

## MINUTES OF THE MEETING

### BUILDING CODE ADMINISTRATORS AND INSPECTORS BOARD

Hampton Inn & Suites Amelia Island

19 South 2<sup>nd</sup> Street

Fernandina Beach, FL 32034

February 15, 16, 17, & 18, 2011

February 15, 2011 – 9:00 A.M.

#### APPLICATION REVIEW COMMITTEE

##### CALL TO ORDER

Mr. Sasso, Chair of the committee, called the meeting to order at 9:00 a.m.

##### Members Present

Nick Sasso, Chair

Bob Kymalainen

Bob McCormick

##### Others Present

Robyn Barineau, Executive Director

Elise Rice, Government Analyst

Henry Willis

Frank DeSantis

Randy Moore

Dwight (Tony) Bryan

#### REVIEW OF APPLICATIONS

##### Henry L. Willis – Building Code Administrator

Mr. Willis was present at the meeting and his application was approved by the committee.

##### Frank A. DeSantis – Provisional Building Code Administrator

Mr. DeSantis was present at the meeting and his application was approved by the committee with the additional information provided.

##### Randall Alan Moore – Provisional Building Code Administrator

Mr. Moore was present at the meeting and his application was approved by the committee.

At this time, the committee reviewed applications. Mr. Bryan informed the committee that he was present to speak against the application of Mr. Randall Alan Moore for the Provisional Building Code Administrator license. The committee informed Mr. Bryan that the application had been reviewed and approved when Mr. Moore was present.

#### 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 at this time, the meeting was adjourned at 3:30 p.m.

**February 17, 2011**

## **BOARD MEETING**

### **CALL TO ORDER**

Chair McCormick called the meeting to order at 9:03 a.m.

### **Members Present**

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

### **Members Not Present**

Orlando Lamas

### **Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Tim Dennis, Board Counsel  
Libby Henderson, Prosecuting Attorney  
Jeremy Hopland  
Robert Lee Collinsworth  
John A. Connelly  
William Golberg  
James McCully  
Doug Harvey, Building Officials Association of Florida (BOAF)  
Stephen Peshek  
Glen (Wendell) Wardell  
Rob von Kampen, Ph.D., International Code Council (ICC)  
Joe Rebuck, Gold Coast Schools  
David Hodges  
Loretta McDonald, Court Reporter

## **HEARINGS NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT**

### **Robert Lee Collinsworth – Building Plans Examiner**

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

Following discussion, the following action was taken.

MOTION: Mr. Barthlow made a motion that the board approve the application.  
SECOND: Mr. Dudley seconded the motion which passed with Mr. Sasso and Mr. Kymalainen voting against the motion.

**John A. Connelly – Electrical Inspector**

Mr. Connelly was present at the meeting and was 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. Dudley made a motion that the board approve the application.  
SECOND: Mr. Demers seconded the motion which passed with Mr. Sasso voting against the motion.

**Eric J. Francis – Electrical Inspector**

Mr. Francis was not present at the meeting, however, he sent an e-mail requesting a continuance. Mr. Dennis stated that the board could grant the continuance, however, he also requested that his application be reviewed at the meeting.

Following discussion, the following action was taken.

MOTION: Mr. Demers made a motion that the board approve the application based on the additional information.  
SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

**William Golberg – Building Inspector, Mechanical Inspector, Electrical Inspector, Mechanical Plans Examiner, Building Plans Examiner**

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

The board discussed the Building Inspector and Building Plans Examiner applications at this time. Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the board approve the Building Inspector application and Building Plans Examiner applications.  
SECOND: Vice-Chair Gathright seconded the motion which failed with Mr. Demers, Mr. Kymalainen, Mr. Barthlow, and Chair McCormick voting against the motion.

Following discussion, the following action was taken.

MOTION: Vice-Chair Gathright made a motion that the board uphold the denial of the Building Inspector and Building Plans Examiner applications.  
SECOND: Mr. Kymalainen seconded the motion which passed with Mr. Sasso and Mr. Dudley voting against the motion.

At this time, the board discussed the Electrical Inspector application.

MOTION: Vice-Chair Gathright made a motion that the board approve the Electrical Inspector application based on his experience

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

At this time, the board discussed the Mechanical Inspector & Mechanical Plans Examiner applications.

MOTION: Vice-Chair Gathright made a motion that the board uphold the denial of the Mechanical Inspector and Mechanical Plans Examiner applications.

SECOND: Mr. Kymalainen seconded the motion which failed with Mr. Demers, Mr. Dudley, Mr. Barthlow, Mr. Carpenter, and Chair McCormick voting against the motion.

MOTION: Mr. Dudley made a motion that the board approve the Mechanical Inspector and Mechanical Plans Examiner applications.

SECOND: Mr. Demers seconded the motion which passed with Mr. Kymalainen, Vice-Chair Gathright, and Chair McCormick voting against the motion.

#### **James Gary McCully – Building Code Administrator**

Mr. McCully was present at the meeting and was sworn in by the court reporter. Mr. McCully provided additional information at the meeting for the board's review.

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the board approve the application based on the additional information.

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

#### **Stephen M. Peshek – Building Code Administrator**

Mr. Peshek was present at the meeting and was sworn in by the court reporter. Additional information was previously submitted for the board's review.

Following discussion, the following action was taken.

MOTION: Mr. Demers made a motion that the board approve the application based on the testimony and additional information.

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

#### **Jeffrey Ellis Walker – Building Code Administrator**

Mr. Walker was not present at the meeting, however, he had submitted additional information for the board's review.

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the board approve the application based on the additional information.

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

**Wendell Glenn Wardell – 1&2 Family Dwelling Inspector**

Mr. Wardell was present at the meeting and was sworn in by the court reporter. Additional information was previously submitted for the board's review.

Following discussion, the following action was taken.

MOTION: Mr. Demers made a motion that the board approve the application based on the additional information.

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

Chair McCormick asked Mr. Demers to Chair the meeting for the next hearing.

**RECOMMENDED ORDERS**

**Richard Noles, DBPR Case No. 2009-061782**

**(PCP: Dudley, Gathright & McCormick)**

Mr. Noles was not present at the meeting. Ms. Henderson informed the board that this case was heard at the Division of Administrative Hearings and the Administrative Law Judge's Recommended Order suggested that the board dismiss the case. She stated that the department had filed exceptions to the order which were included in the agenda materials.

Mr. Dennis explained the procedures to be followed in this case. He stated that the exceptions would strike 34 through 36 from the order, however, the case would still be dismissed.

Following discussion, the following action was taken.

MOTION: Mr. Carpenter made a motion that the board adopt the department's exceptions numbered 34 through 36.

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

MOTION: Mr. Carpenter made a motion that the board adopt the Recommended Order.

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

Vice-Chair Gathright chaired the meeting at this time.

**Morris Tesh, DBPR Case No. 2009-010144**

**(PCP: Dudley, Bertolami & McCormick)**

Mr. Tesh was not present at the meeting. Ms. Henderson presented the facts in this case and informed the board that no exceptions were filed. She stated that the Recommended Order suggested that the board dismiss the case.

Following discussion, the following action was taken.

MOTION: Mr. Demers made a motion that the board adopt the Recommended Order.  
SECOND: Mr. Kymalainen seconded the motion which passed with Mr. Sasso voting against the motion.

Chair McCormick asked Mr. Demers to chair the meeting for this case.

### **SETTLEMENT STIPULATION**

**Jeremy Hopland, DBPR Case No. 2010-031089**

**(PCP: Dudley, Gathright & McCormick)**

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

Ms. Henderson presented the facts. She stated that the department recommended a penalty as follows: costs of \$188.98 and a \$150 fine.

Following discussion, the following action was taken.

MOTION: Mr. Carpenter made a motion that the board accept the Settlement Stipulation as presented.

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

### **PROSECUTING ATTORNEY REPORT – LIBBY HENDERSON**

Ms. Henderson provided a copy of her report at the meeting. She stated that there were a total of 28 cases in the Office of the General Counsel as of February 16, 2011.

### **Discussion on Unlicensed Activity or Practicing Outside the Scope of a Professional's License – Libby Henderson and Tim Dennis**

Mr. Dennis stated that if an individual does not hold a license issued by the department and they are practicing, that would be considered unlicensed activity and fall under the unlicensed activity section of the department. If an individual holds a license or an inactive license, then that would be practicing outside the scope, rather than unlicensed activity. Ms. Henderson commented that a majority of the unlicensed activity cases are closed with a cease and desist agreement.

Following discussion, Chair McCormick asked Ms. Henderson and Mr. Dennis to research this issue and report back to the board.

### **Discussion Regarding "Collection Status" – Nick Sasso**

Chair McCormick stated that there was an e-mail from Mr. Sasso on this issue included in the agenda. Mr. Sasso asked if there was a way to include in settlement stipulations that the failure to pay a fine or costs, will result in a suspension of the license(s).

Mr. Dennis stated that he will research this matter and if it is in the final order rule, this language could be included.

### **OLD BUSINESS**

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

## **NEW BUSINESS**

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

## **RECESS**

There being no further business to come before the board at this time, the meeting was recessed at 3:20 p.m.

## **LEGISLATION COMMITTEE**

### **CALL TO ORDER**

Mr. Gathright, Chair of the committee, called the meeting to order at 3:35 p.m.

### **Members Present**

Richard Gathright, Chair

Fred Dudley

Gerry Demers

Bob Kymalainen

### **OTHERS PRESENT**

Robyn Barineau, Executive Director

Elise Rice, Government Analyst

Tim Dennis, Board Counsel

Bob McCormick

Dennis Carpenter

Nick Sasso

Art Barthlow

Rob von Kampen

Doug Harvey

David Hodges

Joe Rebuck

### **LEGISLATIVE REPORT**

Mr. Gathright provided a written report at the meeting regarding 22 proposed bills of interest that had been filed. He discussed the report with the committee.

### **OLD BUSINESS**

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

### **NEW BUSINESS**

Mr. Gathright gave his concerns with the lack of record-keeping by building departments. He asked if there was anything that could be done about this.

Following discussion, Mr. Dennis stated that he would research this issue to determine if the board has independent authority to require maintenance of records and to adopt rules to impose a minimum retention schedule.

### **ADJOURNMENT**

There being no further business to come before the committee, the meeting was adjourned at 4:35 p.m.

**EXAMINATION AND CONTINUING EDUCATION COMMITTEE  
CALL TO ORDER**

Mr. McCormick, Chair of the committee, called the meeting to order at 4:35 p.m.

**Members Present**

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

**Members Not Present**

Orlando Lamas

**Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Tim Dennis, Board Counsel  
Rob von Kampen  
Doug Harvey  
David Hodges  
Joe Rebuck

**CONTINUING EDUCATION COURSES FOR REVIEW  
KONING ENTERPRISES, INC. dba CONTRACTORS INSTITUTE (0001189)**

**Renewal Courses**

1. Ethics and F.S. 112, Part III (Classroom) (0007402)  
Requesting 1 hour ETHICS credit (F-1706, A-2239)
2. Ethics and F.S. 112, Part III (Internet) (0007403)  
Requesting 1 hour ETHICS credit (F-1707, A-2240)

MOTION: Mr. Gathright made a motion that the committee deny course #'s 1 and 2 as Chapter 468, Florida Statutes, is not included in the outline.

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

3. Americans with Disabilities Act (Classroom) (0007404)  
Requesting 2 hours ACCESSIBILITY credit (F-1743, A-2241)
4. Americans with Disabilities Act (Internet) (0007405)  
Requesting 2 hours ACCESSIBILITY credit (F-1744, A-2242)



In discussion it was noted that the internet course time should be corrected from 100 minutes to 120 minutes.

MOTION: Mr. Dudley made a motion that the committee approve course #'s 3 and 4 with noted corrections.

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

### **BUILDING OFFICIALS AND INSPECTORS EDUCATIONAL ASSN. (0000865)**

#### **New Courses**

1. Residential Building Inspections 101  
Requesting 2 hours GENERAL credit (F-2179, A-2243)
2. Polyfoam Cement Tile Installation  
Requesting 1 hour GENERAL credit (F-2180, A-2244)

MOTION: Mr. Gathright made a motion that the committee approve course #'s 1 and 2 as submitted.

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

3. Inspecting A Solar Air-Conditioner  
Requesting 1 hour GENERAL credit (F-2181, A-2245)

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the committee deny course #3 as it did not have a detailed outline and references.

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

### **FIRST COAST CHAPTER ICC – BOAF (0003643)**

#### **New Courses**

1. Fair Housing and the ADA  
Requesting 4 hours ACCESSIBILITY credit (F-2174, A-2234)
2. So You Want to be an Inspector F.S. 468 and Rule 61G19  
Requesting 2 hours LAWS & RULES credit (F-2175, A-2235)

MOTION: Mr. Gathright made a motion that the committee approve course #'s 1 and 2 as submitted.

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

3. Ethics for Public Officials and Employees Professionals  
Requesting 1 hour ETHICS credit (F-2176, A-2236)

MOTION: Mr. Gathright made a motion that the committee deny course #3 as there is no reference to Chapter 468, Florida Statutes.

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

4. Introduction to Chapter 9 of the 2007 FBC  
Requesting 2 hours GENERAL credit (F-2177, A-2237)
5. Introduction to Chapter 7 of the 2007 FBC  
Requesting 3 hours GENERAL credit (F-2178, A-2238)
6. Flood Resistant Standards and the 2010 FBC  
Requesting 2 hours GENERAL credit (F-2183, A-2247)

MOTION: Mr. Gathright made a motion that the committee approve course #'s 4, 5, and 6 as submitted.

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

#### **BUILDING OFFICIALS ASSOCIATION OF FLORIDA, INC. (0001001)**

##### **Renewal Courses**

1. Common Code Violations (0007442)  
Requesting 2 hours GENERAL credit (F-1770, A-2249)

Following discussion, the following action was taken.

MOTION: Mr. Demers made a motion that the committee approve course #1 as submitted.

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

2. Introduction to Solar Thermal Systems (0007444)  
Requesting 1 hour GENERAL credit (F-1772, A-2254)
3. Introduction to Solar PV Systems (0007450)  
Requesting 1 hour GENERAL credit (F-1778, A-2255)
4. Building Department Operations (0007439)  
Requesting 1 hour GENERAL credit (F-1767, A-2256)

MOTION: Mr. Gathright made a motion that the committee approve course #'s 2, 3, and 4 as submitted.

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

5. Solar Permitting and Inspection under the FBC (0007449)  
Requesting 1 hour GENERAL credit (F-1777, A-2257)

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the committee approve course #5 as submitted.

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

##### **New Courses**

1. Florida Code Update – Module 3  
Requesting 1 hour GENERAL credit (F-2185, A-2251)
2. Florida Code Update - Building  
Requesting 2 hours GENERAL credit (F-2186, A-2252)
3. Florida Code Update - Residential  
Requesting 1 hour GENERAL credit (F-2187, A-2253)

MOTION: Mr. Demers made a motion that the committee approve the courses as submitted.  
SECOND: Mr. Gathright seconded the motion and it passed unanimously.

**GOLD COAST SCHOOL OF CONSTRUCTION, INC. (0000983)**  
**Renewal Courses**

1. Practitioners Guide to the FBC, Accessibility Code and Fair Housing Act (0006622)  
Requesting 2 hours ACCESSIBILITY credit (F-741, A-2250)

Mr. Rebuck was present at the meeting.

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

**INTERNATIONAL CODE COUNCIL (0000991)**  
**New Course**

1. When Disaster Strikes – An Institute for Disaster Response  
Requesting 9 hours GENERAL credit (F-2189, A-2259)

Dr. von Kampen was present at the meeting. Following discussion, the following action was taken.

MOTION: Mr. Kymalainen made a motion that the committee approve the course for 4 hours of continuing education credit.  
SECOND: Mr. Demers seconded the motion which failed with Mr. Gathright, Mr. Dudley, Mr. Sasso and Mr. Barthlow voting against the motion.

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the committee approve the course for 2 hours of continuing education credit.  
SECOND: Mr. Dennis seconded the motion and it passed with Mr. Barthlow and Mr. Sasso voting against the motion.

**ADAAG CONSULTING SERVICES, LLC (0003626)**  
**New Course**

1. The New ADA 2010 Standards for Accessible Design “What you need to know to be in compliance”  
Requesting 3 hours ACCESSIBILITY credit (F-2184, A-2248)

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the committee deny the course for the lack of content.  
SECOND: Mr. Demers seconded the motion and it passed unanimously.

## **INFORMATIONAL RESOURCE FOR PROFESSIONALS, LLC (0004469)**

### **New Courses**

1. Identifying Water Intrusion: Stucco Assessments  
Requesting 2 hours GENERAL credit (F-2191, A-2261)

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the committee approve the course for 1 hour of continuing education credit.

SECOND: Mr. Kymalainen seconded the motion which failed with Mr. Barthlow, Mr. McCormick, Mr. Dudley, Mr. Sasso, and Mr. Carpenter voting against the motion.

MOTION: Mr. Gathright made a motion that the committee deny the course as it was not relevant.

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

2. Identifying Wind Damage: Hurricane Assessment  
Requesting 2 hours GENERAL credit (F-2190, A-2260)

MOTION: Mr. Gathright made a motion that the committee deny the course as it was not relevant.

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

## **NEW PROVIDER: THE RECTORSEAL CORPORATION (F-294, A-593)**

### **New Course**

1. Firestop Inspection Training  
Requesting 2 hours GENERAL credit (F-2188, A-2258)

Following discussion, the following action was taken.

MOTION: Mr. Demers made a motion that the committee approve the course as submitted.

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

## **OLD BUSINESS**

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

## **NEW BUSINESS**

Mr. Harvey discussed the 2010 Florida Building Code with the committee.

## **ADJOURNMENT**

There being no further business to come before the committee, the meeting was adjourned at 6:18 p.m.

## **EXECUTIVE COMMITTEE**

### **CALL TO ORDER**

Mr. McCormick, Chair of the committee, called the meeting to order at 6:18 p.m.

**Members Present**

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

**OLD BUSINESS**

Mr. McCormick informed the committee that he is proposing to discontinue this committee during the board meeting tomorrow.

**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 6:20 p.m.

**February 18, 2011 - 9:00 A.M.**

**CALL TO ORDER**

Chair McCormick called the meeting to order at 9:03 a.m.

**Members Present**

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

**Members Not Present**

Orlando Lamas

**OTHERS PRESENT**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Tim Dennis, Board Counsel  
Tony Spivey, Executive Director, Board of Architecture and Interior Design (BOAID)  
Terri McEwen, Government Analyst, BOAID  
Mary Ellen Clark, Board Counsel, BOAID

John Ehrig, Chair, BOAID  
E. Wendell Hall, BOAID  
Warren A. Emo, BOAID  
Johnstone N. Reid, Jr., BOAID  
J. Emory Johnson, BOAID  
Joyce Shore, BOAID  
Aida G. Bao-Garciga, BOAID  
Wanda Gozdz, BOAID  
Rob von Kampen, ICC  
Doug Harvey, BOAF  
David Minacci, BOAID  
Stephen A. Gaydosh, Jr., Florida Engineering Society  
Doug Brown  
Trent Manassua, BOAID  
John Burke, Board of Professional Engineers  
David Hodges

**JOINT MEETING WITH THE BOARD OF ARCHITECTURE AND INTERIOR DESIGN  
DRAFT GUIDELINE – “A BUILDING OFFICIAL’S GUIDE TO THE PROFESSIONAL  
PRACTICE OF ARCHITECTS AND ENGINEERS IN FLORIDA”**

Chair McCormick welcomed all attendees to the meeting. He stated that Mr. Doug Harvey, Executive Director, Building Officials Association of Florida (BOAF), requested an opportunity to make a presentation regarding the draft guideline. Mr. John Ehrig, Chair, Board of Architecture and Interior Designers (BOAID), stated that the American Institute of Architects (AIA) participated in the development of the document, not the BOAID. Mr. Harvey thanked the Florida Chapter of AIA and the Florida Engineering Society for their participation.

Mr. Harvey stated that this document was being presented to the various design professional boards for their review and comment and BOAF was open for suggestions. He stated that it will be presented to the Board of Professional Engineers at their next meeting. Mr. Harvey indicated a willingness to consider further input from members of the interior design profession. BOAF will review the results of the meetings and revise the document, if necessary. Mr. Harvey stated that the document will be posted on the BOAF web page when it is finalized.

Following discussion, Mr. Harvey thanked everyone for their input. No formal action was taken by either board.

Mr. Ehrig stated that he had another issue he wanted to discuss which was related to electronic plans and seals. He stated that the BOAID received a Declaratory Statement request that will be provided to the BCAIB. Mr. Ehrig stated that Miami Dade only uses electronic seals. The second issue was that Engineers have the ability to use rubber seals, and Architects and Interior Designers do not. The rule would have to be amended, along with the law, and he was not sure that will be accomplished.

Chair McCormick responded that he did not think the Building Code Administrators and Inspectors Board would have any input on the electronic seal issue. Mr. Dennis responded that the BOAID rules will have to address this, however, this board could give their input.

Chair McCormick thanked everyone for their input and attendance at the meeting.

Mr. Fred Dudley encouraged each board to create a quarterly report. Chair McCormick commented that staff could include the Executive Summaries in future agendas for the boards' to review. The following boards' executive summaries will be included in future BCAIB agendas: Construction Industry Licensing Board, Electrical Contractor's Licensing Board, BOAID, and Board of Professional Engineers.

### **APPROVAL OF THE DECEMBER 1 - 3, 2010, MINUTES OF THE MEETING**

MOTION: Mr. Dudley made a motion that the board approve the minutes as submitted.

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

Chair McCormick asked for a motion to excuse Mr. Lamas from the meeting.

MOTION: Mr. Kymalainen made a motion that the board excuse Mr. Lamas from the meeting.

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

### **REPORTS**

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

##### **Committee Appointments**

Chair McCormick stated that the Executive Committee was being discontinued, and made the following appointments:

Application Review Committee – Mr. Gathright, Chair, Mr. McCormick, and Mr. Kymalainen

Probable Cause Panel – Mr. Dudley, Mr. Gathright, Mr. McCormick, Chair

Legislation & Rules – Mr. Sasso, Chair, Mr. Barthlow, and Mr. Demers

Examination & Continuing Education – Mr. Lamas, Chair, Mr. Barthlow, Mr. Demers, and Mr. Carpenter

Mr. Barthlow stated that he did not have the time to serve on the Legislation Committee. Mr. Dudley stated that he would volunteer to be on the committee.

Chair McCormick changed the appointments to the Legislation and Rules to: Mr. Sasso, Chair, Mr. Demers and Mr. Dudley.

#### **Application Review Committee – Nick Sasso**

##### **Ratification of Actions Taken by the Committee**

Mr. Sasso informed the board that the committee approved 48 applications and 35 were denied. At this time, he read into the record the denials.

Alcantara, Ismael Indalecio – 1&2 Family Dwelling Inspector – lack of experience; Boice, Mark William – Electrical Inspector – lack of experience; Brenchley, Mark C. – Provisional Building Plans Examiner – lack of experience; Bryant, Danny Steve – 1&2 Family Dwelling Inspector - lack of experience; Cannon, Bruce Allan – 1&2 Family Dwelling Plans Examiner – does not meet requirements; Castro, Francisco Jose – Roofing Inspector – lack of experience; Cavanaugh, Michael Lloyd – Building Inspector – lack of experience; Dasari, Sandeep S. – 1&2

Family Dwelling Inspector – lack of experience; Hagerty, Mark – Building Inspector – lack of experience; Hall, Jon Malvern – Plumbing Inspector – lack of experience; Harman, Valerie Ann – Building Inspector – lack of experience; Hatton, Robert John – Plumbing Inspector and Plumbing Plans Examiner – lack of experience; Hites, Larry Joseph – Plumbing Inspector – lack of experience; Jean Pharuns, Marie Frantz – 1&2 Family Dwelling Inspector and Building Code Administrator – lack of experience; Luedtke, Tishya Marie – Plumbing Plans Examiner – lack of experience; Mazzei, Neal L. – Building Code Administrator – lack of experience; McQuiston, Patrick A. – Mechanical Plans Examiner – lack of experience; Mitchem, James Luen – Building Inspector – not qualified for endorsement; Myers, Paul Thomas, Jr. – Mechanical Inspector, Mechanical Plans Examiner, Plumbing Plans Examiner, Electrical Plans Examiner, Plumbing Inspector, and Electrical Inspector – lack of experience; Roche, Orlando – Reinstatement of Null and Void Inspector License – no hardship; Satterfield, James Edward – Mechanical Plans Examiner and Mechanical Inspector – lack of experience; Schmidt, Lawrence Paul – Electrical Inspector – lack of experience; Simes, Randy Lee – Building Code Administrator – lack of experience; Singleton, Robert Winton – 1&2 Family Dwelling Inspector – lack of experience; Sterriker, Robert Charles – Building Inspector – lack of experience; Tsouchlos, Lynn Carol – Building Inspector – lack of experience; Walsh, Jonathan D. – Building Plans Examiner – lack of experience.

MOTION: Vice-Chair Gathright made a motion that the board accept the report as presented.  
SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

#### **Ratification List**

MOTION: Chair McCormick made a motion that the board approve the ratification list as submitted.  
SECOND: Vice-Chair Gathright seconded the motion and it passed unanimously.

#### **Legislation Committee – Richard Gathright**

Vice-Chair Gathright reported that he provided the members with a list of 22 proposed bills of interest that either pertain to building code, engineers, architects, design professionals or the department for the 2011 Legislative Session.

Vice-Chair Gathright reported on the discussion concerning some recent disciplinary cases that pertained to the lack of official records. He stated that without good accurate inspection records it was impossible to prove who actually made the inspection. The committee discussed the possibility of rule making concerning the responsibility of the building official to maintain accurate records, and disciplinary action for lack of records.

#### **Examination and Continuing Education Committee – Bob McCormick**

Chair McCormick reported that the committee reviewed 24 continuing education courses, of which 18 were approved, one course was approved, however, the amount of credit hours was changed, and five courses were denied.

MOTION: Mr. Demers made a motion that the board accept the report as presented.  
SECOND: Mr. Carpenter seconded the motion and it passed unanimously.

#### **Executive Committee – Bob McCormick**



Chair McCormick stated that this committee did not meet.

### **Board Counsel – Tim Dennis**

#### **Update on Statutory Authority Regarding Suspension of a License for Failure to Pay a Fine or Cost**

Mr. Dennis stated that this was discussed yesterday and he has not had a chance to review the rules. He stated that he will research this issue and provide an update to staff and the board.

#### **Architects and Engineers Working In A Building Department**

Mr. Dennis stated that his opinion has not changed regarding licensure of architects and engineers. He further stated that these boards have their own rules regarding practicing outside the scope of their licenses. Chair McCormick commented that if the architect or engineer is not qualified to do perform their duties regarding inspections or plans review, they have to apply for a license under this board.

Mr. Dennis informed the board that they should have some direction soon regarding rule making as the Executive Order from the Governor's office was for a 90 day period. He announced that the rules workshops were cancelled at this meeting because of the Executive Order.

Mr. Dennis stated that he argued the licensure appeal in the Jay Abel case before the Fifth District Court of Appeals, however, he did not know the outcome at this time.

Mr. Sasso stated that he would like to know when oral arguments and formal hearings are scheduled. Mr. Dennis stated that he would inform staff of these matters in the future.

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

#### **Failure to Comply with Final Orders**

Ms. Barineau stated that this was discussed at the meeting on Thursday and that a complaint will be opened if someone does not comply with the final order rather than sending the information to collections.

#### **Continuing Education Forms**

Ms. Barineau informed the board that there was an error on the forms that would be corrected.

#### **Report on Applications Ratified Through the E-Mail Process**

Ms. Barineau reported that two applications were pulled from the January 15 ratification e-mailed to the members.

#### **December 2010 Newsletter**

Ms. Barineau stated this was provided for informational purposes.

#### **Meeting Dates**

April 6 - 8 in Tampa

June 8 - 10 in Orlando

August 10 -12 in Panama City

October 26 - 28 in Ocala

December 7 - 9 in Orlando

Mr. Dudley informed the board that he may be absent from the April meeting, and he will be asking for an excused absence because of the Legislative Session.

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

**Pass/Fail Statistics**

Dr. von Kampen submitted the examination statistics to the department, which was included in the agenda book for the board's review. He stated that the examinations are performing well, they were valid, reliable and fair.

Dr. von Kampen discussed the statistics with the board.

**PUBLIC COMMENTS**

Mr. Hodges asked for a list of building officials that are active in communities. He was informed that this was not available. He also commented on the coastal construction license and provisional building code administrator licenses.

**OLD BUSINESS**

Mr. Sasso stated that at the December meeting there was a case in which it was identified that someone failed to disclose criminal history, and he suggested an investigation be opened. Mr. Dennis stated that this could not be discussed because of confidentiality issues.

Mr. Sasso stated that he also asked that an Emergency Suspension Order be issued and he wanted to know if any action was taken.

**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 12:30 p.m.