

# MINUTES OF THE MEETING

BUILDING CODE ADMINISTRATORS & INSPECTORS BOARD  
BEST WESTERN ROLLING HILLS RESORT  
3501 WEST ROLLING HILLS CIRCLE  
FT. LAUDERDALE, FL 33328  
March 23, 24 & 25, 2005

## APPLICATION COMMITTEE

### Call To Order

Ms. Pass, Chair of the Application Committee, called the meeting to order at 1:06 p.m. on March 23, 2005.

### Members Present

Margaret Pass, Chair  
Charles Sheridan

### Member Not Present

James Zicaro

### Others Present

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Dennis Franklin, Board Member  
Bob Kymalainen, Board Member  
Robert Nagin, Board Member  
Brian Rusu  
John Simoncini  
Ray Beaudoin  
George Davenport  
Donald Steiner  
Dennis James  
Dwight Wilkes  
Howard Lyons  
Michelle Lombardo  
William Kraemer  
Kenneth Andrews  
Michael Fleming  
Steven Wharton  
Don McIntosh  
David Morris  
Steven Greer  
Dennis King  
Timothy Moore  
Brad Bailey  
Dennis Millward

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

### **Kenneth Andrews – Provisional Building Plans Examiner**

Mr. Andrews was present and provided an additional affidavit for review.

MOTION: Mr. Franklin made a motion that the Committee recommend to the Board approval of the Provisional Building Plans Examiner application.

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

### **Steven Green – Standard and Provisional Plumbing Inspector**

Mr. Green was present and provided additional information for review. Following discussion, the following action was taken.

MOTION: Mr. Franklin made a motion that the Committee recommend to the Board approval of the Standard and Provisional Plumbing Inspector applications.

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

### **Dennis James – Building Inspector**

Mr. James was present and had submitted additional information for review. Ms. Pass questioned if his Civil Rights had been restored. Mr. James stated that his Civil Rights have not been restored. Following discussion, the following action was taken.

MOTION: Mr. Franklin made a motion that the Committee recommend to the Board approval of the Building Inspector application with submitted documents. The motion died for lack of a second.

Following discussion, the following action was taken.

MOTION: Mr. Franklin made a motion that the Committee refer the Building Inspector application for Dennis James to the full Board for consideration.

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

### **William Kraemer – Provisional Building Code Administrator**

Mr. Kraemer was present and had submitted additional information for review.

Following discussion the following action was taken.

MOTION: Mr. Sheridan made a motion that the Committee recommend to the Board approval of the Provisional Building Code Administrator application.

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

### **Dennis Millward – Building Inspector**

Mr. Millward was present and had submitted additional information for the Board's review.

Following discussion the following action was taken.

MOTION: Mr. Sheridan made a motion that the Committee refer the application to the full Board for consideration.

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

**Brian Rusu – Provisional Electrical Inspector and Provisional Plumbing Inspector**

Mr. Rusu was present and provided additional information for review.

Following discussion the following action was taken.

MOTION: Mr. Sheridan made a motion that the Committee recommend to the Board approval of the Provisional Electrical Inspector and Provisional Plumbing Inspector applications.

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

**John Simoncini – Building Inspector**

Mr. Simoncini was present and provided additional information for review. Mr. Simoncini applied for licensure by endorsement and he informed the Board that he did not have a license in New York.

Mr. Franklin stated that he had the required experience but did not meet the requirements for endorsement. He informed Mr. Simoncini that he could change his application to examination in order to take the examination for licensure.

Following discussion, the following action was taken.

MOTION: Mr. Sheridan made a motion that the Committee recommend to the Board that the denial of the Building Inspector application by endorsement be upheld.

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

**Donald V. Steiner – Provisional Mechanical Inspector**

Mr. Steiner was present and had provided additional information for review.

Following discussion the following action was taken.

MOTION: Mr. Franklin made a motion that the Committee recommend the Board approve the Provisional Mechanical Inspector application.

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

**Steven R. Wharton – Standard Roofing Inspector**

Mr. Wharton was present and had submitted additional information for review.

Following discussion the following action was taken.

MOTION: Mr. Sheridan made a motion that the Committee recommend the Board approve the Standard Roofing Inspector application.

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

## **Dennis King – Provisional 1&2 Family Dwelling Inspector**

Mr. King was present and had provided additional information for review.

Following discussion the following action was taken.

**MOTION:** Mr. Franklin made a motion that the Committee recommend the Board approve the Provisional 1&2 Family Dwelling Inspector application.

**SECOND:** Mr. Sheridan seconded the motion which passed with Ms. Pass voting against the motion.

At this time the Committee reviewed applications.

## **ADJOURNMENT**

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

# **MARCH 24, 2005**

## **EXAMINATION AND CONTINUING EDUCATION COMMITTEE**

### **CALL TO ORDER**

Mr. Nagin, Chair of the Examination and Continuing Education Committee, called the meeting to order at 8:30 a.m.

### **Members Present**

Robert Nagin, Chair  
Dennis Franklin  
Robert Kymalainen  
Bill Weber

### **Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Charles Sheridan, Board Member  
Margaret Pass, Board Member  
Bob McCormick  
Bruce Burditt, ICC  
Don Fuchs, ICC

Mr. Nagin welcomed Ms. Barineau to the Board.

### **NEW CONTINUING EDUCATION COURSES FOR REVIEW**

Mr. Nagin asked for comments on the courses submitted on the Agenda.

**MOTION:** Mr. Franklin made a motion that the Committee recommend that the Board deny the course "Mechanical Code Changes" by the Building

Officials & Inspectors Education Association as it did not have any direct relevance.

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

MOTION: Mr. Franklin made a motion that the Committee recommend that the Board deny the course "Window and Hurricane Performance" by the Building Officials & Inspectors Education Association as it did not have any direct relevance.

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

Mr. Nagin questioned the courses 2003 IBC Special Uses and Mixed Occupancies and 2003 IBC Special Inspectors Certification.

Following discussion the following action was taken.

MOTION: Mr. Franklin made a motion that the Committee recommend that the Board approve the courses 2003 IBC Special Uses and Mixed Occupancies and 2003 IBC Special Inspectors Certification as submitted by ICC.

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

MOTION: Mr. Franklin made a motion that the Committee recommend that the Board approve the courses as listed on the agenda as submitted by the Florida Department Of Community Affairs - 2004 Florida Building Code, Residential Advanced Training; Broward County Board Of Rules & Appeals - Foam Applied Roof Tile Installation; Building Officials & Inspectors Educational Association - Chapter 11, Florida Accessibility Code; Florida Residential Building Code; Existing Building Code; Commercial Kitchen Hoods Testing and Balancing; Plumbing Inspection Checklist; Mechanical Code Changes; Mechanical Inspection Checklist; Distributed Generators; Plumbing Code Amendments and Updates; Miami-Dade County Building Code Compliance - Florida Accessibility Code and ADA Requirements; Hilti, Inc.- Firestopping of Through Penetrations & Joints in Fire Rated Assemblies.

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

Mr. Nagin questioned the hours on the ICC courses for Customer Service for Code Administration and Fundamentals of the ICC Code Development Process. Mr. Don Fuchs from ICC, said he was not sure the hours could be reduced, however, he would inquire.

Mr. McCormick commented that he thought that you would need 6 hours to provide these courses.

MOTION: Mr. Franklin made a motion that the Committee recommend the Board approve Customer Service for Code Administration and Fundamentals of the ICC Code Development Process for 4 hours each instead of the 6 hours requested.

The motion died for lack of a second.

MOTION: Mr. Sheridan made a motion that the Committee recommend that the Board approve Customer Service for Code Administration and Fundamentals of the ICC Code Development Process for the 6 hours requested.

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

MOTION: Mr. Franklin made a motion that the Committee recommend that the Board deny 2005 Property Maintenance and Housing Institute.

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

It was noted that the course Basic Code Enforcement was missing the syllabus.

MOTION: Mr. Franklin made a motion that the Committee recommend that the Board approve the Basic Code Enforcement course.

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

The course 2003 IBC Solving Means of Egress Issues in Commercial Buildings did not have a resume submitted.

MOTION: Mr. Franklin made a motion that the Committee recommend that the Board approve the course 2003 IBC Solving Means of Egress Issues in Commercial Buildings.

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

A question arose regarding the number of course hours for the 2003 IBC Performing Structural Plan Reviews course.

MOTION: Mr. Franklin made a motion that the Committee recommend that the Board approve the course 2003 IBC Performing Structural Plan Reviews for 12 hours.

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

MOTION: Mr. Franklin made a motion that the Committee recommend that the Board approve the following courses from ICC: 2003 IBC Special Uses and Mixed Occupancies; 2003 IBC Architectural Applications for Designers; 2003 IFGC Fundamentals; 2003 IPMC Fundamentals; Creating a Hazard Mitigation and Emergency Management Plan; Customer Service for Code Administration; Fundamentals of the ICC Code Development Process; 2003 IBC Wind Load Design; 2003 IBC Wood Design; 2003 IBC Performing Commercial Building Inspections; 2003 IMC Performing Commercial Mechanical Inspections; 2003 IBC Fire Resistance and Egress for Building Inspectors; 2003 IRC Performing Residential Building Inspection; 2003 IRC Performing Residential Mechanical Inspection; 2003 IRC Performing Residential Electrical Inspections.

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

Red Vector.Com, Inc.

Mr. Nagin stated that he did not see the relevance for BCAIB in the course Toxic Mold Detection, Prevention & Remediation. Mr. Franklin commented that he was in favor of the course. Mr. Kymalainen stated that until the Code addresses the mold issue, he did not think they should address it and put the liability on inspectors.

MOTION: Mr. Franklin made a motion that the Committee recommend that the Board approve the course on Toxic Mold Detection, Prevention & Remediation.

SECOND: Mr. Sheridan seconded the motion which failed with Mr. Weber, Mr. Kymalainen and Mr. Nagin voting against the motion.

Mr. Nagin commented that the course materials for the Fire Safety Design Basics: Means of Egress & Extinguishing Systems course were not current.

MOTION: Mr. Weber made a motion that the Committee recommend that the Board deny the course on Fire Safety Design Basics: Means of Egress & Extinguishing Systems.

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

MOTION: Mr. Franklin made a motion that the Committee recommend that the Board approve the course on Interior Codes 8: Electrical & Communication Requirements.

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

Mr. Nagin stated that Interior Codes 1: Overview of Codes & Standards was an old course that had not been updated.

MOTION: Mr. Franklin made a motion that the Committee recommend that the Board approve the course on Interior Codes 1: Overview of Codes & Standards.

SECOND: Mr. Weber seconded the motion which failed with Mr. Nagin, Mr. Kymalainen and Mr. Sheridan voting against the motion.

Mr. Nagin expressed concern with the age of the course Hurricane Mitigation: Design & Construction.

MOTION: Mr. Franklin made a motion that the Committee recommend that the Board approve the course on Hurricane Mitigation: Design & Construction.

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

Mr. Nagin expressed concern with the course Interior Codes 7: Plumbing & Mechanical Requirements being outdated.

MOTION: Mr. Franklin made a motion that the Committee recommend that the Board approve the course on Interior Codes 7: Plumbing & Mechanical Requirements.

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

Mr. Nagin expressed concern with the course Interior Codes 6: Fire Protection Systems as the material was outdated.

MOTION: Mr. Sheridan made a motion that the Committee recommend that the Board deny the course Interior Codes 6: Fire Protection Systems as the material was outdated.

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

MOTION: Mr. Sheridan made a motion that the Committee recommend that the Board deny the course Interior Code 5: Fire Resistant Materials & Assemblies as the material was outdated.

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

MOTION: Mr. Sheridan made a motion that the Committee recommend that the Board deny the courses Interior Codes 4: Means of Egress, Interior Codes 3: Construction Types & Building Sizes and Interior Codes 2: Occupancy Classifications & Loads as the material was outdated.

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

MOTION: Mr. Franklin made a motion that the Committee recommend that the Board deny FL: Building Inspectors' Laws & Rules as the material was outdated and the course hours were not sufficient.

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

MOTION: Mr. Franklin made a motion that the Committee recommend that the Board approve Floodproofing: Floodplains Management and the NFIP; Fire! Designing Adequate Means of Escape; Fair Housing Accessibility: Everything you need to know; Determining Base Flood Elevations for Approximate Zone A areas on FEMA Flood Maps; Construction Claims – Delay; Construction Claims - Changed Work; Construction Claims – Acceleration; Concrete Fundamentals: An Introduction; Commercial Building MEP Design; Building for Senior Living: Structural, Mechanical, Plumbing & Fire Protection Systems; Basic Electricity II; Basic Electricity I; ADA Guidelines: General Site & Building Elements; ADA Guidelines: Plumbing Elements & Facilities; ADA Guidelines: Building Blocks; ADA Guidelines: Accessible Routes; 2005 NEC: Wiring & Protection Services; 2005 NEC Wiring & Protection – Branch Circuits & Feeders; Safety: Fire Part 2 – Fire Protection Equipment & Techniques; Safety: fire Part 2 – Fire2 – Fire Protection Equipment & Techniques.

The motion died for lack of a second.



**MOTION:** Mr. Sheridan made a motion that the Committee recommend that the Board deny Floodproofing: Floodplains Management and the NFIP; Fire! Designing Adequate Means of Escape; Fair Housing Accessibility: Everything you need to know; Determining Base Flood Elevations for Approximate Zone A areas on FEMA Flood Maps; Construction Claims – Delay; Construction Claims - Changed Work; Construction Claims – Acceleration; Concrete Fundamentals: An Introduction; Commercial Building MEP Design; Building for Senior Living: Structural, Mechanical, Plumbing & Fire Protection Systems; Basic Electricity II; Basic Electricity I; ADA Guidelines: General Site & Building Elements; ADA Guidelines: Plumbing Elements & Facilities; ADA Guidelines: Building Blocks; ADA Guidelines: Accessible Routes; 2005 NEC: Wiring & Protection Services; 2005 NEC Wiring & Protection – Branch Circuits & Feeders; Safety: Fire Part 2 – Fire Protection Equipment & Techniques; Safety: fire Part 2 – Fire2 – Fire Protection Equipment & Techniques for lack of information. A PowerPoint presentation should be provided for review.

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

### **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 9:32 a.m.

At this time, the Board and staff attended the South Florida Building Officials Meeting and Luncheon.

## **RULES AND LEGISLATION COMMITTEE**

### **CALL TO ORDER**

Mr. Nagin, Chair of the Committee, called the meeting to order at 2:05 p.m.

### **Members Present**

Robert Nagin, Chair  
Dennis Franklin  
Robert Kymalainen  
Bill Weber

### **Others Present**

Margaret Pass, Board Member  
Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Jeffrey Jones, Board Counsel  
Bruce Burdette, ICC  
Don Fuchs, ICC  
Carroll Brown  
Bob McCormick

### **LEGISLATION UPDATE – ROB NAGIN**

Mr. Nagin gave an overview of Senate Bill 442. He stated that there was a portion of SB442 was provided in the agenda book. He added that the Legislature was in session and amendments have been made to the Bill. He informed the Committee that he had not reviewed all the amendments yet.

Ms. Barineau brought to the attention of the Committee, House Bill 1661 regarding electronic permitting.

Mr. Jones provided draft a rule for 61G19-6.012(3), F.A.C. He stated that this would require provisional certificate holders to meet certain educational requirements during the time that they hold this license. Ms. Barineau informed the Committee that she would check with the Department to determine if this could be done and report her findings to the Committee.

**MOTION:** Mr. Franklin made a motion that the Committee move forward with rule development for discussion at the next meeting.

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

Mr. Jones provided a draft rule for experience as discussed at a previous meeting. Mr. Nagin commented that this rule would outline qualifying areas of experience for licensure.

Following discussion, Mr. Jones informed the Committee that his draft provided a concept, and he needed the expertise of the members on this issue. He also stated that he was not sure if this should be a rule concept or if it should be an aide in the processing of the applications.

**MOTION:** Mr. Weber made a motion that the Committee accept the concept as provided by Mr. Jones and it be discussed at the next meeting.

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

Mr. Jones provided a draft of rule 61G19- 9.004(11), F.A.C. for Approval of Courses. Mr. Nagin stated that this would allow a master application for continuing education courses and that the Department had agreed to this.

**MOTION:** Mr. Franklin made a motion that the Committee recommend that the Board move forward with the language for Rule 61G19-9.004(11), F.A.C.

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

## **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 3:12 p.m.

## **EXECUTIVE COMMITTEE**

### **CALL TO ORDER**

Mr. Nagin, Chair of the Executive Committee, called the meeting to order at 3:12 p.m.

**Members Present**

Robert Nagin, Chair  
Dennis Franklin  
Robert Kymalainen  
Margaret Pass  
Bill Weber

**Members Not Present**

Charles Sheridan  
James Zicaro

**Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Jeffrey Jones, Board Counsel  
Bruce Burdette, ICC  
Don Fuchs, ICC  
Carroll Brown  
Bob McCormick

**MEMORANDUM FROM DENNIS FRANKLIN REGARDING PRIVATE SECTOR CONTRACTING WITH GOVERNMENTAL JURISDICTION**

Mr. Franklin asked that the Committee try to forget that he works for a private company. He asked if a jurisdiction hires a properly licensed Building Code Administrator and is a one man shop, if this employee was able to perform all building code duties. Ms. Pass responded that because he is hiring a private company they are not able to perform all of the building code duties. Mr. Franklin asked if a jurisdiction hires a building code administrator only, can he do all.

Ms. Pass responded that as a municipality, you hire the private company and not the individual. She also stated that the provisional license was not established for private companies.

Following discussion, Mr. Kymalainen stated that they should get a ruling on the private provider issue from Mr. Jones.

Mr. Jones responded that the items before the Board are for discussion and do not constitute a voting issue. If someone wants a legal position from the Board there is a process, declaratory statement, that is used for that purpose. It provides a means to get a legal determination of an issue. Mr. Jones stated that he could express his opinion; they talked about this issue previously and the contractual agreement for the person hiring for services relates to inspections and plan review. It does allow certain exceptions for counties and cities, and based on that, if you fulfill those requirements, you can hire a private provider. Mr. Jones stated that Mr. Franklin's question is indirect because it relates to a BCA and you cannot put the BCA concept in that provision.

Carroll Brown commented that given the structure of the Board with Mr. Franklin in a different job now, there may be a conflict of interest which should be addressed.

Mr. Jones responded that this was not a voting matter and that it is open to anyone for discussion. In the case of a potential conflict, this can be done orally or in writing in concept of the board. Once an individual announces what the conflict is that individual is allowed to vote on the matter or they may abstain from voting. Mr. Jones stated that this would be left up to the member in this instance.

Following discussion, Mr. Nagin stated that they could set up a task force to work on this issue. Mr. Nagin stated that they would have to review the statute and rules and then have public hearings.

MOTION: Mr. Weber made a motion that a Committee be formed to look at the licensing laws and rules in relation to direct contract and private providers.

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

Mr. Nagin asked the Committee to start thinking about the direction they need to take.

Ms. Barineau informed the Board that the travel plan has not been submitted, but will check and see what can be done to allow for the public hearings.

### **LETTER RECEIVED FROM LEE COUNTY BUILDING DEPARTMENT REGARDING ROOFING INSPECTORS**

David Morris was present from Lee County. Mr. Morris stated that they were making a request for roofing to be added to the standard inspector category. He stated that they were trying to hire experienced people in roofing only to do roofing inspections.

Mr. Nagin responded that it would take a legislative change in order to do this and they would need to go have a legislator to sponsor the legislation.

Mr. Jones informed the Committee that the problem was going to be in determining what the standards were going to be for this category. Ms. Pass suggested the standard be 5 years of experience and also require the passing of an examination.

Mr. Jones informed the Committee that he would research this issue to determine if the category could be added by rule. He stated that if he determines it can be done by rule, he will draft language for review at the next meeting. Ms. Pass offered to provide Mr. Jones with a copy of Dade County's requirements for a roofing license.

### **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 5:15 p.m.

March 25, 2005 9:00 a.m.

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

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

**Members Present**

Robert Nagin, Chair  
Dennis Franklin  
Robert Kymalainen  
Margaret Pass  
Charles Sheridan, Vice-Chair  
Bill Weber

**Member Not Present**

James Zicaro

**Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Jeffery Jones, Board Counsel  
Brian Higgins, Prosecuting Attorney  
Bob McCormick  
Bill Dumbaugh  
Don Fuchs, ICC  
Bruce Burditt, ICC

**APPROVAL OF THE MINUTES OF THE MEETINGS**

**December 9 & 10, 2004 Board meeting**

MOTION: Mr. Weber made a motion that the Board approve the minutes of the December 9 & 10, 2004 meeting as submitted.

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

**January 12, 2005 Conference Call**

MOTION: Mr. Sheridan made a motion that the Board approve the minutes of the January 12, 2005 conference call as submitted.

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

**February 16, 2005 Conference Call**

MOTION: Mr. Weber made a motion that the Board approve the minutes of the February 16, 2005 conference call as submitted.

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

Mr. Nagin stated that at this time, the Board would amend the agenda for the Application Review Committee report.

Ms. Pass reported that the Application Committee met on March 23 and asked that the Board approve the actions of the Committee for approval or denial regarding the

Request for Hearings as follows: Applications Approved: Kenneth Andrews - Provisional Building Plans Examiner; Steven M. Green – Standard and Provisional Plumbing Inspector; Dennis King – Provisional 1&2 Family Dwelling Inspector; William Kraemer – Provisional Building Code Administrator; Brian Rusu – Provisional Electrical Inspector and Provisional Plumbing Inspector; Donald V. Steiner – Provisional Mechanical Inspector; Steven R. Wharton – Standard Roofing Inspector.

MOTION: Mr. Franklin made a motion that the Board approve the actions of the Application Review Committee for approval of the referenced Hearings.

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

### **MOTION FOR FINAL ORDERS**

#### **Alfred Louis Hogrefe, Case # 2003-085475**

Mr. Higgins presented the settlement agreement in the case and asked that it be approved for the voluntary relinquishment of his licenses. He informed the Board that Mr. Hogrefe agreed to never again apply for any licenses under this Board.

MOTION: Mr. Franklin made a motion that the Board approve the Settlement Stipulation as presented in the case of Alfred Louis Hogrefe, Case #2003-085475.

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

#### **Ralph R. Zanello, Case # 2002-000618**

Mr. Higgins presented the settlement agreement in the case and asked that it be approved for the voluntary relinquishment of his licenses. He informed the Board that Mr. Zanello agreed to never again apply for any licenses under this Board.

MOITON: Mr. Weber made a motion that the Board approve the Settlement Stipulation as presented in the case of Ralph R. Zanello, Case # 2002-000618.

SECOND: Ms. Pass seconded the motion and it passed unanimously.

Mr. Nagin directed Mr. Higgins to contact the CILB regarding the action taken by this Board.

### **BRIAN HIGGINS, PROSECUTING ATTORNEY REPORT**

Mr. Higgins provided a copy of his report to the Board. Ms. Pass expressed concern that the cases were not moving along fast enough.

MOTION: Mr. Weber made a motion that the Board accept the Prosecuting Attorneys' report as presented.

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

### **REQUEST FOR HEARING NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT**

#### **Larry Carnley – Provisional Building Code Administrator**

Mr. Carnley was not present at the meeting. Following discussion, the following action was taken.

MOTION: Mr. Franklin made a motion that the Board approve the Provisional Building Code Administrator license and limit it to Jackson County.  
The motion died for lack of a second.

Mr. Kymalainen commented that he felt that the Board was too generous with issuing provisional licenses.

MOTION: Mr. Weber made a motion that the Board uphold the denial of the Provisional Building Code Administrator application.

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

**Gregory Clark – Building Plans Examiner**

Mr. Clark was not present. Ms. Pass commented that there appeared that Mr. Clark was involved in unlicensed activity.

MOTION: Mr. Franklin made a motion that the Board uphold the denial of the Building Plans Examiner application.

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

Ms. Pass asked that this be referred for investigation.

**Michael L. Geiger – Provisional 1&2 Family Dwelling Inspector**

Mr. Geiger was not present. Following discussion, the following action was taken.

MOTION: Mr. Franklin made a motion that the Board uphold the denial of the Provisional 1&2 Family Dwelling Inspector application.

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

The Board requested that Mr. Martinson be referred for investigation regarding his affidavit.

**Maximo M. Heredia – Provisional: Building, Plumbing, Mechanical and Electrical Plans Examiner**

Mr. Heredia was present and sworn in by the court reporter. Mr. Heredia had submitted additional information for the Board's consideration. Following discussion, the following action was taken.

MOTION: Mr. Franklin made a motion that the Board approve the Provisional applications for Building, Plumbing, Mechanical and Electrical Plans Examiner.

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

**Dennis W. James – Building Inspector**

Mr. James was present and sworn in by the court reporter. Mr. James was present on Wednesday for the Application Review Committee meeting and the question arose as to whether or not his civil rights had to be restored prior to him being issued a license.

Mr. James informed the Board that he had turned his life around and wished to have a second chance. He informed the Board that he has applied to have his civil rights restored.

Following discussion, Mr. Jones informed the Board that the previous board counsel had researched this issue and determined that you had to have your civil rights restored prior to having a license issued.

MOTION: Mr. Franklin made a motion that the Board uphold the denial of the Building Inspector application due to Mr. James not having his civil rights restored.

SECOND: Ms. Pass seconded the motion.

Following discussion, the motion failed with a tie vote as follows:

Aye – Ms. Pass, Mr. Franklin, Mr. Weber

Nay – Mr. Sheridan, Mr. Nagin, Mr. Kymalainen

MOTION: Mr. Sheridan made a motion that the Board approve the application for Building Inspector pending his civil rights being restored within 6 months, however, if they are not restored, then the application will remain denied.

SECOND: Mr. Weber seconded the motion and it passed with Ms. Pass voting against the motion.

Ms. Pass stated that she was concerned about protecting the public.

### **Arthur Larson – Building Inspector**

Mr. Larson was present and sworn in by the court reporter. Mr. Larson had submitted additional information for the Board's consideration. Following discussion, the following action was taken.

MOTION: Mr. Weber made a motion that the Board approve the application for Building Inspector.

SECOND: Mr. Franklin seconded the motion.

In discussion it was noted that Mr. Larson's civil rights had not been restored. Mr. Weber withdrew his motion and Mr. Franklin withdrew his second.

MOTION: Mr. Weber made a motion that the Board approve the application for Building Inspector pending his civil rights being restored.

The motion died for lack of a second.

Ms. Pass commented that she had concerns with the timeframe of the committed offenses and improper conduct. Following discussion, the following action was taken.



MOTION: Ms. Pass made a motion that the Board uphold the denial of the Building Inspector application due to improper conduct.  
SECOND: Mr. Sheridan seconded the motion which passed with Mr. Franklin recusing himself from voting.

**Dennis J. Millward – Building Inspector**

Mr. Millward was not present. His application was referred to the full Board by the Application Review Committee.

MOTION: Mr. Franklin made a motion that the Board uphold the denial of the Building Inspector application.  
SECOND: Mr. Weber seconded the motion and it passed unanimously.

**Michael Moore, Jr. – Building Inspector**

Mr. Moore was not present.

MOTION: Mr. Franklin made a motion that the Board uphold the denial of the Building Inspector application.  
The motion died for lack of a second.

Following discussion, the following action was taken.

MOTION: Ms. Pass made a motion that the Board uphold the denial of the Building Inspector application.  
SECOND: Mr. Weber seconded the motion and it passed unanimously.

**John Simoncini – Building Inspector**

Mr. Simoncini was not present at the meeting. His application was referred to the full Board by the Application Review Committee.

MOTION: Ms. Pass made a motion that the Board uphold the denial of the Building Inspector application.  
SECOND: Mr. Weber seconded the motion and it passed unanimously.

Mr. Franklin stated that the application for Arthur Larson was originally denied because of his experience; now the full board has denied his application because of his civil rights not being restored. Mr. Jones responded that he would do a correction and include the civil rights issue in the final order.

**Howard Lyons – Mechanical Plans Examiner, Mechanical Inspector, Plumbing Inspector, Plumbing Plans Examiner, Building Plans Examiner, Building Inspector and 1&2 Family Dwelling Inspector**

Howard Lyons was present and informed the Board that the Application Review Committee asked that he come back before the Board today with additional information. He was sworn in by the court reporter.

Following discussion, the following action was taken.

MOTION: Mr. Sheridan made a motion that the Board approve the applications for Mechanical Plans Examiner, Mechanical Inspector, Plumbing Inspector, Plumbing Plans Examiner, Building Plans Examiner, Building Inspector and 1&2 Family Dwelling Inspector based on his testimony and additional information provided.

SECOND: Ms. Pass seconded the motion and it passed unanimously.

## **REPORTS**

### **Chair's Report – Rob Nagin**

Mr. Nagin reported that he would like the members, prior to the next meeting, to think about the criteria for the proposed task force committee and to look at the rules and legislation in view of the private providers.

Ms. Barineau suggested that the members forward their information to the Board office prior to the meeting and a deadline of May 15<sup>th</sup> was established to have the information to the staff.

### **Application Committee – Margaret Pass**

#### **Ratification and Denial List**

MOTION: Ms. Pass made a motion that the Board approve the Ratification and Denial List.

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

MOTION: Ms. Pass made a motion that the Board approve the actions of the Committee regarding the approval and denial of applications as reviewed at the meeting.

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

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

Mr. Nagin reported that there were three concepts that Mr. Jones was moving forward with regarding rules.

MOTION: Mr. Nagin made a motion that the Board authorize Mr. Jones to move forward with Rules 61G19-6.012(3) and 61G19- 9.004(11), F.A.C., and the concept of listing the required experience as discussed.

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

### **Examination and Continuing Education Committee – Charles Sheridan**

Mr. Sheridan asked Mr. Nagin to give the report since he was not present for the Committee meeting. Mr. Nagin reported that the Committee reviewed CE courses for approval and denial.

Bill Dumbaugh was present from the Building Officials & Inspectors Educational Association to discuss why some of their courses were denied.

Following discussions, the following actions were taken:

MOTION: Mr. Sheridan made a motion that the Board approve the course on Motor Calculations.

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

MOTION: Mr. Sheridan made a motion that the Board approve the course on Distributed Generators.

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

### **Executive Committee – Rob Nagin**

Mr. Nagin reported that there were two memorandums from Mr. Franklin that were discussed and withdrawn; however, some of the information addressed in Mr. Franklin's memorandums will be handled by a newly formed committee. He reported that the Committee discussed a letter that was received from Lee County regarding roofing inspectors and Mr. Jones was requested to research this matter and report back to the Board.

### **Site Selection Committee – Margaret Pass**

Ms. Pass reported that the Committee proposed that the Board meet in the following locations if accommodations are available:

Pensacola/Key West in August

St. Augustine/Pensacola in October

St. Petersburg in June for BOAF

Mr. Nagin commented that the Board needs to have a meeting every two months and funds should be available to accommodate every other month board meetings. Ms. Barineau responded that she would discuss this request with the Department.

Ms. Pass stated that she wanted to add Coral Gables and Naples to the list as future meeting site options.

### **Board Counsel – Jeffrey Jones**

Mr. Jones did not have a report to give the Board at this time.

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

#### **Revised letters to Passing Candidates**

Ms. Barineau informed the Board that revised letters were provided in the agenda book, for the Board's information, regarding candidate pass/fail examination information. She stated that the letters have been approved and are currently being used by the Central Intake Unit.

#### **Financial Report – Operating Account**

#### **Financial Report – Unlicensed Activity Account**

Ms. Barineau stated that the financial reports were included for informational purposes. She informed the Board that she would try and determine when the transfer of funds to CILB will take place.

Following discussion, Ms. Barineau informed the Board that she will research the Information Technology expense and report back to the Board. She also stated that

she would research the concept of tracking continuing education for provisional license holders to see if this could be done by the Department.

### **CORRESPONDENCE/INFORMATION ONLY**

#### **Unlicensed Activity Report**

This was provided for informational purposes only.

### **OLD BUSINESS**

There was no old business.

### **NEW BUSINESS**

#### **Approval of Robyn Barineau as Executive Director pursuant to Chapter 455.203(2), Florida Statutes**

MOTION: Mr. Sheridan made a motion that the Board approve Robyn Barineau as their Executive Director.

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

### **ELECTION OF CHAIR AND VICE-CHAIR**

MOTION: Mr. Franklin made a motion that the Board elect Charles Sheridan Chair of the Board.

SECOND: Mr. Kymalainen seconded the motion.

Ms. Pass asked Mr. Sheridan if he was going to be able to attend the meetings during the year. Mr. Sheridan responded that he would be available.

There being no further discussion, the motion passed unanimously.

MOTION: Mr. Franklin made a motion that the Board elect Robert Kymalainen as Vice-Chair of the Board.

SECOND: Ms. Pass seconded the motion and it passed unanimously.

Mr. Sheridan thanked Mr. Nagin for his service to the Board.

### **ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 10:40 a.m.