

**MINUTES OF THE MEETING**

**BUILDING CODE ADMINISTRATORS & INSPECTORS BOARD  
BAY POINT MARRIOTT RESORT VILLAGE  
4200 MARRIOTT DRIVE  
PANAMA CITY BEACH, FL 32408  
APRIL 25, 26, 27, & 28, 2006 9:00 A.M., CDT**

**April 25, 2006 9:00 a.m., CDT**

**APPLICATION REVIEW COMMITTEE**

**Call To Order**

Ms. Pass, Chair of the Committee, called the meeting to order at 9:06 a.m. CDT.

**Members Present**

Margaret Pass, Chair  
Bob Kymalainen  
Bob McCormick

**Others Present**

Robyn Barineau, Executive Director, DBPR  
Elise Rice, Government Analyst, DBPR  
Wayne Francis  
Gregory Ferrone  
Tim Atkinson, Esquire  
Stanley Collins  
William McKee  
Joseph L. Agriesti  
Willie Haulstead  
James Fuoco  
David J. Osteen  
Lindsey Lander, Esquire  
Arthur C. Jones  
Scott Ellis  
Daniel A. Greenberg  
David L. Kessinger  
Anthony Maccarone  
Bob Lizana  
Brian Richardson  
Michael L. Myers  
Don Fuchs, BOAF  
William J. Palmer  
George M. Phillips  
Craig Waldron  
Howard T. Mueller  
William O. Weeks

Summer Hubanks  
Samuel E. Powell  
David Morris  
Gary Corbone  
Phillip N. Ryan  
Raymond Converse  
Michael Edwin Myers  
George Knight  
Martin Nemeck  
Renee' Zegarski  
Gerry A. Demers  
Harold Allen Biggs  
Frank Carter  
Thomas Browning

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

### **Reconsideration**

#### **Gregory A. Ferrone – Provisional 1&2 Family Dwelling Inspector**

Mr. Ferrone was present along with Tim Atkinson, Esquire, James Lindhal, Building Code Official, and Kevin Trim. Additional information was provided at the meeting for the Committee's review.

During discussion, Mr. Ferrone provided verbal testimony regarding his experience.

**MOTION:** Mr. McCormick made a motion that the Committee approve the application for provisional 1&2 family dwelling inspector based on Mr. Ferrone's degrees being construction related.

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

#### **William J. McKee – Provisional: Electrical Inspector, Plumbing Inspector, Mechanical Inspector**

Mr. McKee was present at the meeting and additional information had been submitted for the Committee's review. In discussion, there was concern regarding the affidavit from Garland Brown, allowing inspections to be done without a license.

**MOTION:** Mr. McCormick made a motion that the Committee uphold the denial of the provisional applications for electrical inspector, plumbing inspector and mechanical inspector based on a lack of experience in the categories.

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

**MOTION:** Mr. Kymalainen made a motion that Garland Brown be investigated regarding unlicensed activity.

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

**Joseph Agresti – 1&2 Family Dwelling Inspector**

Mr. Agresti 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 uphold the denial of the 1&2 family dwelling inspector application as Mr. Agresti did not demonstrate adequate experience.

SECOND: Mr. Kymalainen seconded the motion.

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

MOTION: Mr. Kymalainen made a motion that the Committee approve the application for 1&2 family dwelling inspector.

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

**Willie J. Haulstead, Jr. – Provisional: Mechanical Plans Examiner, Electrical Inspector, Mechanical Inspector, Plumbing Plans Examiner, Plumbing Inspector and Electrical Plans Examiner**

Mr. Haulstead 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 applications for provisional electrical inspector and provisional electrical plans examiner.

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

MOTION: Mr. McCormick made a motion that the Committee approve the applications for provisional mechanical plans examiner and provisional mechanical inspector.

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

Following discussion regarding the provisional plumbing plans examiner and provisional plumbing inspector applications, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee uphold the denial of the provisional plumbing plans examiner and provisional plumbing inspector applications.

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

**James Anthony Fuoco – Provisional & Standard Building Inspector**

Mr. Fuoco was present and provided additional information for the Committee's review. He stated that he intended to apply for plumbing but checked the wrong category on the application.

The Committee informed Mr. Fuoco that he would have to submit new applications if he wished to apply for the plumbing category.

MOTION: Mr. McCormick made a motion that the Committee uphold the denial of the provisional & standard building inspector applications.

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

**Arthur C. Jones – Provisional: Plumbing Plans Examiner, Mechanical Plans Examiner, Building Plans Examiner**

Mr. Jones was present and additional information was provided for the Committee's review.

MOTION: Mr. Kymalainen made a motion that the Committee approve the provisional applications for plumbing plans examiner, mechanical plans examiner and building plans examiner based on the additional information submitted.

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

**Scott Ellis – Provisional Electrical Plans Examiner**

Mr. Ellis was present at the meeting and additional information had been submitted for the Committee's review.

MOTION: Mr. McCormick made a motion that the Committee approve the provisional electrical plans examiner application.

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

**Daniel A. Greenberg – Building Inspector**

Mr. Greenberg was present 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 uphold the denial of the building inspector application.

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

**David L. Kessinger – 1&2 Family Dwelling Inspector**

Mr. Kessinger 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 uphold the denial of the 1&2 family dwelling inspector application.

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

**Brian Richardson – Provisional Building Plans Examiner**

Mr. Richardson 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 provisional building plans examiner application based on the additional information submitted.

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

**Michael Leroy Myers – Endorsement: Electrical Inspector, Mechanical Inspector, Coastal Construction Inspector, Plumbing Inspector, Plumbing Plans Examiner, Mechanical Plans Examiner, Electrical Plans Examiner, 1&2 Family Dwelling Inspector and Building Plans Examiner**

Mr. Myers was present at the meeting and provided additional information for the Committee's review.

Following discussion, the following action was taken.

Mr. McCormick commented that the coastal construction inspector application was not necessary.

MOTION: Mr. McCormick made a motion that the Committee uphold the denial of the electrical inspector and electrical plans examiner applications due to a lack of adequate experience.

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

MOTION: Mr. McCormick made a motion that the Committee uphold the denial of the plumbing inspector and plumbing plans examiner applications due to a lack of adequate experience.

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

MOTION: Mr. McCormick made a motion that the Committee uphold the denial of the mechanical plans examiner application due to a lack of adequate experience.

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

MOTION: Mr. Kymalainen made a motion that the Committee approve the building plans examiner application by endorsement.

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

MOTION: Mr. McCormick made a motion that the Committee approve the 1&2 family dwelling inspector application based on information provided.  
SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

**William J. Palmer – Provisional 1&2 Family Dwelling Inspector**

Mr. Palmer was present at the meeting and additional information had been provided for the Committee's review.

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the provisional 1&2 family dwelling inspector application.  
SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

**Howard Mueller – Provisional & Standard Building Inspector**

Mr. Mueller was present at the meeting along with his son, Dustin Mueller. Additional information was provided at the meeting for the Committee's review.

During discussion, Ms. Pass asked Mr. Mueller what he had been doing since August 2005. Mr. Mueller responded that he had been performing building inspections.

MOTION: Mr. McCormick made a motion that the Committee approve the provisional and standard building inspector applications based on the affidavits submitted.  
SECOND: Motion died for lack of a second.

Discussion followed regarding Mr. Mueller's moral character. Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the provisional and standard building inspector applications.  
SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

MOTION: Mr. Kymalainen made a motion that the Committee request an investigation of the building official who appears to have allowed inspections to be done without a license.  
SECOND: Ms. Pass seconded the motion and it passed unanimously.

**Samuel Powell – Provisional: Mechanical Inspector, Building Inspector, Plumbing Inspector and Electrical Inspector**

Mr. Powell 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 and it passed unanimously.

MOTION: Mr. McCormick made a motion that the Committee uphold the denial of the provisional plumbing inspector and provisional electrical inspector applications.

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

MOTION: Mr. McCormick 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.

### **Raymond E. Converse – Provisional Electrical Inspector**

Mr. Converse was present at the meeting along with wife, Ann Converse. 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 electrical inspector application based on the information submitted.

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

### **Michael E. Myers – Building Plans Examiner**

Mr. Myers was present at the meeting and additional information had been submitted for the Committee's review.

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

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

### **George Knight – Provisional: Electrical Plans Examiner, Plumbing Plans Examiner, 1&2 Family Dwelling Inspector and Mechanical Plans Examiner**

Mr. Knight 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 provisional 1&2 family dwelling inspector application.

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

MOTION: Mr. McCormick made a motion that the Committee uphold the denial of the provisional electrical plans examiner application.

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

MOTION: Mr. McCormick made a motion that the Committee uphold the denial of the provisional plumbing plans examiner and provisional mechanical plans examiner applications.

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

**Martin A. Nemecek – Building Code Administrator – Endorsement**

Mr. Nemecek was present at the meeting along with Dale Griener.

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the building code administrator application by endorsement.

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

**Renee Zegarski – Provisional Building Inspector, Provisional Building Plans Examiner, Building Inspector, Plumbing Inspector, Provisional Plumbing Inspector, Building Plans Examiner**

Ms. Zegarski was present at the meeting along with Wayne Francis. Additional information was provided for the Committee's review.

Following discussion, the following action was taken.

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

SECOND: Mr. Kymalainen seconded the motion.

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

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

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

MOTION: Mr. Kymalainen made a motion that the Committee uphold the denial of the provisional building plans examiner application.

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

MOTION: Mr. Kymalainen made a motion that the Committee uphold the denial of the provisional building plans examination application.

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

MOTION: Mr. Kymalainen made a motion that the Committee uphold the denial of the plumbing inspector and provisional plumbing inspector applications.

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

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



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

**George Phillips – 1&2 Family Dwelling Plans Examiner – Voluntary and Provisional Electrical Plans Examiner**

Mr. Phillips 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 uphold the denial of 1&2 family dwelling plans examiner application.

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

MOTION: Mr. McCormick made a motion that the Committee uphold the denial of the provisional electrical plans examiner application.

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

**Thomas W. Browning – Provisional and Standard 1&2 Family Dwelling Inspector**

Mr. Browning 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 1&2 family dwelling inspector application.

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

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

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

At this time, the Committee reviewed applications for individuals present.

**Stanley Collins**

The Committee approved the provisional 1&2 family dwelling inspector, 1&2 family dwelling inspector, plumbing inspector, provisional electrical inspector, electrical inspector applications. The Committee denied the provisional plumbing inspector application due to a lack of affirmed experience.

**Perry Collins**

The Committee approved the building code administrator application.

**David Osteen along with Joey Landers, Esquire**

The Committee denied the 1&2 family dwelling inspector application for a lack of experience in building and electrical.

**Bob Lizana**

The Committee approved the building inspector and provisional building inspector applications.

**Anthony Maccarone**

The Committee denied the 1&2 family dwelling inspector application for lack of electrical experience.

**Craig Waldron**

The Committee approved the building inspector application.

**William Weeks**

The Committee approved the building code administrator application.

**Gary Carbone**

The Committee approved the provisional building plans examiner application.

**Phillip Ryan**

The Committee approved the 1&2 family dwelling inspector application by endorsement.

**Gerry Demers**

The Committee approved the mechanical plans examiner – endorsement, electrical plans examiner – endorsement, plumbing plans examiner – endorsement, and building plans examiner – endorsement applications.

**Harold Allen Biggs**

The Committee approved the provisional electrical inspector, provisional plumbing inspector, provisional building inspector and provisional mechanical inspector applications.

**Frank Carter**

The Committee approved the 1&2 family dwelling inspector application.

**RECESS**

The Committee recessed the Application Review meeting at 1:00 a.m.

April 26, 2006 9:00 a.m., CDT

**APPLICATION REVIEW COMMITTEE**

**CALL TO ORDER**

Ms. Pass, Chair of the Committee, called the Committee meeting to order at 9:00 a.m., CDT.

**Members Present**

Margaret Pass, Chair  
Bob Kymalainen  
Bob McCormick

**Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst

**REVIEW OF APPLICATIONS**

At this time, the Committee reviewed applications for approval or denial.

The Committee recessed the application reviews for the workshop and then upon adjournment of the workshop, continued to review applications.

**ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 6:45 p.m., CDT.

April 26, 2006 1:30 p.m., CDT

**WORKSHOP****CALL TO ORDER**

Mr. Kymalainen, Chair of the Board, called the workshop to order at 1:31 p.m., CDT.

**Members Present**

Bob Kymalainen, Chair  
Dennis Franklin  
Bob McCormick, Vice-Chair  
Rob Nagin  
Margaret Pass  
Nick Sasso

**Members Not Present**

Fred Dudley  
Charles Sheridan  
John Upchurch

**Others Present**

Robyn Barineau, Executive Director, DBPR  
Elise Rice, Government Analyst, DBPR  
Jeffrey Jones, Board Counsel  
Don Fuchs, BOAF  
Ronnie Spooner, BOAF  
William Dumbaugh, BOAF  
Tamara Landis, BOAF

David Morris  
Wayne Francis  
John O'Connor  
Frank Baxter  
Gary Carbone  
Randy Fowler  
Rick Holmes

Mr. Kymalainen stated that the purpose of the workshop was for discussion of possible statutory changes to Section 468.609, F.S., entitled "Administration of this part; standards for certification; additional categories of certification."

Don Fuchs, Executive Director of BOAF, apologized to the Board and stated that he wanted to present a power point presentation, however, he was unable to do so due to the layout of the meeting room. He stated that they were trying to develop a building code inspection program that would cater to individuals at the entry level. Mr. Fuchs stated that when the program is developed, an employer will have qualified individual to do inspections that go through this program.

Mr. Fuchs informed the Board that the proposal will require two years of hands on experience, a 360 to 440 hour instructor led training program, pass the principles and practice examination and pass the technical examination before they can begin work. Mr. Fuchs discussed the current requirements and compared them to the proposal. He stated that the proposal was for building and electrical to have 440 contact hours and mechanical and plumbing to have 360 contact hours.

Mr. Fuchs informed the Board that Ronnie Spooner was present and could explain what was taking place with the amendments to the proposed legislation and how they were trying to pull the legislation.

Mr. Spooner commented that he was not present at the last meeting where BOAF agreed to hold off on the proposed legislation during the current legislative session. He informed the Board that he did contact the sponsor for the legislation to inform him that they wanted to pull for presentation in 2007. Mr. Spooner stated that Representative Atkinson had been contacted and was told that some of his constituents were concerned about the lack of inspectors. A meeting was conducted and Representative Atkinson stated that he was prepared to write legislation to create a way to license more inspectors. Mr. Spooner advised the Representative that BOAF was working with the Board on this initiative and there was a workshop scheduled to discuss changes. He asked that the language that had been drafted be pulled. Mr. Spooner stated that Representative Atkinson informed them that he was going to do something this session, therefore, BOAF provided him with the proposed language they had developed.

Mr. Spooner informed the Board that the language was added to another bill that included the language for the bill of rights and had been modified to add 20 hours of ethical standards. Mr. Spooner stated that BOAF understood the Board's position from

the beginning, and they were not supporting the legislation. He stated that they were willing to put off the proposal until next year, however, this is where it stands at this time.

Mr. Spooner informed the Board that there was not a time frame in the language for developing the rules so it would be up to the Board to create the rules. He stated that there may be a need for some changes in the legislation, if it passes, which could be done next year.

Mr. Spooner commented that the language was being added to several bills before the Legislature and he understood it may not make it out of the House or Senate. He stated that he had not seen the amendment that was proposed but understood that it was being heard today.

Mr. Sasso questioned if the proposal was only for inspectors. Mr. Fuchs responded that it was intended for inspectors, however they may include plans examiners at a later date.

Mr. Sasso stated that he was not clear on what BOAF meant by two years of hands on experience. He asked if the two years involved the person being in school for two years. Mr. Fuchs responded that the person would have to have worked in the field for two years.

Mr. Franklin stated that currently the five years of experience is verified by an affidavit and he wanted to know how BOAF would verify the experience under the proposed language. Mr. Fuchs responded that BOAF would not be verifying experience; the applicant would submit an affidavit of experience to the Board with their application.

Mr. Franklin stated that before an individual goes through the training, they will have to have the experience. He questioned how BOAF was going to verify that experience. Mr. Fuchs responded that the individual would have to submit an application to the Board, and they would have to prove their experience to the Board and not BOAF.

Mr. Kymalainen commented that if the legislation passed, the rule development would not take place immediately and there was no timeframe specified for writing the rules. Mr. Jones stated that it would be impossible to implement the legislative changes without rules being developed and until the rules are in place, there is no program. Mr. Jones stated that normally the Legislature imposes a maximum requirement rather than a minimum, therefore, there is flexibility with the amount of hours that can be required since the legislation contains the minimum hours.

Mr. Fuchs informed the Board that it will be a few years before BOAF is ready to submit a program to the Board for review to implement the changes. Mr. Nagin commented that there was a big push at this time for inspectors and there may be a push to implement a program quickly.

Ms. Pass commented that she was against this legislation. She stated that the Board had worked too hard and for too long to bring the professionalism to where it is now. Ms.

Pass stated that this was in haste because of the need for inspectors and felt the requirements were going backwards in this regard. She commented that down the road, there were going to be far reaching results and the first concern was with the health, safety and welfare of the citizens of our State.

Ms. Pass commented that her concerns were not for her area as they were not going to be effected by the legislation because their standards were way beyond the proposal, but the rest of the state was going to suffer. She commented that you see more and more commercial building in cities and counties that have never had this type of construction before. Ms. Pass stated that they would not be protecting the citizens in Florida and they should be going in the opposite direction, doing away with provisional licenses and have the requirements where you have to have a competency level to pass a test.

Ms. Pass stated that she was disappointed in BOAF. She commented that with all of the talk being about education and schooling, there was a tremendous amount of hands-on experience that schooling will never touch. Ms. Pass stated that the analysis of BOAF was very flawed and she was going to continue to vote against the proposal.

Mr. McCormick commented that he was not opposed to investigating new mechanisms in which to qualify people for licensure and this proposal was a good place to start. He stated that there was language in certain bills that BOAF did not have any influence over. He suggested that the proposed language to the statute be changed to delete the proposed contact hours as they could be determined by rule.

Mr. McCormick stated that he had strong ties to BOAF, however, his comments were not tied to them. He stated that BOAF put a lot of time and effort into this initiative.

Mr. Jones commented that even if the language passes this year, it appeared that BOAF has a proposal to address problems and concerns next year during session. Mr. Fuchs responded that that was correct. He stated that because of missteps this year, the proposal may go forward and that language would need to be drafted to make amendments.

Mr. Sasso stated that he respected that they were trying to implement something, however, he did not accept the premise that there was a need for this training program because of a lack of inspectors. He commented that the lack of inspectors was because the cities and counties do not want to adequately pay their inspectors and if they would pay them, they would get the inspectors. Mr. Sasso felt that the proposed legislation would keep the salaries low or lower. He stated that he had hoped that BOAF would do more regarding what a building official is and what he does and an awareness of how important the building departments are, and Mr. Sasso stated that he agreed with Ms. Pass.

Mr. McCormick commented that he heard the comments by Ms. Pass and Mr. Sasso and understands the problems. He stated that no one was in favor of the provisional

licenses, they were forced upon us, and they need to be pro-active regarding issues that can be addressed.

Mr. McCormick stated that he was not sure that 440 hours was the right number of training program hours. He stated that he supports the concept, if not the program. Mr. McCormick stated that he appreciated everyone's view point and this was a valuable process.

Mr. Fuchs stated that he was confused. In the proposal, there is a training provision providing training in the codes, which is not given now. He stated that he did not follow the logic that if someone was a framer and did not have specific training, how they would be better prepared than if someone attended the schooling. Mr. Sasso responded that you do not learn a lot in two years and have to consider the amount of knowledge that can be maintained. He further stated that you are exposed to a lot more in five years and have more time to grasp the needed knowledge.

Mr. Franklin commented that Ms. Pass had good thoughts and her environment is different from rest of state as Dade County has different requirements and their standards are higher. He stated that was not going to help the small communities, the majority need people. Mr. Franklin stated that he thought this was the direction that needs to be taken. If someone has two years of experience, then you can teach them good habits. He felt that the two years versus five years of hands-on experience was a moot issue. Mr. Franklin stated that he thought this was a good program. He did not want to lessen the requirements, he wanted to improve them.

Ms. Pass commented that there could be building departments that will not meet the requirements needed to meet the building requirements. The health, safety and welfare of the citizens of the State will not be met. She stated that you have to be careful what you ask for, that they are not looking into the future, they are just being concerned with the need for inspectors today. Ms. Pass commented that the push should be to have BOAF go to the communities to see their needs. Better education is needed for inspectors and plans examiners, and she did not see the proposed program doing that which was a concern. She felt that BOAF should be working to do away with provisional licenses and working where the Board has problems.

Mr. Kymalainen commented that the qualifications of inspectors, no matter where they were, should be the same.

Mr. Fuchs stated that the mission of BOAF is that one day their program will be a nationally recognized program. He stated that he had heard talk about this but no action was being taken, and they want this to be a source of pride. Mr. Fuchs informed the Board that he would never allow BOAF to downgrade the profession. He stated that they cannot control wages, but they are trying to get a start on getting the profession recognized. Mr. Fuchs stated that he respected everyone's opinion, and stated that they will not downgrade profession which was not BOAF's intention.

Mr. Franklin suggested BOAF team up with the home builders association to fight to get money out of the general revenue fund to put into a fund to promote the profession. He stated that DBPR needs to audit building departments and see how inspections are being done. Mr. Franklin felt that BOAF was taking the right direction by developing this program.

Mr. McCormick commented that he sees this as a valuable opportunity as there is a shortage of qualified individuals. He stated that he thought that some felt that BOAF was forcing this concept on the Board, but BOAF has done the work, and he saw this as an opportunity.

Mr. Sasso stated that he was not questioning the intent, they just need to consider the long term effects.

Ms. Pass responded that they were not bettering the profession, it was watering down the profession. She stated that her concern was what the benchmark was for this and if they thought to go to the ISO. Ms. Pass believes the State should be requiring more than they are right now. She stated that she hoped they would strongly look at the benchmark. Ms. Pass commented that years ago, BOAF looked at the university system regarding schooling. She stated that if there was a program in the school system, it would not be just in one location and it would be in an accredited system.

Mr. Fuchs responded that they had not contacted ISO but that ICC would be willing to assist them. He further stated that every program that he knows of in the universities are not really interested. Ms. Pass responded that BOAF needed to implement programs for mentoring and they need to start this with young individuals. Mr. Fuchs responded that they have been going to career days and were moving in that direction.

Mr. Jones informed the Board that, at this point, they needed to see if the legislation passes and then proceed.

Mr. Fuchs reminded the Board that the proposal in his presentation was not in any bill that he was aware of at this time. He thanked the Board for their time.

### **ADJOURNMENT**

The Workshop was adjourned at 3:07 p.m., CDT.

April 27, 2006 9:00 a.m., CDT

### **CALL TO ORDER**

Mr. Kymalainen, Chair of the Board, called the meeting to order at 9:00 a.m., CDT.



**Members Present**

Bob Kymalainen, Chair  
Dennis Franklin  
Bob McCormick, Vice-Chair  
Rob Nagin  
Margaret Pass  
Nick Sasso

**Members Not Present**

Fred Dudley  
Charles Sheridan  
John Upchurch

**Others Present**

Robyn Barineau, Executive Director, DBPR  
Elise Rice, Government Analyst, DBPR  
Jeffrey Jones, Board Counsel  
Jessica Leigh, Prosecuting Attorney  
Amat Sergio Fernandez  
Jack Boone  
George M. Phillips  
Gerald C. Mangawang  
Don Fuchs, BOAF  
Wayne Francis  
Ray Schaub  
Franz A. Hardin  
Douglas Tillery  
Jonathan Bilby  
Richard Noles  
John O'Connor  
Stephen Lee  
Gerry Demers  
Robert von Kampen, Ph.D., ICC  
Jenny Nichols, Court Reporter

**REQUEST FOR HEARING NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT****Jonathan P. Bilby – Standard and Provisional: Plumbing Inspector, 1&2 Family Dwelling Inspector, Electrical Inspector, Plumbing Plans Examiner and Electrical Plans Examiner**

Mr. Bilby was present at the meeting along with Gerry Demers and were both sworn in by the court reporter. Additional information was provided at the meeting for the Board's review.

Following discussion, the following action was taken.

MOTION: Mr. Franklin made a motion that the Board approve the standard and provisional: plumbing inspector, 1&2 family dwelling inspector, electrical inspector, plumbing plans examiner and electrical plans examiner applications based on the information provided.

SECOND:

The motion died for lack of a second.

MOTION: Mr. McCormick made a motion that the Board approve the standard and provisional 1&2 family dwelling inspector applications and deny the standard and provisional: plumbing inspector, electrical inspector, plumbing plans examiner and electrical plans examiner applications for lack of affirmed demonstrated experience of five years each.

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

Following discussion, the following action was taken.

MOTION: Ms. Pass made a motion that the Board reconsider all of the applications for Jonathan Bilby.

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

Ms. Pass stated that she would like to hear testimony from Gerry Demers. Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that based on testimony from Gerry Demers and Jonathan Bilby, the Board approve the standard plumbing inspector and plumbing plans examiner applications, uphold the denial of the provisional plumbing inspector and plumbing plans examiner applications, approve the standard and provisional 1&2 family dwelling inspector applications and uphold the denial of the standard and provisional electrical inspector and electrical plans examiner applications.

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

### **Jack Boone – Provisional and Standard Building Code Administrator**

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

Following discussion, the following action was taken.

MOTION: Ms. Pass made a motion that the Board approve the provisional and standard building code administrator applications.

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

**Glenn T. Brown – Provisional: Electrical Plans Examiner, Plumbing Plans Examiner & Mechanical Plans Examiner**

This hearing was continued until the June Board meeting.

**Amat Fernandez – Provisional Electrical Plans Examiner**

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

During discussion, it was noted that a provisional building code administrator cannot supervise provisional license holders. Mr. Fernandez responded that the building code administrator held a standard license.

MOTION: Mr. McCormick made a motion that the Board table the hearing until the end of the day to allow Mr. Fernandez time to get a copy of the standard building code administrator license from his employer.

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

Since Mr. Fernandez did not bring the Board a copy of the standard license for the building code administrator before the conclusion of the meeting, the following action was taken.

MOTION: Mr. Nagin made a motion that the Board uphold the denial of the provisional electrical plans examiner application.

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

**Franz A. Hardin – 1&2 Family Dwelling Inspector – Endorsement**

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

Following discussion, the following action was taken.

MOTION: Mr. Franklin made a motion that the Board approve the 1&2 family dwelling inspector application by endorsement.

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

**Stephen L. Lee – Provisional Building Inspector**

Mr. Lee was present along with George Davenport and both were sworn in by the court reporter. Additional information was provided at the meeting for the Board's review.

Following discussion, the following action was taken.

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

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

**George T. Licht – Plumbing Inspector & Mechanical Inspector**

Mr. Licht 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. Franklin made a motion that the Board uphold the denial of the plumbing inspector and mechanical inspector applications.

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

**Bryan T. Long – Provisional Electrical Plans Examiner, Plumbing Plans Examiner, Provisional Plumbing Plans Examiner, Provisional Mechanical Plans Examiner, Mechanical Plans Examiner and Electrical Plans Examiner**

Mr. Long 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: Ms. Pass made a motion that the Board uphold the denial of the provisional electrical plans examiner, plumbing plans examiner, provisional plumbing plans examiner, provisional mechanical plans examiner, mechanical plans examiner and electrical plans examiner applications.

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

**Gerald C. Mangawang – Provisional Building Plans Examiner**

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

Following discussion, the following action was taken.

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

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

**Richard L. Noles – Electrical Inspector, Mechanical Inspector and Provisional Electrical Inspector – Reconsideration**

Mr. Noles was present at the meeting and sworn in by the court reporter. Additional information for the Board's review was provided at the meeting. This hearing was continued at the last meeting.

Following discussion, the following action was taken.

MOTION: Mr. Franklin made a motion that the Board approve the electrical inspector, mechanical inspector and provisional electrical inspector applications.

SECOND: Mr. Sasso seconded the motion which failed with Ms. Pass, Mr. McCormick, Mr. Kymalainen, Mr. Sasso, and Mr. Nagin voting against the motion.

Following discussion, the following action was taken.

MOTION: Mr. Franklin made a motion that the Board approve the mechanical inspector and electrical inspector applications and uphold the denial of the provisional electrical inspector application.

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

**Raymond L. Schaub – Mechanical Plans Examiner - Endorsement**

Mr. Schaub was present at the meeting and sworn in by the court reporter. Additional information had been submitted for the Board's review.

Mr. Schaub testified that he had taken the ICC examination for mechanical plans examiner. Following discussion, the following action was taken.

MOTION: Mr. Franklin made a motion that the Board approve the mechanical plans examiner application by endorsement.

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

**David Hugh Whaley – Provisional: Building Plans Examiner and Electrical Plans Examiner**

This hearing was continued until the June Board meeting.

**Douglas A. Tillery – Electrical Plans Examiner, Mechanical Plans Examiner, Mechanical Inspector, Electrical Inspector, Provisional Electrical Inspector, Provisional Mechanical Inspector, Provisional Mechanical Plans Examiner and Provisional Electrical Plans Examiner**

Mr. Tillery was present and sworn in by court reporter along with Gerry Demers. Additional information was provided at the meeting for the Board's review.

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Board approve the standard electrical plans examiner, mechanical plans examiner, mechanical inspector, electrical inspector applications.

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

Following discussion, the following action was taken.

MOTION: Ms. Pass made a motion that the Board approve the provisional mechanical inspector and provisional mechanical plans examiner applications.

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

MOTION: Ms. Pass made a motion that the Board uphold the denial of the provisional electrical inspector and provisional plans examiner applications.

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

### **George Phillips – 1&2 Family Dwelling Plans Examiner – Voluntary and Provisional Electrical Plans Examiner**

Mr. Phillips was denied by the Application Review Committee on Tuesday and present to see if the Board would reconsider his applications. Mr. Phillips was sworn in by the court reporter and provided an additional experience verification for the Board's review.

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Board reconsider the provisional electrical plans examiner application and that it be approved.

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

### **SETTLEMENT STIPULATION**

#### **Robin Arthur Brinkley – Case #2005-034904**

Mr. Brinkley was not present at the meeting. Jessica Leigh, Prosecuting Attorney was present on behalf of the Department. Ms. Leigh informed the Board that on November 15, 2005, a complaint was filed and on March 14, 2006, it was amended. The Respondent was charged with one count of failing to enforce the building codes. Ms. Leigh stated that Mr. Brinkley had agreed to a Stipulation calling for a \$1500 fine, costs in the amount of \$362.98, and a one year probationary period, which met the guidelines as this was his first offense.

Mr. Nagin was on the probable cause panel.

During discussion, Ms. Leigh stated that if the Board rejected the stipulation, she would want to continue the case until the next meeting so that Mr. Brinkley's attorney could be present.

MOTION: Mr. Franklin made a motion that the Board reject the Stipulation as presented in the case of Robin Arthur Brinkley, Case #2005-034904.

SECOND: The motion died for lack of a second.

During discussion, Ms. Pass noted that Mr. Brinkley had a previous case in 2001.

MOTION: Ms. Pass made a motion that the Board reject the Stipulation as presented in the case of Robin Arthur Brinkley, Case #2005-034904.

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

**Narendra Shah – Case #2004-006027**

Mr. Shah was not present at the meeting. Ms. Leigh informed the Board that Mr. Shah had agreed to a Stipulation relinquishing all of his licenses with this Board and agreed to never apply for licensure.

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Board approve the Stipulation as presented in the case of Narendra Shah, Case #2004-006027.

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

**JESSICA LEIGH, PROSECUTING ATTORNEY’S REPORT**

Ms. Leigh informed the Board that as of April 24<sup>th</sup> there were four cases in confidential status, five set for PCP, two formal hearings and three for Board presentation, of which two were heard today.

**RECESS**

There being no further business to come before the Board at this time, Mr. Kymalainen recessed the meeting at 12:15 p.m., CDT until Friday, April 28<sup>th</sup>.

**RULES AND LEGISLATION COMMITTEE**

**CALL TO ORDER**

Mr. Nagin, Chair of the Committee, called the meeting to order at 1:30 p.m., CDT.

**Members Present**

Rob Nagin, Chair  
Bob Kymalainen

**Members Not Present**

Charles Sheridan

**Others Present**

Robyn Barineau, Executive Director, DBPR  
Elise Rice, Government Analyst, DBPR  
Jeffrey Jones, Board Counsel  
Margaret Pass, Board Member  
Bob McCormick, Board Member  
Dennis Franklin, Board Member  
Nick Sasso, Board Member  
Don Fuchs, BOAF  
Gerry Demers  
Robert von Kampen, Ph.D., ICC  
Jonathan Bilby  
William Dumbaugh, BOAF

**PROPOSED RULE UPDATE 61G19-5.007(1)(a),F.A.C. – NICK SASSO**

Mr. Sasso stated that this was just a clean-up to the rules to add “plans examiner.”

MOTION: Mr. Franklin made a motion that Mr. Jones proceed with rule development to amend Rule 61G19-5.007(1)(a), F.A.C., to include plans examination.

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

**RULE 61G19-9.004, F.A.C. – NICK SASSO**

Mr. Sasso stated that he wanted to attend a meeting of the Florida Building Commission however, the rule that is referenced in 61G19-9.004, F.A.C., does not exist.

Following discussion, the following action was taken.

MOTION: Mr. Franklin made a motion that Mr. Jones research when Rule 61G19-9.008, F.A.C., was repealed and why.

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

Ms. Barineau asked if the Board would agree to reduce the number of continuing education credit hours from seven to four in order for consistency with the other professions that receive credit for attending FBC or TAC meetings. Mr. Nagin responded that he was not opposed to reducing the hours. Mr. McCormick stated that the seven hours was based on the request from the Building Commission.

MOTION: Mr. Franklin made a motion that Mr. Jones proceed with the rule making process to amend Rule 61G19-9.004, F.A.C., changing from four to seven hours of continuing education credit.

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

Mr. Jones provided the Committee with the draft language to include the reference to plans examiner in Rule 61G19-5.002, F.A.C. – Disciplinary Guidelines.

MOTION: Mr. McCormick made a motion that the Committee approve the draft language to Rule 61G19-5.002, F.A.C., as presented.

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

Mr. Jones provided draft language for Rule 61G19-9.001, F.A.C., which added a three year retention requirement for continuing education certificates.

MOTION: Mr. McCormick made a motion that the Committee approve the draft language to Rule 61G19-9.001, F.A.C., as presented.

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

Mr. Jones informed the Committee that there was previous discussion regarding auditing continuing education classes by board members. He informed the Committee that there



was language that would allow them to attend, however, they would have to have approval prior to auditing the class.

Following discussion, the following action was taken.

**MOTION:** Mr. Franklin made a motion that Mr. Jones draft different language for Rule 61G19-2.007, F.A.C., regarding auditing continuing education courses for the next meeting.

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

Ms. Barineau provided a copy of the 2005 legislation that passed regarding null and void applications. Mr. Jones stated that the legislation required boards to adopt a rule to set the fee for a null and void application. He stated that there was an application form that had to accompany the rule, which the department decided to develop a generic form for use by all boards. Mr. Jones informed the Board that the form was ready so they could move forward with rule development.

Mr. Jones stated that the Board needed to decide on the application fee and they had previously discussed \$105. Ms. Barineau commented that there had been concern expressed by JAPC that proposed fees by some professions appeared to be high.

Mr. Nagin suggested \$125 for the null and void application fee and they also be required to pay the appropriate license fees and complete all required continuing education.

**MOTION:** Mr. Franklin made a motion that the Committee approve \$125 for the application fee for null and void applications.

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

The Committee discussed Rule 61G19-9.001, F.A.C., regarding continuing education. Mr. Nagin suggested that the language define the laws and rules that should be required in continuing education courses. Mr. Jones provided a draft of the language which he suggested they may want to take time to review and then discuss at the next meeting.

Mr. Nagin stated that the draft will be reviewed at the next meeting and finalized or continued to another meeting.

Mr. Nagin reported that the legislative session ends next week. He stated that the legislation that was still moving and still being worked on with BOAF required an additional two hours of ethics. He stated that this language was spread out over many bills and if it passes, they may have to add two hours of ethics to the continuing education requirement, however, the total hours would remain at 14.

## **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 2:50 p.m., CDT.

## **EXAMINATION AND CONTINUING EDUCATION COMMITTEE**

### **Call To Order**

Mr. Franklin, Chair of the Committee, called the meeting to order at 2:50 p.m., CDT.

### **Members Present**

Dennis Franklin, Chair  
Bob McCormick  
Nick Sasso

### **Others Present**

Robyn Barineau, Executive Director, DBPR  
Elise Rice, Government Analyst, DBPR  
Jeffrey Jones, Board Counsel  
Margaret Pass, Board Member  
Bob Kymalainen, Board Member  
Rob Nagin, Board Member  
Don Fuchs, BOAF  
Gerry Demers  
Robert von Kampen, Ph.D., ICC  
Jonathan Bilby  
William Dumbaugh, BOAF

### **CONTINUING EDUCATION RULES – NICK SASSO**

Mr. Sasso commented that there is a requirement for a provider to supply a course syllabus and detailed outline of the course for review. He stated that the intent is that there has to be sufficient educational material submitted with the application or some detailed outline to give insight as to the content of the course. Mr. Sasso stated that to some degree when they approve courses there has to be more detail than they are receiving now as they need information in order to make a good judgment if the class is a good one. He stated that it all goes back to public safety, and if they have better classes, it would be a benefit.

Mr. McCormick responded that they cannot determine the quality of a course based on information that is submitted. He stated that they had discussed this before and does not disagree with Mr. Sasso but having a syllabus or detailed outline submitted with the course, does not have any bearing as to what happens in the classroom with regards to the course being good or not. Mr. McCormick stated that if they audit the courses that are approved, he felt that would be more effective.

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

Koning Enterprises, Inc - Course Renewal  
Florida Construction Laws and Rules (7 hrs) – Course #0006695  
2 hrs L&R and 5 hrs GEN credit

MOTION: Ms. Pass made a motion that the Committee deny the course as not being related.  
SECOND: Mr. Nagin seconded the motion and it passed unanimously.

**BRB Code Educators, Inc. – New Provider & New Course**

Product Approval (2 hrs) L&R credit

Mr. McCormick stated that he was listed in the course material as an instructor. He has been removed as an instructor.

MOTION: Mr. Nagin made a motion that the Committee approve BRB Code Educators, Inc., as a provider.  
SECOND: Mr. McCormick seconded the motion and it passed with Mr. Sasso voting against the motion.  
MOTION: Mr. McCormick made a motion that the Committee approve the course as submitted.  
SECOND: Mr. Nagin seconded the motion and it passed with Mr. Sasso voting against the motion.

**Miami-Dade County Building Code Compliance Office  
New Course**

Alternative Plan Review and Inspection Requirements (2 hrs) GEN credit

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

**International Association of Electrical Inspectors  
New Courses**

Electric Sign Essentials: NEC and UL Compliance Requirements (3 hrs), GEN credit  
Electrical Grounding and Bonding for Signs and Neon Installations (2 hrs) GEN credit  
Neon Lighting – A Professional Advantage (2 hrs) GEN credit

MOTION: Mr. McCormick made a motion that the Committee approve the courses as submitted.  
SECOND: Mr. Nagin seconded the motion and it passed unanimously.

**Contractors Exam School  
Course Renewal**

Accessibility Sensitivity (2 hrs) AOA credit – Course #0006233

MOTION: Mr. Nagin made a motion that the Committee approve the course as submitted.  
SECOND: Ms. Pass seconded the motion.

During discussion, Mr. Sasso commented that the course was too general. After discussion, the motion failed with Mr. Sasso, Mr. McCormick and Ms. Pass voting against the motion.

MOTION: Mr. Sasso made a motion that the Committee deny the course due to a lack of a detailed outline and insufficient content.

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

### **First Coast Chapter ICC-BOAF**

#### **New Course**

Fair Housing and The ADA (4 hrs) AOA credit

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

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

### **Building Officials Association Of Florida**

#### **New Courses**

**Plumbing Principles and Code Applications (21 hrs) GEN credit**

**Electrical Principles and Code Applications (34 hrs) GEN credit**

**Mechanical Principles and Code Applications (21 hrs) GEN credit**

**Building Principles and Code Applications (35 hrs) GEN credit**

Mr. Sasso stated that the above courses did not contain a detailed outline and insufficient information was submitted. Mr. McCormick stated that these courses were for the cross training program. Mr. Kymalainen commented that some of his staff attended the courses and informed him that they were great courses and provided them with the information they needed on the job. Ms. Pass stated that she was concerned that these courses were for continuing education, not cross training. Mr. McCormick stated that these were for the BOAF training programs.

MOTION: Mr. Nagin made a motion that the Committee approve the courses for the cross training program.

SECOND: Ms. Pass seconded the motion.

During discussion, Mr. McCormick stated that he would vote against the motion because the courses should be approved as continuing education courses as they always have been in the past.

Following discussion, Mr. Nagin withdrew his motion

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

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

**Window Installation and Energy Inspection (2 hrs) GEN credit**  
**Testing and Labeling Requirements (2 hrs) GEN credit**  
**Right Sizing Manual J (2 hrs) GEN credit**

**Florida Building Code Chapters 3, 5 and 6 (4 hrs) GEN credit**

**Records Management as a Business Practice (2 hrs) GEN credit**

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

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

**Permit Technician (4 hrs) GEN credit**

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

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

**Florida Residential 1 & 2 Family (4 hrs) GEN credit**

MOTION: Mr. Nagin made a motion that the Committee approve the course with an editorial change to add "2004 edition."

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

**Energy Code Changes (2 hrs) GEN credit**

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

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

**Electrical Code Changes (2 hrs) GEN credit**

MOTION: Mr. Nagin made a motion that the Committee approve the course with an editorial change to add "2005 edition" to the title.

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

The Committee requested Ms. Barineau to determine if any overages in required hours would go to the general category for an individual's continuing education requirements.

**American Architectural Manufacturers Association**

**Course Renewal (resubmitting to board because of updates)**

Understanding Window and Door Performance Standards (1 hr) GEN credit - Course #0006762

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

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

**City of St. Petersburg, Construction Services – New Provider  
New Course**

**Safety Glazing (2 hrs) GEN credit**

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

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

**Gold Coast School of Construction  
Course Renewals**

**Core Curriculum, Part B (Classroom) (3 hrs) GEN credit – Course #0006731**

**Core Curriculum, Part B (Internet) (3 hrs) GEN credit – Course #0006732**

MOTION: Ms. Pass made a motion that the Committee deny the courses as submitted.

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

**Energy – Internet (2 hrs) GEN credit - Course #0006734**

MOTION: Ms. Pass made a motion that the Committee deny the course as the title and course did not match.

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

**OSHA – Internet (2 hrs) GEN credit – Course #0006735**

MOTION: Ms. Pass made a motion that the Committee deny the course due to the course not being relevant.

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

**The Practitioner’s Guide to the FBC: Accessibility Code and Fair  
Housing Act (Internet) (2 hrs) AOA credit – Course #0006733**

MOTION: Ms. Pass made a motion that the Committee deny the course due to the lack of information regarding which code was being used.

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

Mr. McCormick stated that he would like for the Committee to discuss Koning Enterprises again and would like to bring this back up for discussion regarding the laws and rules course.

MOTION: Mr. Nagin made a motion that the Committee reconsider the course for Koning Enterprises.

SECOND: Mr. Sasso seconded the motion which failed with Mr. Sasso, Mr. Nagin and Ms. Pass voting against the motion.

**ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 4:30 p.m., CDT.

## EXECUTIVE COMMITTEE

### CALL TO ORDER

Mr. Kymalainen, Chair of the Board, called the Executive Committee meeting to order at 4:30 p.m., CDT.

### Members Present

Bob Kymalainen, Chair  
Dennis Franklin  
Bob McCormick, Vice-Chair  
Rob Nagin  
Margaret Pass  
Nick Sasso

### Members Not Present

Fred Dudley  
Charles Sheridan  
John Upchurch

### Others Present

Robyn Barineau, Executive Director, DBPR  
Elise Rice, Government Analyst, DBPR  
Jeffrey Jones, Board Counsel  
Don Fuchs, BOAF  
Gerry Demers  
Robert von Kampen, Ph.D., ICC  
Jonathan Bilby

### ENFORCEMENT OF CHAPTER 13, FLORIDA BUILDING CODE – NICK SASSO

Mr. Sasso provided information regarding Section 13, FBC, and stated that he wanted to know if this had to be enforced. Mr. Franklin responded that the building official can enforce the code. Mr. Sasso stated that he wanted to get information from the Board indicating that it needs to be enforced.

Mr. Jones informed the Board that this was not within their jurisdiction, however, the individuals could request a declaratory statement. Mr. McCormick and Ms. Pass believed that Section 13 was enforceable. Mr. McCormick suggested that an article be included in the newsletter regarding the responsibility of building department to enforce the energy code, including the electrical provision.

Mr. Nagin requested that it be placed in the CILB and ECLB newsletters also.

### OLD BUSINESS

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

## **NEW BUSINESS**

Mr. Nagin stated that Rule 61G19-6.012(6), F.A.C., needed to be revised as to when the 90 days started for a provisional application.

MOTION: Mr. Nagin made a motion that Mr. Jones initiate rule making procedures to amend Rule 61G19-6.012(6), F.A.C., to strike the word "complete."

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

## **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 4:55 p.m., CDT.

April 28, 2006 9:00 a.m., CDT

## **CALL TO ORDER AND WELCOME**

Mr. Kymalainen, Chair of the Board, called the meeting to order at 9:00 a.m., CDT.

### **Members Present**

Bob Kymalainen, Chair  
Dennis Franklin  
Bob McCormick, Vice-Chair  
Rob Nagin  
Margaret Pass  
Nick Sasso

### **Members Not Present**

Fred Dudley  
Charles Sheridan  
John Upchurch

### **Others Present**

Robyn Barineau, Executive Director, DBPR  
Elise Rice, Government Analyst, DBPR  
Jeffrey Jones, Board Counsel  
Don Fuchs, BOAF  
Ron von Kampen, ICC  
Wayne Francis

## **APPROVAL OF THE FEBRUARY 15, 16 & 17, MINUTES OF THE MEETING**

Mr. Sasso stated that on Page 2728 "rewrite" should be changed to "write."

MOTION: Mr. Franklin made a motion that the Board approve the minutes with the amendment.

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



**REQUEST FROM JAMES SENNELLO FOR AN EXTENSION OF HIS PROVISIONAL BUILDING CODE ADMINISTRATOR LICENSE**

Mr. Kymalainen stated that Mr. Sennello submitted documentation regarding his request for an extension of his provisional license.

MOTION: Mr. McCormick made a motion that the Board deny the request for the extension of the provisional building code administrators license for James Sennello.

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

**REQUEST FROM JOHN W. LAVERACK TO REINSTATE HIS STANDARD INSPECTOR LICENSE**

Mr. Jones informed the Board that at this time there was no process to reinstate a null and void license.

Following discussion, the following action was taken.

MOTION: Ms. Pass made a motion that the Board deny the request from John W. Laverack to reinstate his license.

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

**REPORTS**

**Chair's Report – Bob Kymalainen**

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

**Application Committee – Margaret Pass  
Ratification and Denial List**

Ms. Pass reported that the Committee met on April 25th and recessed at 1:00 a.m. There were 400+ applications reviewed. She informed the Board that the Ratification List was included in their handout folder.

MOTION: Mr. Sasso made a motion that the Board approve the Ratification List and the applications reviewed for approval or denial by the Application Review Committee.

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

Ms. Pass indicated that of the 400+ applications, approximately 130 were denied. She stated that the shortage of inspectors was not for a lack of having applications submitted as they had an unprecedented number of applications.

**Rules and Legislation Committee – Rob Nagin**

Mr. Nagin reported that the Committee met yesterday, April 27th. The following actions were taken by the Committee:

- Rule 61G19-5.007(1)(a), F.A.C., was discussed per Mr. Sasso's request. It was moved and approved to have Mr. Jones develop draft language to add "plans examiner."
- Rule 61G19-9.004, F.A.C., was discussed in an attempt to clarify what happened to Rule 61G19-9.008, F.A.C., which was repealed. Ms. Barineau informed the Committee that the seven hours could not presently be tracked and requested that the hours be reduced to four for consistency with the other boards. It was moved and approved to have Mr. Jones develop language to change the hours to four.
- Rule 61G9-5.002, F.A.C., draft language was reviewed to add "plans examiner." It was moved and approved to proceed with rule making.
- 61G19-9.001, F.A.C., draft language was reviewed to add a three year retention requirements for continuing education certificates. It was moved and approved for rule making by Mr. Jones.
- 61G19-2.007, F.A.C., draft language was discussed to allow board members to audit courses without board approval. Mr. Jones will bring draft language to the next meeting for review.
- Ms. Barineau brought up the legislation that requires the establishment of an application fee for individuals in a null and void status that wish to reactivate their license. It was approved by the Committee to have Mr. Jones move forward with the rule making process requiring a \$125 application fee.
- 61G19-9.00, F.A.C., draft language was discussed to define "laws & rules." It was agreed to bring this back to the next meeting for further review.

Mr. Nagin reported that under "New Business" the Committee discussed Rule 61G19-6.012(6), F.A.C. Mr. Jones will provide draft language at the next meeting striking the word "complete."

Mr. Nagin reported that the legislation requiring two hours of ethics training may survive during the session.

MOTION: Mr. McCormick made a motion that the Board approve the report as presented.

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

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

Mr. Franklin reported that the Committee met yesterday, April 27th. They reviewed applications from 10 providers for a total of 28 courses. He stated that the Committee wants to have more detailed information on the applications for continuing education course review.

**Executive Committee – Bob Kymalainen**

Mr. Kymalainen reported that the Committee met yesterday, April 27<sup>th</sup> and discussed Section 13, FBC. It was agreed to include an article in the newsletter and also to encourage ECLB and CLB to include an article in their newsletter regarding enforcement of Section 13, FBC.

**Building Code Education and Outreach Council Report – Charles Sheridan**

Mr. Sheridan was not present.

**Board Counsel – Jeffrey Jones**

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

**Executive Director – Robyn Barineau**

Ms. Barineau informed the Board that the financial report for the period ending December 31, 2005, was included in the agenda. She stated that she should have the March 31<sup>st</sup> report at the next meeting.

Ms. Barineau reported that the affidavit of work experience had been updated and submitted for inclusion in the application package and should be on the internet soon.

Ms. Barineau informed the Board that the Customer Contact Center had extended their hours to 6pm, Monday thru Friday and on Saturday from 10 a.m. until 2 p.m.

Ms. Barineau suggested that if anyone knew of anyone interested in serving on a board to please contact the Governors' Appointments Office as they were seeking individuals for consumer positions.

Ms. Barineau stated that some of the members should have received a letter from the Department of Management Services relating to fraud protection coverage that was being offering because of Convergys outsourcing of personnel records. She stated that this was not a hoax. Ms. Barineau stated that she would forward a copy to all the members with the exception of Mr. Sasso and Mr. McCormick as they were not affected.

Ms. Barineau informed the Board that a Board Member Handbook had been mailed to everyone and it would be discussed further at another meeting.

Mr. Nagin stated that there was \$115,000 in the unlicensed activity account and asked if there was going to be any push for advertising. Mr. Barineau responded that she would research this issue and report back. Mr. Nagin commented that there needed to be training for city attorneys and building officials and would like to see a program like that. Ms. Barineau responded that she would inform the Department of that suggestion and he may be contacted for ideas on the subject.

Mr. Franklin commented that it was nice to have a full Board, however, the two new members were not in attendance. Ms. Barineau responded that Mr. Sheridan and Mr.

Upchurch notified the office that they were involved in legal actions and would not be able to attend. Mr. Dudley was involved with legislative session and notified us that he would not be able to attend.

Mr. Franklin commented that they need to have them present at the meeting.

MOTION: Ms. Pass made a motion that the Board approve Mr. Sheridan, Mr. Upchurch and Mr. Dudley's absences.

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

Mr. Nagin informed the Board that he would not be in attendance at the June meeting as he had a conflict.

Mr. McCormick stated that the Board is normally extended an invitation to participate in the BOAF conference for all the members and staff and asked if that had been received. Ms. Barineau responded that the invitation had been extended today and it would be at the pleasure of the Chair as to whom he would like to have there to participate.

Mr. Kymalainen asked what the pleasure of the Board was. Mr. Franklin volunteered to attend.

Mr. Fuchs informed the Board that they were on the agenda for Wednesday, June 7<sup>th</sup> from 8 to 9:40, a.m.

Following discussion, Ms. Barineau stated she would contact the hotel to see if an additional day could be added to the meeting so everyone could attend the BOAF Conference.

**ICC Update – Rob von Kampen, Ph.D.  
Letter Regarding CBO Technology Exam**

Dr. von Kampen informed the Board that an examination was administered with the wrong plan set and was realized on Monday after the examination. They moved immediately to send a letter to the affected individuals of which there were 41 impacted in Florida. He stated that they set up a contact person with ICC for them and had his assistant contact them also. Dr. von Kampen stated that all of the applicants were set up to retake the examination. He stated that they have implemented quality control in order for this not to happen again. Dr. von Kampen informed the Board that two candidates passed the examination and their grades would remain as passes.

Dr. von Kampen provided the Board with a hand-out regarding the Modular examination. He stated that he met with subject matter experts and they felt the prerequisites were too stringent. He stated that they made some suggestions, updated the references and suggested some of the items be reduced.

Ms. Barineau stated that direction was needed from the Board as to which avenue the Boards wants the examinations to head. The Committee felt there was a need for the

category and more individuals needed to qualify which the change to the prerequisites would assist in that area. Ms. Barineau stated that she was informed by Ila Jones, Department of Community Affairs, there will be a greater need for modular inspectors.

Dr. von Kampen commented that the prerequisites would be another way to qualify besides what is currently in place.

Ms. Pass stated that she would like more time to review the information.

**MOTION:** Mr. McCormick made a motion that the Board table the discussion until the June meeting.

**SECOND:** Mr. Franklin seconded the motion.

During discussion Mr. Nagin asked Mr. Jones to provide a draft of the language according to the proposal for review at the next meeting.

The motion passed with Ms. Pass voting against the motion.

Dr. von Kampen informed the Board that the roofing inspector proposal was ready to send to Ms. Barineau for review. Ms. Barineau responded that it will be discussed at the next meeting.

## **CORRESPONDENCE**

### **Improvements to DBPR Internet Site Monthly Board Report – January 2006**

This was provided for informational purposes.

## **OLD BUSINESS**

Mr. McCormick reported to the Board that on April 13<sup>th</sup> he attended the South Florida Building Officials Association conference along with Mr. Sasso and Mr. Franklin. He stated that they each selected a topic of interest to speak on and then questions were allowed. Mr. McCormick stated that everyone gave informative presentations and the attendees were very respectful. He stated that the trip was a success.

Mr. Franklin commented that they answered a number of questions after the presentation. Mr. Sasso commented that some of the individuals did not want to ask questions in an open forum.

Mr. Sasso commented that he appreciated what the Board was doing to assess the qualifications of applicants. He stated that the Board may want to develop a rule that the experience requirement for a provisional electrical license should have experience predominantly in the electrical field. He stated that they could put restrictions on provisional licenses. Mr. Sasso commented that he was willing to draft a proposal.

Mr. McCormick responded that was not a bad idea and the proposal for the experience outline that Mr. Nagin developed was still pending as he has withheld distributing the proposal because of the legislation that may modify the requirements.

Following discussion, Mr. McCormick commented that the rule should include the other categories as well. Ms. Pass commented that in the application review, they issued some standard licenses but denied the provisionals.

Mr. Kymalainen asked Mr. Sasso to prepare a draft and bring it back to next meeting for all categories.

Mr. McCormick asked that Mr. Sasso show existing rule and the proposed changes.

### **NEW BUSINESS**

There was no new 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 10:20 a.m., C.D.T.