Inc.

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

### **SETTLEMENT STIPULATIONS**

#### **Timothy C. Griffith, Case # 2006-017255**

#### **Mr. Nagin PCP**

Mr. Griffith was not present at the meeting. Ms. Leigh presented the case to the Board. She stated that the Administrative Complaint charged Mr. Griffith with a

violation of obtaining a license by fraud or deceit. Ms. Leigh informed the Board that Mr. Griffith had agreed to a Stipulation imposing an administrative fine in the amount of \$1500.00, costs in the amount of \$147.70, license number BN 3225 be suspended for one year, and would then be placed on probation for a period of one year following suspension.

Mr. Franklin stated that the suspension should be longer, perhaps three years. Ms. Leigh responded that he did not have any previous violations and the information may not have affected his licensure status if he had disclosed the information.

Mr. Sheridan stated that he did not think that Mr. Griffith should have the license and would like to see it revoked. Ms. Leigh commented that the incident was 25 years ago when he was 18 years old and his girlfriend was 16 years old. Ms. Armstrong asked Ms. Leigh to follow-up on the filing of a false affidavit.

Following discussion, the following action was taken.

- MOTION: Chair Kymalainen made a motion that the Board accept the Stipulation as presented.
- SECOND: Mr. Sasso seconded the motion which failed with Vice-Chair McCormick, Mr. Nagin, Mr. Franklin, Mr. Sasso, Mr. Sheridan and Ms. Armstrong voting against the motion.

Following discussion, the following action was taken.

- MOTION: Mr. Sheridan made a motion that the Board offer a Counter Stipulation to relinquish or revoke license BN3225, and that he never be allowed to apply for licensure under this Board.
- SECOND: Mr. Sasso seconded the motion and it passed unanimously.

Mr. Jones stated that the usual action of the Board for this violation is a fine of \$1500.00 and revocation of the license(s).

**Charles Edward Taylor, Case # 2005-048219**  
**Mr. Nagin on PCP**

Mr. Taylor was not present at the meeting, however, he was represented by Gary Early, Esquire.

Ms. Leigh presented the case. The Administrative Complaint charged Mr. Taylor with knowing or assisting a person practicing contrary to the provisions of the statutes. Ms. Leigh informed the Board that Mr. Taylor had agreed to a Stipulation imposing an administrative fine in the amount of \$1000.00, costs in the amount of \$210.00, he would be on probation for one year, and he would be required to complete an additional 14 hours of continuing education.

In discussion, Mr. Early explained the circumstances of the case and informed the Board that Mr. Taylor had already paid the fine and taken the additional continuing education hours.

MOTION: Mr. Franklin made a motion that the Board approve the Stipulation as presented.

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

### **PROSECUTING ATTORNEY REPORT – JESSICA LEIGH**

Ms. Leigh introduced her assistant, Maria Mattheu, to the Board. She provided an updated report on the cases for the Board. Ms. Leigh informed the Board that there were 11 cases ready for the probable cause panel, six had requested a formal hearing, one case had been sent to the expert, two were presented to Board, for a total of nine public cases.

### **RECESS**

There being no further business to come before the Board at this time, the meeting was recessed at 11:10 a.m.

## **RULES AND LEGISLATION COMMITTEE**

### **CALL TO ORDER**

Mr. Nagin, Chair of the Rules and Legislation Committee, called the meeting to order at 11:24 a.m.

### **Members Present**

Rob Nagin, Chair  
Bob Kymalainen  
Charles Sheridan

### **Members Not Present**

Fred Dudley

### **Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Jeffrey Jones, Board Counsel  
Linda Armstrong, Board Member  
Dennis Franklin, Board Member  
Bob McCormick, Board Member  
Nick Sasso, Board Member  
Tim Vaccaro, Director, Division of Professions, DBPR  
John McBride, Office of Legislative Affairs Director, DBPR  
George Ayrish, DBPR  
Kasandra Broadnax, DBPR  
Alex Toussaint, DBPR  
Don Fuchs, BOAF

Doug Harvey, BOAF  
Ronnie Spooner, BOAF  
John O'Connor, BOAF  
Rob von Kampen, ICC  
Wayne Francis  
David Hodges

**DISCUSSION OF RULE 61G19-9.002, F.A.C., CONTINUING EDUCATION COURSE PROVIDERS – JEFFREY JONES**

Mr. Jones stated that he received an inquiry from the Vice-Chair regarding a question concerning CE course providers and if the rule provided a means by which courses that are submitted are automatically approved. Mr. Jones stated that the language was not clear, and to answer the question he had to go outside of that section and look to the approval of courses section. He stated that he concluded that the registration requirement requires that a course be approved by the Board.

During discussion, Mr. Nagin stated that he thought the rule was going to be changed to state that you have to be duly licensed to take a course that was approved by another Board. Mr. Jones stated that he would research that.

Mr. Nagin stated that this issue should be tabled at this time.

**PROPOSED LANGUAGE FOR RULE 61G19-5.002, F.A.C., DISCIPLINARY GUIDELINES – NICK SASSO**

Mr. Sasso stated that the basis for this proposal was to impose a stronger penalty after the second offense. Following discussion, Ms. Leigh stated that all of this was already in the rules and his concerns were also addressed.

Mr. Sasso withdrew his proposed language.

**PROPOSED LANGUAGE FOR RULE 61G16-9.006, F.A.C., COURSE SYLLABUS – NICK SASSO**

Mr. Sasso stated that the current language requires that prior to starting the course, providers are to give a copy of the syllabus to the attendees.

Following discussion, the following action was taken.

**MOTION:** Mr. McCormick made a motion that the Committee approve the changes and proceed with rulemaking for Rule 61G16-9.006(1), F.A.C.

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

**LETTERS FROM WILLIAM H. HARROLD, JAPC CHIEF ATTORNEY,  
REGARDING RULES: 61G19-10.003, F.A.C., 61G19-9.004, F.A.C., 61G19-  
5.007, F.A.C. – JEFFREY JONES**

Mr. Jones informed the Committee that Rule 61G19-10.003, F.A.C., dealt with the fees and would delete the reference to the form since the form has not been developed. He stated that when the form is adopted, the rule could be changed to include this.

MOTION: Mr. Franklin made a motion that Mr. Jones be authorized to proceed with Rule 61G19-10.003, F.A.C.  
SECOND: Mr. McCormick seconded the motion and it passed unanimously.

Mr. Jones informed the Committee that Rule 61G19-5.007, F.A.C., added “plans examination” and a comma.

MOTION: Mr. McCormick made a motion that the Mr. Jones be authorized to proceed with Rule 61G19-5.007, F.A.C.  
SECOND: Mr. Franklin seconded the motion and it passed unanimously.

Mr. Jones stated that Rule 61G19-9.004, F.A.C., was complicated, as the objection to the rule was that the authority to audit is not provided. The Board can approve the courses, however, the question was if they have the authority to audit a course which had already been approved. He stated that the other issue was the use of “may” as it is considered to be broad and they would need a standard or criteria that would be used in making a determination as to when attending the CE course would occur.

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee not pursue changing Rule 61G19-9.004, F.A.C.  
SECOND: Mr. Franklin seconded the motion which passed with Mr. Sasso voting against the motion.

**DRAFT OF RULE 61G19-6.016, F.A.C., RELATING TO ROOFING  
INSPECTORS – JEFFREY JONES**

Mr. Jones stated that he was instructed to draft this rule and provided a draft for the Committee’s review. He stated that the proposal required four years of experience.

Dr. Rob von Kampen informed the Committee that he sent out 82 letters requesting subject matter experts to work with ICC on the roofing examination. He stated that they had received ten responses and three commitments to be SMEs.

Mr. Sasso asked that "Florida" general contractor be inserted in the rule. Mr. Nagin suggested a change to the reference "1973" and it should be "1974" according to the CILB statutes. Mr. Nagin stated that the rule also refers to "SBCCI" and it should be changed to "ICC."

Mr. Jones informed the Committee that he would bring the changes back to the next meeting.

### **BOAF LEGISLATIVE PROPOSAL**

Mr. Ronnie Spooner stated that they were asked to bring BOAF's proposal to this meeting and he provided copies for the Board. He stated that the proposal was a continuation from last year to develop a training program. He informed the Board that this was being sponsored by Senator Baker. Mr. Spooner stated that on page 3, item 5, a change was made to two years of experience and 300 hours and there was a change from 20 hours of ethics to 20 hours in state laws and ethics. This caused a change in the continuing education portion on page 6, section (5), to three hours of state laws and ethics. Mr. Spooner stated that there were changes to the bill of rights in that if an individual's BCAIB license is disciplined and they are also licensed by another board, the discipline only applies to BCAIB license. Also, building code licensees cannot accept reduced cost or free materials or labor from any person under their enforcement authority.

Mr. Nagin commented that he thought that the issue regarding limited licenses had been dropped. Mr. Spooner responded that this was to solve the problems small communities have at times. He stated that a small community has a defined population of fewer than 150,000.

Mr. McCormick stated that it was intended to allow help in an emergency. Mr. Nagin suggested they add "during declared emergency or during a 30 day time frame."

Mr. Kymalainen stated that he would like "in the category sought" added at the end of the first paragraph.

Mr. Vaccaro discussed the Department's current outlook on legislation at this time. He stated that currently no comment is being made on any board legislation. Ms. Barineau asked that Mr. Fuchs and Mr. Spooner speak with Mr. John McBride from the Department's Legislative Office about the BOAF legislation.

Mr. McCormick questioned line 31 on page 3, where BOAF is referenced. Mr. Jones stated that this speaks of coordinating with BOAF, however, the Board would have the final decision. Mr. Spooner stated that it was clear that the Board is the final authority. Mr. Jones stated that this section could be deleted, as it was not needed.

Mr. Spooner stated that they did not have a House sponsor at this time.

**PROVISIONAL CERTIFICATES – BOB MCCORMICK**  
**Discussion of Time Frame for Certificates To Be Valid**  
**Discussion of Time Allowed To Work Once an Application Has Been Submitted**

Mr. McCormick stated that he had been informed that the 90 days allowance for provisional applicants to work once their application is submitted is often not enough time to obtain the license. He questioned if the Board should consider extending the time frame to 120 days. Ms. Barineau commented that would take a statutory change.

Mr. Franklin commented that he had concern that individuals are put out in the field that may not have the qualifications, and he would rather leave it at 90 days rather than change to 120 days.

Mr. Sasso commented that with safety and need issues aside, this would require a statutory change.

Mr. Nagin suggested that the Board pursue changing the time frame from 90 days to 120 days for provisional applicants to work and asked the members if they would support such a change. Mr. McCormick and Mr. Nagin were in favor while Ms. Armstrong, Mr. Sasso and Mr. Franklin were not.

**OLD BUSINESS**  
**Rules 61G19-9.001, 9.003 & 9.011, F.A.C., 61G19-6.012, F.A.C., 61G19-5.002, F.A.C.**

This was provided for information purposes only.

**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 1:55 p.m.

**EXAMINATION AND CONTINUING EDUCATION COMMITTEE**

**CALL TO ORDER**

Mr. Franklin, Chair of the Committee, called the meeting to order at 3:25 p.m.

**Members Present**

Dennis Franklin, Chair  
Bob McCormick  
Nick Sasso

**Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Jeffrey Jones, Board Counsel  
Linda Armstrong, Board Member  
Bob Kymalainen, Board Member  
Rob Nagin, Board Member  
Nick Sasso, Board Member  
George Ayrish, DBPR  
Kasandra Broadnax, DBPR  
Alex Toussaint, DBPR  
Don Fuchs, BOAF  
Doug Harvey, BOAF  
Ronnie Spooner, BOAF  
John O'Connor, BOAF  
Rob von Kampen, ICC  
Wayne Francis  
David Hodges

**OUTCOME OF RESEARCH REGARDING THE ISSUANCE OF FINAL ORDERS AND NOTICES OF INTENT TO DENY FOR CONTINUING EDUCATION COURSES – JEFFREY JONES**

Mr. Jones stated that he was asked to research this issue. He stated that he did look into this and the provisions of Chapter 120, Florida Statutes, would be applicable, and the current process is correct.

**CONTINUING EDUCATION COURSES FOR REVIEW**

**Lynam & Co, Inc**

**New Course**

1. Medical Gas Installer Certification Course  
Requesting 40 hrs GEN credit

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

SECOND: Mr. Franklin seconded the motion which passed by Mr. Sasso voting against the motion.

**Level By Weyerhaeuser (Formerly Trus Joist)**

**Renewal Courses**

1. Engineered Lumber in Residential Construction  
Requesting 4 hrs GEN credit
2. Fundamentals of Engineered Lumber  
Requesting 14 hrs GEN credit

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

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

**Department Of Community Affairs  
New Courses**

1. FBC Training: Plumbing Code & Accessibility  
Requesting 2 hrs AOA credit
2. FBC Training: Residential Roofing - Tiles  
Requesting 2 hrs GEN credit

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

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

**Gold Coast School Of Construction, Inc.  
Renewal Courses**

1. The Practitioners Guide to the FBC: Accessibility Code & Fair Housing Act (0006622)  
Requesting 2 hrs AOA credit
2. The Practitioners Guide to the FBC: Accessibility Code & Fair Housing Act - Internet (0006733)  
Requesting 2 hrs AOA credit

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

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

**Building Officials Association Of Florida (BOAF)  
New Courses**

1. 2004 Florida Building Code – Most Common Code Violations  
Requesting 2 hrs GEN credit
2. 2004 FBC Accessibility and Usability  
Requesting 2 hrs AOA credit
3. 2007 Florida Laws and Rules  
Requesting 2 hrs L&R credit
4. 2004 Florida Building Code – Chapter 5, 6 and 7  
Requesting 3 hrs GEN credit
5. 2007 Workers Compensation  
Requesting 1 hr L&R credit
6. 2007 Florida Job Site Safety  
Requesting 1 hr GEN credit
7. 2006 Florida Building Code Supplement  
Requesting 3 hrs GEN credit

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

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

**Miami-Dade County Building Code Compliance Office  
Renewal Courses**

1. Comparisons between the South Florida Building Code and all Associated Codes and Laws – 0006617  
Requesting 2 hrs GEN credit

Mr. Sasso stated that the title was misleading as there is no indication of which national code they are using.

MOTION: Mr. Sasso made a motion that the Committee deny Course #1 as the title does not reflect the course content and the code they are using is not cited.

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

2. Chapter 11 Storm Drainage - 0006618  
Requesting 1 hr GEN credit
3. Chapter 7 Sanitary Drainage - 0006619  
Requesting 1 hr GEN credit
4. Arc Fault Circuit Interrupter (AFCI) - 0006620  
Requesting 1 hr GEN credit

MOTION: Mr. Sasso made a motion that the Committee deny Course #4 as the national electrical code is not cited

SECOND: The motion died for lack of a second.

MOTION: Mr. McCormick made motion that the Committee approve Course #4 as submitted.

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

5. An Overview of the Florida Mechanical Code - 0006621  
Requesting 1 hr GEN credit

MOTION: Mr. Sasso made a motion that the Committee approve Course #'s 2, 3 & 5 as submitted.

SECOND: Mr. McCormick 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. Fuchs informed the Committee that the Educational Outreach Council and Florida Building Commission were going to recommend having one place to do continuing education. He stated that they did not care if it was DCA or DBPR.

Mr. McCormick stated that he had a copy of the proposal and would forward it to Ms. Barineau.

## **ADJOURNMENT**

There being no further business to come before the Committee at this time, the meeting was adjourned at 4:05 p.m.

## **EXECUTIVE COMMITTEE**

### **CALL TO ORDER**

Vice-Chair McCormick called the meeting to order at 4:05 p.m. Vice-Chair McCormick informed the Committee that Chair Kymalainen was ill and would not be in attendance this afternoon.

### **Members Present**

Linda Armstrong  
Bob McCormick, Vice-Chair  
Rob Nagin  
Nick Sasso  
Charles Sheridan

### **Members Not Present**

Bob Kymalainen, Chair  
Fred Dudley

### **Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Jeffrey Jones, Board Counsel  
Don Fuchs, BOAF  
Doug Harvey, BOAF  
Rob von Kampen, ICC  
Wayne Francis  
Luther Council

## **REVIEW OF CHANGES MADE TO THE APPLICATION FOR LICENSURE**

Ms. Barineau informed the Board that the draft of the application changes was distributed at the last meeting. She stated as a means for streamlining the application process and using the affidavits on file for that trade, there would be a statement placed on the affidavit of experience.

Mr. Nagin requested that on the affidavit form we put for the individuals to please print. It was also suggested that Ms. Barineau check to see if one of the signature blocks could be removed from the attest statement.

Ms. Barineau informed the Committee that she would bring the changes to the next meeting.

### **OUT OF STATE EXPERIENCE QUALIFICATIONS**

The Committee agreed that the experience had to be verified by an engineer, contractor, building official, or architect even if the applicant was from out of state.

### **OLD BUSINESS**

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

### **NEW BUSINESS**

Mr. Nagin informed the Committee that he had been requested by the Probable Cause Panel to bring the issue before the Board of electrical final inspections and whether or not the power should be hot or cold. The request was to bring to the Board as perhaps a recommendation to the FBC to have hot electrical inspections.

After discussion, the Committee did not make any recommendations and agreed not to pursue this issue.

### **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 4:40 p.m.

## **APPLICATION REVIEW**

### **CALL TO ORDER**

Mr. McCormick called the Application Review Committee meeting to order at 4:40 p.m.

### **Members Present**

Bob McCormick  
Nick Sasso  
Rob Nagin

### **Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst

At this time the Committee reviewed applications.

## **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 7:40 p.m.

**DECEMBER 15, 2006**

## **CALL TO ORDER**

Vice-Chair McCormick, on behalf of Chair Kymalainen, called the meeting to order at 9:00 a.m.

## **Members Present**

Bob Kymalainen, Chair  
Linda Armstrong  
Dennis Franklin  
Bob McCormick, Vice-Chair  
Rob Nagin  
Nick Sasso  
Charles Sheridan

## **Members Not Present**

Fred Dudley

## **Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Jeffrey Jones, Board Counsel  
Jessica Leigh, Prosecuting Attorney  
Michael Ashworth, Department of Community Affairs  
Don Fuchs, BOAF  
Doug Harvey, BOAF  
Rob von Kampen, ICC  
Wayne Francis  
Mark Reddinger, DBPR  
Kristen Ploska, DPBR

## **APPROVAL OF THE OCTOBER 3, 4, 5, & 6, 2006, MINUTES OF THE MEETING**

**MOTION:** Mr. Franklin made a motion that the Board approve the October 3, 4, 5 & 6, 2006, minutes of the meeting as submitted.  
**SECOND:** Chair Kymalainen seconded the motion and it passed unanimously.

## **REVISED RULE 61G19-6.016, F.A.C. – MICHAEL ASHWORTH & JEFFREY JONES**

Mr. Ashworth provided a copy of the rule as requested at last meeting. Following discussion, the following action was taken.

- MOTION: Mr. Nagin made a motion that the Board move forward with rulemaking for Rule 61G19-6.016, F.A.C.
- SECOND: Mr. Sheridan seconded the motion and it passed unanimously.

## **REPORTS**

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

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

### **Application Review Committee – Bob Kymalainen Ratification and Denial Lists**

Vice-Chair McCormick informed the Board that Terrance Blake, provisional plumbing inspector, had been added to the Ratification List. He reported that the Application Review Committee had met since Tuesday and reviewed over 300 applications. He asked that the Board approve the actions of the Committee.

- MOTION: Mr. Franklin made a motion that the Board approve the actions of the Application Review Committee & the Ratification List.
- SECOND: Mr. Nagin seconded the motion and it passed unanimously.

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

Mr. Nagin reported that the Committee met yesterday and provided the following information:

- Rule 61G19-9.002, F.A.C., approval of courses – no action was taken
- Rule 61G19-9.004(11), F.A.C., – Mr. Jones will provide language at the next meeting
- Rule 61G19-9.006, F.A.C., – the rule was amended and Mr. Jones will move forward with rulemaking
- JAPC letters regarding Rule 61G19-10.003, F.A.C., and 61G19-5.007, F.A.C., will be corrected, and Rule 61G19-9.004, F.A.C., will be withdrawn
- Rule 61G19-6.016, F.A.C., language will be provided at the next meeting
- BOAF legislative proposal – the Board agreed on the education language and made suggestions for language related to the portability of limited licenses
- There was discussion regarding the 90 day time frame for provisional licenses and no action was taken

- MOTION: Vice-Chair McCormick made a motion that the Board approve the actions of the Rules and Legislation Committee.
- SECOND: Chair Kymalainen seconded the motion and it passed unanimously.

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

Mr. Franklin reported that the Committee met yesterday. He stated that Mr. Jones discussed the procedures for the notices of intent to deny for continuing education.

Mr. Franklin reported on the approval and denial of the continuing education courses that had been submitted.

MOTION: Vice-Chair McCormick made a motion that the Board approve the actions of the Examination and Continuing Education Committee.

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

### **Executive Committee - Bob Kymalainen**

Vice-Chair McCormick stated that he did not have a report to give at this time.

### **Building Code Education and Outreach Council – Charles Sheridan Draft Minutes – October 31, 2006**

Mr. Sheridan informed the Board that he had not received a copy of the universal continuing education application that has been discussed by the Council. He stated that by October 2007, they want to have one application for all boards.

Mr. Nagin stated that he would like for the courses being prepared by the University of West Florida to be reviewed by building code professionals before they are approved to ensure the content is suitable and applicable for licensees.

Mr. Nagin commented that he was glad to hear that they are looking at one application for continuing education.

### **Board Counsel – Jeffrey Jones Update on Pending DOAH Cases**

Mr. Jones provided the Board with an update on the DOAH cases. He stated that there were seven cases pending. The Recommended Order for Jan Varga had been received and was ready to be heard by the Board.

Ms. Barineau stated that the Board has to take action on the Recommended Order within 45 days of the issuance. It was decided that there would be a conference call on January 18, 2007, at 10:00 a.m. Mr. Jones informed the Board that another attorney may have to present the case to the Board and he would work that out, if necessary.

Mr. Jones stated that Glenn Brown came before the Board as an informal hearing and Mr. Brown has exercised his appellate rights to go to the Fifth Circuit Court of Appeals. He is disputing the analyzing of experience and he believes it should be viewed concurrently, not separately. They are also questioning whether his hearing should have been terminated. They have submitted his initial brief. Mr. Jones will respond to Mr. Brown's brief.

### **Research Regarding Licensure by Trade**

Mr. Jones stated that this could not be done.

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

- Update on Streamlining the Application Process  
Ms. Barineau stated that this was discussed yesterday.

- Licensure Letter

Ms. Barineau provided the Board with a copy of the licensure letter that is currently being used when an additional category is added to a standard license.

- Financial Report

Ms. Barineau informed the Board that they had a balance of \$2.4 million in their operating account and \$130,000 in the unlicensed activity account.

- Complaints & Investigative Statistics – July 06 – October 06 –

This was provided for informational purposes.

- DBPR Newsflash – Informational Purposes Only

- Board Membership.

Ms. Barineau stated that the Department was continuing to address the issue of board member vacancies. She asked if anyone knew of individuals interested in serving, to please contact the Department of the Governor's Appointments Office for an application.

Ms. Barineau informed the Board that a copy of the e-mail Ms. Pass sent to the Governor's office resigning from the Board was included in their handouts. She stated that a plaque would be ordered for her service on the Board. Chair Kymalainen asked that she be invited to the next meeting.

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

Dr. von Kampen informed the Board that they now have enough subject matter experts to start the development of the roofing examination. He also informed the Board that the trend toward the computer based testing was increasing.

### **Unlicensed Activity Campaign – Mark Reddinger**

Mr. Reddinger presented a DVD that is being provided to all building departments to be shown in their waiting rooms. He stated that he has been traveling around the state to meet with building departments and he is also providing flyers relating to unlicensed activity.

The Board asked Mr. Reddinger to have a brochure specific to this Board. Chair Kymalainen expressed his concern that unwarranted complaints could be generated with some of the information in the flyers. The Board will discuss this further at the next meeting.

### **Board Member Training**

At this time, Ms. Barineau, Mr. Jones and Ms. Leigh provided training.

### **New Business**

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

**Old Business**

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

**Adjournment**

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