

MINUTES OF THE MEETING

**BUILDING CODE ADMINISTRATORS AND INSPECTORS BOARD
NAPLES GRANDE BEACH RESORT
475 SEAGATE DRIVE
NAPLES, FL 34103
JUNE 10, 11, 12, & 13, 2008**

JUNE 10, 2008 9:00 A.M.

APPLICATION REVIEW COMMITTEE

Call To Order

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

Members Present

Nick Sasso, Chair
Richard Gathright
Bob Kymalainen
Bob McCormick

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
David Jennings, City of Tampa
Shane Kittendorf, City of Hallandale Beach
Richard Kittendorf, City of Miramar
Johnnie M. Green, City of Port Orange
Al Wilson, City of Lynn Haven
Nick D'Andrea, Jr., City of Tampa
Bill Sessner, Broward County
Peter Lehmann, Universal Engineering Services, Inc.
Roy Russell, City of Miami
Esin Abia, City of Opa Locka
Gary Diamond, Town of Davie

REVIEW OF APPLICATIONS

David Jennings – Provisional Building Plans Examiner

Mr. Jennings was present at the meeting along with Mr. Nick D'Andrea, Building Official. Additional information was provided at the meeting for the Committee's review. The Committee approved the license, but it was limited to the City of Tampa.

John R. Wiley – Provisional Building Inspector, Provisional Building Plans Examiner and Provisional 1&2 Family Dwelling Inspector

Mr. Al Wilson, Building Official for the City of Lynn Haven, was present on behalf of Mr. Wiley. Following discussion, the Committee denied the applications.

Allan H. Tischler – 1&2 Family Dwelling Plans Examiner

Mr. Mike Green was present on behalf of Mr. Tischler. The Committee approved the application.

Roy Russell – Provisional Plumbing Inspector

Mr. Russell was present at the meeting. The Committee approved the application.

Esin Daniel Abia – Provisional Building Code Administrator

Mr. Abia was present at the meeting. Following review, the Committee approved his application.

Gary W. Diamond – Provisional Building Plans Examiner

Mr. Diamond was present at the meeting. Following review, the Committee approved his application.

At this time, the Committee reviewed applications.

OLD BUSINESS

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

NEW BUSINESS

The Committee discussed the BOAF Conference presentation.

ADJOURNMENT

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

JUNE 11, 2008

BUILDING OFFICIALS ASSOCIATION OF FLORIDA CONFERENCE 8:00 – 9:40 A.M.

The Committee members, Mr. Sasso, Mr. McCormick, Mr. Gathright, and Mr. Kymalainen appeared at the Building Officials Association of Florida conference at this time. Also present were Robyn Barineau, Executive Director, Elise Rice, Government Analyst, and Ann Cocheu, Assistant Attorney General.

APPLICATION REVIEW COMMITTEE

Call To Order, Pledge of Allegiance and Welcome

Mr. Sasso called the meeting to order at 10:30 a.m.

Members Present

Nick Sasso
Richard Gathright
Bob Kymalainen
Bob McCormick

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Ann Cocheu, Board Counsel
Nicodeme Pierre
Robert Romano
James Foster
Carlos Guerrero
John McConnell, Jr.
Devon Samuels
Bill Pancake
Steve Shapiro
Pete Weiland
H. R. Murdock
Greg Johnson, International Code Council

Phil McMahan, International Code Council
Mike Armstrong, International Code Council
Robert G. von Kampen, Ph.D., International Code Council
Edward Hundt
Terry M. Mutch
Ron Wiley
Larry Stonecipher
Eric Osking
Tatiana Gust
Gary Harrison
Pete Quintela
Michael Goolsby
Bruce Sherfy
George Diaz
Nicandor Andrade
Roy Clark
Sharon Dutton, Court Reporter

Mr. McCormick introduced the individuals present from the International Code Council.

REQUEST FOR HEARINGS

James David Foster – Electrical Plans Examiner

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

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion to uphold denial for the original reasons.
SECOND: Mr. Gathright seconded the motion which passed unanimously.

Carlos Manuel Guerrero – Building Inspector

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

Following discussion, the following action was taken.

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

Tatiana Gust – Provisional Building Inspector

Ms. Gust was present at the meeting and was sworn in by the court reporter along with Mr. Gary Harrison, Deputy Building Official, Collier County. 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 table this hearing to allow Mr. Robert Dunn the opportunity to complete an affidavit.
SECOND: Mr. Sasso seconded the motion and it passed unanimously.

Ms. Gust returned later in the meeting and provided documentation for the Committee's review.

Following discussion, the following action was taken.

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

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

Edward J. Hundt – Electrical Inspector

Mr. Hundt was present at the meeting and was sworn in by the court reporter. Additional information was provided at the meeting for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee uphold the denial for the original reasons as stated.

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

Following discussion regarding the residential electrical inspector's license, the following action was taken.

MOTION: Mr. McCormick made a motion that the Department issue a Residential Electrical Inspector's license as this should have been issued in 1996.

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

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

Mr. McConnell was present at the meeting and was sworn in by the court reporter. Additional information was provided at the meeting for the Committee's review. The Committee stated that they would like to review the previous applications that were submitted and approved.

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee continue the hearing until the August meeting.

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

Mr. McConnell agreed with the Committee's actions.

Terri M. Mutch – Provisional Building Inspector

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

Following discussion, the following action was taken.

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

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

Eric Osking – Building Inspector

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

Following discussion, the following action was taken.

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

Niocodeme Pierre – Building Inspector

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

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the application based on the additional information provided at the meeting.
SECOND: Mr. Sasso seconded the motion which passed with Mr. Kymalainen voting against the motion.

Robert Romano – Building Inspector & Provisional Building Inspector

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

Following discussion, the following action was taken.

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

Devon Samuels – Building Plans Examiner, Building Inspector, Provisional Building Inspector & Provisional Building Plans Examiner

Mr. Samuels was present at the meeting and was sworn in by the court reporter along with Mr. Roy Clark, Building Official for University of South Florida.

Following discussion, the following action was taken.

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

Bruce Sherfy – 1&2 Family Dwelling Inspector

Mr. Sherfy was present at the meeting and was sworn in by the court reporter along with Mr. Ron Wiley, Building Official. Additional information was previously submitted and additional information was provided at the meeting for the Committee's review.

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the application based on the testimony and documentation provided at the meeting.
SECOND: Mr. Sasso seconded the motion which passed with Mr. Gathright voting against the motion.

Lawrence Stonecipher – Provisional Electrical Plans Examiner & Provisional Electrical Inspector

Mr. Stonecipher was present at the meeting and was sworn in by the court reporter. Additional information was provided at the meeting for the Committee's review. During discussion, the Committee stated that Mr. Stonecipher still needed an affidavit of regarding his being in the

position or being newly hired. Mr. Stonecipher stated that his building official was attending the BOAF Conference and would be able to provide the affidavit.

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the Committee table the hearing until the following day in order to allow Mr. Stonecipher time to obtain the needed affidavit.

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

OLD BUSINESS

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

NEW BUSINESS

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

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 12:41 p.m.

JUNE 12, 2008

CALL TO ORDER, PLEDGE OF ALLEGIANCE AND WELCOME

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

Members Present

Bob McCormick, Chair
Nick Sasso, Vice-Chair
Dennis Franklin
Richard Gathright
Bob Kymalainen
Rob Nagin

Members Not Present

Fred Dudley

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Ann Cocheu, Board Counsel
Jessica Leigh, Prosecuting Attorney
Luther Council, Jr., Wakulla County
Larry Stonecipher
Wayne Smith
Nicanor Andrade
Ken Delaet
Roger Held
Jacek Tomasik
Richard McFadden
Pat Sura, Suwannee County
John Auer
Harold A. Lukert, Winter Garden
Roy S. Miele

Robert von Kampen, Ph.D., International Code Council
Jerry Sparks
Chris Cotler, City of Margate
Jon Hamrick, Department of Education
Alex Zigmond, M. T. Causley
Jack McStravil, Bureau Veritas
Karen Johnson, International Code Council
Mel Black, Esquire
David Hodges
Arnold Verwey, Okeechobee County
Robert Massa, St. Lucie County
Pete Quintela
Robert Kegan, Sumter County
Sharon Mignardi, Code Consulting Services, Inc.
Robert Boyer, Palm Beach County, Building Officials Association of Florida
Philip Sutherland
Frank O'Neill
Jane Waddel
Bill Pancake
Doug Harvey, Building Officials Association of Florida
Don Fuchs, Building Officials Association of Florida

Ronald Lawrence Dehler – Building Inspector

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

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

Roy Stephen Miele – Building Inspector

Mr. Miele was present at the meeting and was sworn in by the court reporter. He stated that he requested a building inspector not electrical license. The Board considered the application for a building inspector license.

Following discussion the following action was taken.

MOTION: Vice-Chair Sasso made a motion that the Board uphold the denial for the building inspector application for the original reasons.
SECOND: Mr. Gathright seconded the motion which passed with Mr. Franklin voting against the motion.

Vincent A. Povio, Jr. – Building Inspector

Mr. Povio was not present at the meeting, however, additional information was faxed to the meeting for the Board's review.

Following discussion, the following action was taken.

MOTION: Vice-Chair Sasso made a motion that the Board uphold denial as originally stated.
SECOND: Mr. Franklin seconded the motion and it passed unanimously.

James E. Rice – Provisional 1&2 Family Dwelling Inspector and Provisional Plumbing Plans Examiner

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

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

Following discussion, the following action was taken.

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

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

Brian E. Richardson – 1&2 Family Dwelling Plans Examiner - Voluntary

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

Following discussion, the following action was taken.

MOTION: Mr. Nagin made a motion that the Board approve the application based on the additional information submitted.

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

Frederick Short – 1&2 Family Dwelling Inspector – Endorsement

Mr. Short was not present at the meeting, however, Mr. Richard McFadden was present on his behalf and was sworn in by the court reporter. Additional information was submitted for the Board's consideration.

Following discussion, the following action was taken.

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

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

Lawrence Stonciper – Provisional Electrical Plans Examiner & Provisional Electrical Inspector

Mr. Stonciper was present at the meeting and provided additional information for the Board's review. He was reminded that he was previously sworn in by the court reporter.

Following discussion, the following action was taken.

MOTION: Mr. Franklin made a motion that the Board approve the applications based on the additional information submitted.

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

HEARINGS NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT

Thomas E. Ratner, Case #'s 2006-064055 & 2006-050616

Mr. Nagin was recused as he was on the Probable Cause Panel for these two cases.

Mr. Mel Black, Attorney, was present on behalf of Mr. Ratner as he is currently incarcerated.

Ms. Jessica Leigh, Assistant General Counsel, presented the facts for both cases. She stated that an emergency suspension order was issued against Mr. Ratner and then an administrative complaint was filed. Ms. Leigh informed the Board that the Department asked that they adopt the Findings of Fact in these cases.

MOTION: Vice-Chair Sasso made a motion that the Board adopt the Findings of Fact as presented in Case #'s 2006-064055 & 2006-050616.

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

Mr. Black spoke on behalf of Mr. Ratner who is currently serving a one year prison sentence. He stated that he had discussed the revocation of licensure without recourse for Case #2006-050616 with Mr. Ratner and they agreed to the penalty. For Case #2006-64055 they asked that Mr. Ratner not lose his license in order to allow him a way to earn a living. Mr. Black stated that suspension would be appropriate. He stated that they asked for this instead of permanent revocation because of Mr. Ratner's skill to perform the work. Mr. Ratner has accepted full responsibility for his actions and entered into a guilty plea. Mr. Black provided information for the Board at the meeting for the Board's review and asked for mercy since he cooperated with the State during the investigation.

Following discussion, Ms. Leigh stated that the Department recommended that the Board adopt the Conclusions of Law in both cases.

MOTION: Mr. Gathright made a motion that the Board adopt the Conclusions of Law in Case #'s 2006-064055 & 2006-050616.

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

Ms. Leigh informed the Board that the Department recommended a final order be issued for both cases revoking license numbers PX2374 & BN4447, an administrative fine in the amount of \$5000, and investigative costs of \$514.27 & \$235.89 for a total of \$750.16.

Mr. Kymalainen commented that he was against a \$5000 fine as Mr. Ratner was serving a one year sentence in prison.

MOTION: Mr. Franklin made a motion that the Board revoke license numbers PX2374 and BN4447, pay investigative costs of \$750.16, an administrative fine of \$500, and he never apply for a license under this Board.

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

Ms. Cocheu asked for a time frame in which the fines were to be paid.

MOTION: Mr. Franklin made a motion that Mr. Ratner pay the fine and costs within 60 days of his release from prison.

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

Mr. Black informed the Board that he was not sure of the date that Mr. Ratner will be released, but that it should be before Thanksgiving.

Alex Zigmund, Case # 2007-040555

Mr. Nagin was recused as he was on the Probable Cause Panel in this case.

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

Ms. Leigh presented the facts of the case for the Board. He performed inspections without a license. She asked that the Board adopt the Findings of Fact.

Vice-Chair Sasso stated that he previously worked for Pasco County government and for the private firm that Mr. Zigmond currently works for, however, he did not feel that he should be recused.

MOTION: Vice-Chair Sasso made a motion that the Board adopt the Findings of Fact in this case.

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

Chair McCormick stated that Mr. Zigmond also has two applications for review which will be reviewed later in the meeting.

Mr. Zigmond discussed his case with the Board.

Ms. Leigh stated that the Department recommended that the Board adopt the Conclusions of Law.

MOTION: Vice-Chair Sasso made a motion that the Board adopt the Conclusions of Law.

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

Ms. Leigh stated that the Department's recommendation was based on Mr. Zigmond's attempt to cooperate from the beginning. She stated that the Department recommended a \$1000 fine, \$225.15 costs, the license he currently holds be placed on probation for one year, and 14 additional hours of continuing education.

Following discussion, the following action was taken.

MOTION: Mr. Franklin made a motion that the Board impose a \$500 administrative fine, \$225.15 investigative costs, 14 additional continuing education hours, and probation of one year for the 1&2 family dwelling inspector license.

SECOND: Died for lack of a second.

Following discussion, the following action was taken.

MOTION: Vice-Chair Sasso made a motion that the Board impose a \$1000 administrative fine, \$225.15 investigative costs, the license he currently holds be placed on probation for one year, and 14 additional hours of continuing education.

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

Settlement Stipulations

Nicanor Andrade, Case # 2006-045343

Mr. Nagin was recused as he was on the Probable Cause Panel in this case.

Vice-Chair Sasso was recused as he was the complainant in this matter.

Mr. Andrade was present at the meeting and was sworn in by the court reporter. Mr. Ron Brown, Attorney for the City of St. Augustine, was also present.

Ms. Leigh presented the facts as outlined in the Administrative Complaint. She stated that a Stipulation has been agreed to for an administrative fine in the amount of \$1500, investigative costs of \$2201.12, probation for one year for license PBC243, and an additional 14 hours of continuing education.

Mr. Brown informed the Board that they agreed with the terms of the Stipulation. Ms. Cocheu stated that the probation would also be considered at the time the application for a standard building code administrator is considered later in the meeting.

Following discussion, Ms. Leigh stated that the Department recommended that the Board adopt the terms as outlined in the Stipulation as the Final Order.

MOTION: Mr. Gathright made a motion that the Board adopt the Stipulation as presented.
SECOND: Died for lack of a second.

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the Board adopt the Stipulation as presented.
SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

Willie D. Herbert, Case #2007-024630

Mr. Nagin was recused as he was on the Probable Cause Panel in this case.

Mr. Herbert was not present at the meeting. Ms. Leigh stated that Mr. Herbert informed her that he would not be in attendance.

Ms. Leigh presented the facts of the case. She stated that a Stipulation had been agreed to for an administrative fine in the amount of \$1000, investigative costs of \$904.23, one year probation for BU1026, and 20 additional hours of continuing education.

Following discussion, the following action was taken.

MOTION: Mr. Franklin made a motion that the Board approve the Stipulation as presented.
SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

Prosecuting Attorney Report – Jessica Leigh

Ms. Leigh discussed her report with the Board and provided an updated report at the meeting.

PETITION FOR DECLARATORY STATEMENT REGARDING CHAPTER 468, FLORIDA STATUTES – PETE QUINTELA

Mr. Quintela was present at the meeting.

Ms. Cocheu informed the Board that the petition has to be specific only to the individual who has standing, otherwise it has to go into rule making.

Mr. Quintela stated that he did not want to inspect for the energy code if he was not licensed to do so.

Ms. Cocheu stated that if the Board thought this was going to be a statement to all mechanical plans examiners, they may need to look at rule making. Mr. Kymalainen stated that the statute is clear that if you only have a mechanical license, that is all you can look at and not the other categories. Vice-Chair Sasso agreed.

Following discussion, Ms. Cocheu recommended that the Board go into rule making. It was decided that there would be an informal rules workshop at the next meeting on August 14 to further discuss this issue.

APPLICATION REVIEW

Nicanor Andrade – Building Code Administrator – Endorsement

Mr. Andrade was present at the meeting along with Mr. Brown. Additional information had been submitted for the Board's consideration.

Vice-Chair Sasso recused himself for the review at the request of Mr. Andrade.

Chair McCormick stated that the Board could attach conditions to his application approval.

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the Board approve the application and once he passes the examinations, the license be placed on probation to run concurrently and coterminous with the disciplinary case heard earlier.

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

Mr. Andrade informed the Board that he fully understood his role at this time.

Alex Zigmond – Mechanical Inspector & Plumbing Inspector

Mr. Zigmond was present at the meeting and provided additional affidavits at the meeting.

Following discussion, the following action was taken.

MOTION: Mr. Nagin made a motion that the Board approve the applications and once the licenses are issued, they be placed on probation to run concurrently and coterminous with the disciplinary case heard earlier.

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

RECESS

There being no further business to come before the Board at this time, the meeting was recessed at 12:50 p.m.

EXAMINATION AND CONTINUING EDUCATION COMMITTEE

CALL TO ORDER

Mr. Franklin, Chair of the Committee, called the meeting to order at 2:12 p.m.

Members Present

Dennis Franklin, Chair

Richard Gathright

Bob McCormick

Nick Sasso

Others Present

Robyn Barineau, Executive Director

Elise Rice, Government Analyst

Ann Cocheu, Board Counsel

Jessica Leigh, Prosecuting Attorney

Rob Nagin, Board Member

Bob Kymalainen, Board Member

Fred Dudley, Board Member

Robert von Kampen, Ph.D., International Code Council

Jon Hamrick, Department of Education

Karen Johnson, International Code Council

Robert Kegan, Sumter County
Sharon Mignardi, Code Consulting Services, Inc.
Jane Waddel
Bill Pancake
Doug Harvey, Building Officials Association of Florida
Don Fuchs, Building Officials Association of Florida

**CONTINUING EDUCATION COURSES FOR REVIEW
MIAMI-DADE COUNTY BUILDING CODE COMPLIANCE OFFICE**

New Course

1. Greenroofs and the Florida Building Code
Requesting 2 hours GENERAL credit

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

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

DEPARTMENT OF EDUCATION

**REVISIONS TO COURSE ENTITLED "SREF ADVANCED CONTINUING EDUCATION COURSE"
WHICH EXPIRES ON 02/22/2009**

1. SREF Advanced Continuing Education Course (0007156)
Requesting 23 hours GENERAL, ACCESSIBILITY credit
ADDED LAWS & RULES TO COURSE

During discussion, Mr. Hamrick, Department of Education, informed the Committee that he had no problem removing the laws and rules portion of the course.

MOTION: Mr. McCormick made a motion that the Committee approve the course, however, no credit will be given for laws and rules.

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

NEW PROVIDER: INSURANCE & RESTORATION PROFESSIONALS

New Course

1. 2004 Florida Existing Building Code
Requesting 4 hours GENERAL credit

Mr. Sasso stated that the application has "see attached" written on the forms and the information should be on our forms.

Following discussion, the following action was taken.

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

SECOND: The motion died for lack of a second.

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the Committee deny the application as it was incomplete.

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

JC CODE & CONSTRUCTION CONSULTANTS, INC.

New Course

1. Laws & Rules for Contractors & Code Officials

Requesting 2 hours LAWS & RULES credit

Following discussion, the following action was taken.

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

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

GOLD COAST SCHOOL OF CONSTRUCTION, INC.

Renewal Course

1. The Principles and Practices of Florida Law (Internet) - 0006756
Requesting 2 hours LAWS & RULES credit

Mr. Sasso stated that they had “see attached” on the application.

MOTION: Mr. Sasso made a motion that the Committee deny the application as it was incomplete.

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

NEW PROVIDER: SMOKE GUARD, INC.

New Course

1. Design Solutions: Smoke Protection at the Elevator Hoistway
Requesting 1 hr GENERAL credit

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

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

BUILDING OFFICIALS ASSOCIATION OF FLORIDA, INC.

New Course

1. Emergency Preparedness – Preparation is the Key
Requesting 3 hours GENERAL credit

Following discussion, the following action was taken.

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

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

NEW PROVIDER: BRACKEN ENGINEERING, INC.

New Course

1. Wind Load Design
Requesting 2 hours GENERAL credit

Following discussion, the following action was taken.

MOTION: Mr. Sasso made a motion that the Committee approve the course contingent upon the provider properly completing the application prior to the next meeting.

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

Ms. Cocheu informed the Committee that if the application was not completed prior to the next meeting, then the application would have to come back to the Committee for denial.

At this time Mr. Dudley arrived at the meeting.

MOTION: Mr. McCormick made a motion that the Committee reconsider the courses for Gold Coast School of Construction and Insurance & Restoration Professionals.
SECOND: Mr. Gathright seconded the motion which passed with Mr. Sasso voting against the motion.

Mr. McCormick suggested that the Committee allow Insurance & Restoration Professionals the opportunity to resubmit their application on the proper forms.

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the course submitted by Insurance & Restoration Professionals contingent upon them properly completing the application prior to the next meeting.
SECOND: Mr. Gathright seconded the motion and it passed unanimously.

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the Committee reconsider the approval of the course.
SECOND: Mr. Nagin seconded the motion and it passed unanimously.

MOTION: Mr. Dudley made a motion that the Committee deny the course as submitted by Insurance & Restoration Professionals as the 2004 building code was being used and the forms were not properly filled out.
SECOND: Mr. Sasso seconded the motion and it passed unanimously.

MOTION: Mr. Gathright made a motion that the Committee deny the course as submitted by Gold Coast School of Construction, Inc., as the content was not correct and the application was incomplete.
SECOND: Mr. Sasso seconded the motion and it passed unanimously.

INTERNATIONAL CODE COUNCIL

New Course

1. 2006 IBC Mixed Occupancies
Requesting 6 hours GENERAL credit

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

Renewal Courses

1. 2003 IRC: Performing Residential Plan Reviews (0006743)
Requesting 12 hours GENERAL credit
2. 2003 IBC: Performing Nonstructural Plan Reviews (0006744)
Requesting 12 hours GENERAL credit
3. Fundamentals of the 2003 IRC (0006745)
Requesting 6 hours GENERAL credit
4. Fundamentals of the 2003 IPC (0006746)
Requesting 6 hours GENERAL credit
5. Fundamentals of the 2003 IMC (0006748)
Requesting 6 hours GENERAL credit
6. Fundamentals of the 2003 IEBC (0006749)
Requesting 6 hours GENERAL credit

7. Fundamentals of the 2003 IBC (0006750)
Requesting 6 hours GENERAL credit

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee deny the courses as submitted as the information will be outdated very soon and will not be relevant.
SECOND: Mr. Gathright seconded the motion and it passed unanimously.

OLD BUSINESS

The Committee requested that an item for discussion be placed on the Executive Committee Agenda for continuing education hours that are required.

NEW BUSINESS

Mr. Kymalainen thanked everyone for the flowers and prayers during Linda's illness.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 3:22 p.m.

RULES AND LEGISLATION COMMITTEE

CALL TO ORDER

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

Members Present

Rob Nagin, Chair
Fred Dudley
Bob Kymalainen

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Ann Cocheu, Board Counsel
Jessica Leigh, Prosecuting Attorney
Bob McCormick, Board Member
Dennis Franklin, Board Member
Richard Gathright, Board Member
Nick Sasso, Board Member
Doug Harvey, Building Officials Association of Florida
Bill Pancake
Sharon Mignardi, Code Consulting Services, Inc.
Rob von Kampen, International Code Council
Jane Waddell

LEGISLATIVE REPORT – ROB NAGIN

Mr. Nagin reported that there were five building code related bills that passed during the 2008 Legislative Session. Mr. Dudley informed the Committee that HB601 was sent to the Governor today, and he was not aware of any controversy with the bill.

Mr. Nagin stated that the following bills passed and some of them were still awaiting the Governor's action, HB601, HB7135, SB697/HB560, SB1554/727 and HB7103.

RULES REPORT – ANN COCHEU

Rule 61G19-9.001 – Notice of Change

Ms. Cocheu informed the Committee that the rule had been filed. Mr. McCormick asked if the rule would be in place for the next meeting. Ms. Cocheu responded that it should be.

DISCUSSION REGARDING SECURITY OF RECORD KEEPING AT THE BUILDING DEPARTMENT LEVEL

Mr. Nagin stated that this issue was discussed at a Probable Cause Panel meeting and it was decided to bring it to this Committee for discussion. He informed the Committee that a complaint was filed against an individual and their excuse was that when they report the information to the girl in the office, she changes the information.

In discussion Ms. Leigh stated that this was a problem in a number of cases because the licensee claims that someone in the office changes the information or incorrectly inputs the information.

Mr. Dudley stated that he would recommend that the attorney look into this and see what record keeping requirements could be put into the rules, if any.

Mr. Phil Southerland stated that he was employed with a private provider and that this was not just a private provider problem but it is a problem with building departments as well.

MEMORANDUM REGARDING CONTINUING EDUCATION – ROB NAGIN

Mr. Nagin stated that this was just housecleaning and perhaps it could be taken up in the future. Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the Committee not take any action on the memorandum.

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

OLD BUSINESS

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

NEW BUSINESS

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

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 5:02 p.m.

EXECUTIVE COMMITTEE

CALL TO ORDER

Chair McCormick, called the meeting to order at 5:02 p.m.

Members Present

Bob McCormick, Chair
Nick Sasso, Vice-Chair
Fred Dudley
Dennis Franklin
Richard Gathright
Bob Kymalainen
Rob Nagin

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Ann Cocheu, Board Counsel
Jessica Leigh, Prosecuting Attorney
Doug Harvey, Building Officials Association of Florida
Jane Waddell
Rob von Kampen, International Code Council
Bill Pancake
Phil Southerland

DISCUSSION REGARDING SOLAR PERMITTING

Mr. Dudley informed the Committee that he attended a joint meeting between the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board to discuss solar contractors. Many solar contractors were also present. He stated that the Continuing Education Committee needs to be aware of these areas because information is going to need to be provided to our licensees.

Chair McCormick stated that the Committee needed to discuss the penalties that are being recommended and that Ms. Leigh would like some guidance from the members.

Vice-Chair Sasso stated that for individual that are placed on one year probation, they should be required to attend one board meeting.

Ms. Leigh stated that the Board previously asked that an the additional 14 hours of continuing education be made a condition of probation, and she would like to get the consensus of the Board.

During discussion, Chair McCormick stated that he was not opposed to the additional 14 hours of continuing education, but he would like to require that the licensee attend a board meeting, and they would need to decide what portions of the meeting they would need to attend.

Ms. Cocheu informed the Committee that some boards require that the licensees sit through two days of their multiple day meeting.

Following discussion, the Committee agreed to have the licensee attend one board meeting (Thursday and Friday) per year of probation. Ms. Cocheu stated that it would be included in the final order that they would have to notify the board office of which meeting they were going to attend.

OLD BUSINESS

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

NEW BUSINESS

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

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 5:37 p.m.

JUNE 13, 2008

CALL TO ORDER

Chair McCormick called the meeting to order at 9:01 a.m.

Members Present

Bob McCormick, Chair
Nick Sasso, Vice-Chair
Fred Dudley
Dennis Franklin
Richard Gathright
Bob Kymalainen
Rob Nagin

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Ann Cocheu, Board Counsel
Jessica Leigh, Prosecuting Attorney
Robert von Kampen, International Code Council
Doug Harvey, Building Officials Association of Florida
Don Fuchs, Building Officials Association of Florida

APPROVAL OF THE APRIL 22-24, 2008, MINUTES OF THE MEETING

Mr. Nagin stated that a correction needed to be made on page 3775 changing “licensees” to “licenses.”

MOTION: Mr. Franklin made a motion that the Board approve the minutes as amended.
SECOND: Mr. Nagin seconded the motion and it passed unanimously.

REQUEST FOR EXTENSION OF PROVISIONAL LICENSE – RAY VAN TASSELL, JR.

Mr. Van Tassell was not present at the meeting.

MOTION: Vice-Chair Sasso made a motion that the Board deny the request for an extension of the provisional license.
SECOND: Mr. Gathright seconded the motion and it passed unanimously.

REPORTS

Chair’s Report – Bob McCormick, Chair

Chair McCormick stated that he would contact Mr. G. W. Harrell, Executive Director of the Construction Industry Licensing Board, regarding home inspectors and report his findings to the Board. He stated that the Building Officials Association of Florida conference was very receptive this year.

APPLICATION REVIEW COMMITTEE – NICK SASSO

Vice-Chair Sasso reported that the Committee reviewed 166 applications. Of the 166 applications, 83 applications were denied and 83 applications were approved.

Vice-Chair Sasso reported that one of the applications that was denied was a request for reinstatement of a null and void license. He stated that they did not have any proof that the applicant had ever taken and passed a test so, therefore, the application was denied to allow the applicant the opportunity to request a hearing and provide proof if they have in fact taken and passed the examinations.

Ms. Barineau informed the Board that an individual can request restatement of a null and void license if they can document a hardship. An application is submitted along with the fee for the Board's consideration to approve or deny.

Vice-Chair Sasso stated that there was no indication of a hardship. Mr. Dudley commented that the individual could have placed his license on an inactive status.

MOTION: Mr. Dudley made a motion that the Board approve the actions of the Committee to deny the reinstatement request of Mr. Martin Liverette.

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

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

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

Ratification List

Chair McCormick asked that Mr. Willie Haulstead be removed from the Ratification List for consideration.

MOTION: Chair McCormick made a motion that the Board approve the Ratification List as submitted with the exception of Mr. Willie J. Haulstead.

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

Chair McCormick wanted to review the files that were considered at the meeting this week.

MOTION: Chair McCormick made a motion that the Board approve Mr. Willie Haulstead as he appeared on the ratification list.

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

Rules and Legislation Committee – Rob Nagin

Mr. Nagin reported that Mr. Dudley provided a synopsis on some of the bills that passed and others that had gone to the Governor. Mr. Nagin stated that the following bills passed and some were still awaiting the Governor's action as of last week: HB601, HB7135, SB697/HB560, SB1554/727, HB7103.

Mr. Nagin reported that a memorandum regarding continuing education was discussed and the Board did not take any action. He stated that they discussed security of records in building departments. Due to some recent cases before the Probable Cause Panel, it became obvious there are no standards for creating and transmitting records either at the private provider level or building department. Ms. Cocheu stated that there would be further discussion on this issue at the next meeting as she was to research this matter.

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

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 and reviewed 16 courses. Of the 16 applications, six were approved, one was conditionally approval and nine were denied.

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

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

Executive Committee – Bob McCormick, Chair

Chair McCormick stated that the Committee discussed solar permitting. They also discussed providing guidelines to the prosecuting attorney.

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

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

Board Counsel – Ann Cocheu

Ms. Cocheu did not have a report at this time.

Executive Director – Robyn Barineau

Financial Report

Ms. Barineau discussed the financial report with the Board. As of March 31, 2008, the balance in the operating account was \$995,526 and the balance in the unlicensed activity account was \$201,311.

Complaints and Investigative Statistics July 07 – February 08

Ms. Barineau stated that this was provided for informational purposes.

Ms. Barineau informed the Board that she would be out of the office for approximately three weeks as she was having surgery on June 23, but Ms. Rice would be available in her absence. She also informed the Board that Ms. Rice would be having surgery on July 23 and would be out of the office for a few days.

ICC Update – Rob von Kampen, Ph.D.

Dr. von Kampen reported that they were continuing with the paper and pencil examination four times a year. He reported that computer based testing was continuing and has surpassed the paper and pencil examinations this year. Dr. von Kampen stated that they would continue with the paper and pencil examination four times next year, however, if the board wanted to decrease the number of administrations, to let them know.

Dr. von Kampen informed the Board that the volume currently for the roofing exam was very low. The modular exam review was continuing and September 13, 2008 is the scheduled implementation date. He stated that this examination will be given by paper and pencil only. Dr. von Kampen informed the Board that a request had been received asking that consideration be given to make the modular examination a national examination. He stated that there had been discussion and the advantage for Florida would be that they would not have to update the examination and it would be transportable from Florida to other states. Dr. von Kampen stated that he would keep the Board informed of any further discussion on the matter.

Mr. Nagin asked if there were statistics available regarding the pass rates of the paper and pencil examination versus the computer based testing. Dr. von Kampen responded that he could provide the total pass rate for the number of examinations that were taken and also the number of first time takers pass rate. He will provide this information to the department.

CORRESPONDENCE

Memorandum From Bob McCormick Regarding New Training Program Rule

Chair McCormick stated that this was discussed at the last meeting and most of the problems were worked out, however, there was some disagreement regarding the number of years of experience. He was notified that the rule had been filed and he sent an e-mail to the Building Officials Association of Florida's executive officers to notify them that the clock was ticking. Chair McCormick stated that they decided not to file a challenge.

Chair McCormick stated that he thought that two challenges had been filed. Ms. Cocheu responded that they were not rule challenges. She stated that the individuals did not file a formal petition, so nothing stopped the clock from running. The time for requesting a workshop or hearing has passed and at this point, the rule can be filed for adoption. Ms. Cocheu stated that she was proceeding with the rule.

OLD BUSINESS

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

NEW BUSINESS

Mr. Dudley stated that he understood that the Governor ordered all agencies impose a four percent cutback this year. Ms. Barineau informed the Board that they would have three meetings in Orlando to help with costs. Mr. Dudley commented that conference calls would not work for this board.

Ms. Barineau informed the Board of the following meeting dates that the Chair had approved.

February 10-13 – Orlando

April 7-10 Jacksonville

June 9-12 Orlando

August 4-7 Ft. Lauderdale

October 13-16 Orlando

December 1-4 Tallahassee

Chair McCormick stated that there will not be a meeting to coincide with the Building Officials Association of Florida conference next year because they changed the meeting dates.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:05 a.m.