

EXECUTIVE SUMMARY

Florida Building Code Administrators and Inspectors Board

I. General Information

Meeting Type: Application Committee, Examination and Continuing Education Committee, Rules and Legislation Committee, Executive Committee, and General Business Meeting

Meeting Date: Tuesday, December 1, 2009, through Friday, December 4, 2009

Meeting Location: Northwood Centre
Professions Board Room
1940 North Monroe Street
Tallahassee, Florida 32399

Attendees:

Bob McCormick, Chair
Nick Sasso, Vice Chair
Art Barthlow
Dennis Carpenter
Gerry Demers
Fred Dudley
Richard Gathright

Charlie Liem, Interim Secretary, Department of Business and Professional Regulation (DBPR)

Maureen Olson, Deputy Secretary, DBPR
Lisa Shutes, Executive Assistant, DBPR
Robyn Barineau, Executive Director, DBPR
Elise Rice, Government Analyst, DBPR
Dan Biggins, Assistant Attorney General, Office of the Attorney General
Tim Vaccaro, Director, Division of Professions, DBPR
Carrie Flynn, Executive Director, Board of Professional Engineers
G.W. Harrell, Executive Director, Construction Industry Licensing Board, DBPR
Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, DBPR
Tony Spivey, Executive Director, Board of Architecture and Interior Design, DBPR
Jeff Kelly, Assistant General Counsel, DBPR
Eric Hurst, Assistant General Counsel, DBPR
Libby Duffy, Assistant General Counsel, DBPR
Jerry Wilson, Director, Division of Regulation, DBPR
Cecilia Jefferson, Deputy Director, Division of Regulation, DBPR
Doug Harvey, Building Officials Association of Florida (BOAF)
Erin Cameron, Division of Regulation, DBPR
Rick Peek, Division of Regulation, DBPR
Harold Rambo, Division of Regulation, DBPR
Melisa Oaks, Central Intake Unit, DBPR
Levern James, Central Intake Unit, DBPR
Yvonne Richardson, Central Intake Unit, DBPR
Andrea Manning, Central Intake Unit, DBPR

Valerie Jackson, Central Intake Unit, DBPR
Mary Ann Ramos, Central Intake Unit, DBPR
Tamaria Williams, Central Intake Unit, DBPR
Kasandra Broadnax, Bureau of Central Intake, DBPR
John O'Connor, BOAF
Robert von Kampen, International Code Council (ICC)
Joe Rebuck, Gold Coast School of Construction
Ellie Parrish, Respondent
Richard Greenberg, Attorney for Ellie Parrish
Other Interested Parties

II. Major Issues/Actions

- Chair Bob McCormick excused the absences of Mr. Bob Kymalainen and Mr. Orlando Lamas.
- Interim Secretary Charlie Liem thanked the board for the opportunity to join them for their meeting. He mentioned that former Secretary Drago accepted a Deputy Chief of Staff position with the Governor's Office. Secretary Liem informed the board that he has been involved in government for a long time, and he is well acquainted with the Department of Business and Professional Regulation, having served as the department's Chief of Staff since the beginning of the Crist administration. He added that the department will continue to work toward simplifying its processes and speeding up the application and licensure processes. He mentioned the strides made with the EZApply initiative. Secretary Liem asked the board to contact him by telephone or email with any comments or suggestions.
- The Application Review Committee approved 40 applications for licensure, denied 35 applications for licensure, and ratified an additional 11 applications for licensure.
- Vice Chair Nick Sasso read a list of all licensure applications denied by the Application Review Committee.
- The board conducted informal hearings for licensure matters, upheld three previously denied applications and approved two previously denied applications.
- The board asked staff to forward the licensure application, as a complaint, for Mr. Samuel Spangle to the Board of Professional Engineers for possible unlicensed activity.
- The board conducted informal hearings for continuing education course denials and upheld two course denials.
- Regarding case numbers 2009.016275, 2009.019549, and 2009.009498 against Mr. Ellie Parrish, the board agreed to impose the following penalties: fine of \$2,500, costs of \$819.45, 18 months probation, and he must apply and pass the examination for a building code administrator's license.
- Ms. Libby Duffy, Assistant General Counsel, reported that as of November 30, 2009, there were 29 private building code cases and 13 public building code cases in the Office of the General Counsel.
- The Examination and Continuing Education Committee approved ten continuing education course applications and denied ten continuing education course applications.
The board asked Ms. Robyn Barineau, Executive Director, to express their concerns with the continuing education reciprocity language contained in HB401. They agreed that there should not be blanket approval of the State Fire Marshal's continuing education courses with the Building Code Administrators and Inspectors Board

because some of their courses would not be relevant for licensees of the Building Code Administrators and Inspectors Board.

- Mr. Richard Gathright and Mr. Fred Dudley mentioned all bills which have been filed relating to building code and construction.
- Ms. Barineau mentioned the department's new form for a licensee to report a criminal conviction, a new requirement in accordance with Section 455.227(1)(t), Florida Statutes. As requested by Mr. Jerry Wilson, Director of the Division of Regulation, the board should consider how to handle late reporting of a criminal conviction. The board asked Mr. Biggins to notice Rule 61G19-5.002, Florida Administrative Code – Disciplinary Guidelines, for discussion at their February 2010 meeting.
- Mr. Wilson introduced the new Deputy Director, Ms. Cecilia Jefferson. He informed the board that the Division of Regulation has begun inputting an incident date on all complaints. He added that the Division of Regulation sends citations by certified mail. Director Wilson committed to provide some suggestions for minor violations at the next board meeting.
- Chair McCormick mentioned that Mr. Gerry Demers has been appointed to the Rules and Legislative Committee, that Mr. Gathright has been appointed to the Probable Cause Panel, and Mr. Dudley has been appointed Chair of the Probable Cause Panel.
- The board asked Mr. Biggins to provide the finalized language for Rule 61G19-6.0036, Florida Administrative Code – Application for Certification Review, for their review at the February 2010 meeting.
- The board voted to delegate to Ms. Barineau the authority to sign all orders on behalf of the board chair.
- Ms. Barineau informed the board that as of September 30, 2009, the board's operating account balance was \$1,081,294, and the board's unlicensed activity account balance was \$235,563.
- The board asked that in the future, Ms. Barineau keep them informed as to what comprised the unlicensed activity expense on their financial reports.
- The board thanked Mr. Tim Vaccaro, Director of the Division of Professions; Mr. G.W. Harrell, Executive Director of the Construction Industry Licensing Board; Ms. Juanita Chastain, Executive Director of the Electrical Contractors' Licensing Board; and Mr. Tony Spivey, Executive Director of the Board of Architecture and Interior Design; and Mr. Carrie Flynn, Executive Director of the Board of Professional Engineers, for attending their meeting.
- The next board meeting will be conducted in St. Augustine, Florida, from Tuesday, February 9, 2010, through Friday, February 12, 2010.

III. Legislation/Rule Promulgation

- Mr. Biggins will move forward with noticing Rule 61G19-5.002, Florida Administrative Code – Disciplinary Guidelines, for discussion at the February 2010 meeting.
- Mr. Biggins will provide the finalized language for Rule 61G19-6.0036, Florida Administrative Code – Application for Certification Review, for inclusion in the February 2010 agenda.

IV. Action Required

- Mr. Biggins will prepare final orders and notices of intent to deny and forward them to board staff for filing with the Agency Clerk.
- Board staff will forward the application, as a complaint, for Mr. Samuel Spangle to the Board of Professional Engineers for possible unlicensed activity.
- Ms. Barineau will relay to the department the board's concerns with the language contained in HB401 relating to continuing education course reciprocity.
- Director Wilson will provide some suggestions for minor violations at the February 2010 meeting.
- In the future, Ms. Barineau will keep them informed as to what comprised the unlicensed activity expense on their financial reports.

Robyn Barineau
Executive Director
December 7, 2009