

MINUTES OF THE MEETING

**BUILDING CODE ADMINISTRATORS AND INSPECTORS BOARD
HOMWOOD SUITES
8745 INTERNATIONAL DRIVE
ORLANDO, FL 32819
FEBRUARY 10-13, 2009**

FEBRUARY 10, 2009 - 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
Charles Parker
Branko Dimovski
Thomas Lasprogato
Joesph Crum
Michael Hill

REVIEW OF APPLICATIONS

Branko Dimovski – Mechanical Inspector, Plumbing Inspector, Plumbing Plans Examiner and Mechanical Plans Examiner

Mr. Dimovksi was present at the meeting. Following discussion, the committee denied his applications for lack of experience.

Thomas Lasprogato – Electrical Inspector

Mr. Lasprogato was present at the meeting. The committee approved the application.

Joseph Crum – Provisional Electrical Inspector, Provisional Plumbing Inspector, Provisional Plumbing Plans Examiner, Provisional 1&2 Family Dwelling Inspector, Provisional Electrical Plans Examiner

Mr. Crum was present at the meeting. Following discussion, the committee approved the applications.

Charles Parker – Provisional Building Code Administrator

Mr. Parker was present at the meeting. The committee approved the application.

At this time, the committee continued to review applications.

RECESS

There being no further business to come before the committee at this time, the meeting was recessed at 1:00 p.m.

FEBRUARY 11, 2009 - 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
Bob Kymalainen
Bob McCormick

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Ann Cocheu, Board Counsel
Barrett Paul Genson
Jaime A. Gutierrez
Larry L. Johnson
Marcel Juhas
Richard Gloss, Jr.
Stephen Rohde
James T. Schultz
Timothy Bryan Stick
Diana Garcia, Court Reporter

HEARINGS NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT (RESPONDENTS HAVE THE OPTION OF APPEARING ON FEBRUARY 11 BEFORE THE APPLICATION REVIEW COMMITTEE OR FEBRUARY 12 BEFORE THE FULL BOARD.)

Barrett Paul Genson – Provisional Building Code Administrator

Mr. Genson was present at the meeting and was sworn in by the court reporter. He 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 application based on the additional information submitted.

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

Jaime A. Gutierrez – Building Inspector

Mr. Gutierrez was present at the meeting and was sworn in by the court reporter. He provided an additional affidavit for the committee's review. Following discussion, the following action was taken.

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

Larry L. Johnson – Provisional Electrical Plans Examiner, Provisional Mechanical Plans Examiner, Provisional Plumbing Inspector, Provisional Plumbing Plans Examiner

Mr. Johnson was present at the meeting and was sworn in by the court reporter. He 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 mechanical plans examiner application and the license be limited to Pasco/Hernando Community College.

SECOND: Mr. Sasso 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, provisional plumbing inspector and provisional plumbing plans examination as originally stated for lack of experience.

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

Marcel Juhas – Building Plans Examiner

Mr. Juhas was present at the meeting and was sworn in by the court reporter, along with Mr. Richard Gloss, Jr., Building Official for Osceola County. Mr. Juhas 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 application based on the testimony and additional information provided at the meeting.

SECOND: The motion died for lack of a second.

MOTION: Mr. Sasso made a motion that the committee uphold the denial as originally stated.

SECOND: The motion died for lack of a second.

MOTION: Mr. McCormick made a motion that the committee table the hearing until the following day for full board consideration.

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

John James Oliveira – Building Inspector

Mr. Oliveira was present at the meeting along with Mr. Daniel J. Dunham. They were both 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 and testimony of Mr. Dunham.

SECOND: The motion died for lack of a second.

Following discussion, the following action was taken.

MOTION: Mr. Kymalainen made a motion that the committee uphold the denial as originally stated.

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

Stephen Joseph Rohde – Provisional 1&2 Family Dwelling Inspector

Mr. Rohde was present at the meeting and was sworn in by the court reporter. He provided additional information for the committee’s review. Following discussion, the following action was taken.

MOTION: Mr. Kymalainen made a motion that the committee approve the application
SECOND: Mr. Sasso seconded the motion and it failed unanimously.

MOTION: Mr. McCormick made a motion that the committee uphold the denial of the application for a lack of sufficient evidence.
SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

James T. Schultz – Plumbing Inspector

Mr. Schultz was present at the meeting and was sworn in by the court reporter. He provided additional information for the committee’s review.

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

Timothy Bryan Stick – Plumbing Inspector

Mr. Stick was present at the meeting and was sworn in by the court reporter. He provided additional information for the committee’s review.

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

REVIEW OF APPLICATIONS CONTINUED FROM FEBRUARY 10, IF NECESSARY

The committee continued to review applications at this time.

ADJOURNMENT

There being no further business to come before the committee, the meeting was adjourned at 12:11 p.m.

FEBRUARY 12, 2009 – 9:00 A.M.

CALL TO ORDER

Vice-Chair Sasso called the meeting to order at 9:00 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
April Skilling, Office of General Counsel
Ann Cocheu, Board Counsel
Elizabeth Duffy, Prosecuting Attorney
Doug Harvey, Building Officials Association of Florida
Marcel Juhas
Robert Kegan
Gerardo Moreno
Rob von Kampen, Ph.D., International Code Council
Joe Rebuck
Jane Waddel

Vice-Chair Sasso informed the board that Chair McCormick was delayed in traffic and would be present as soon as possible.

HEARINGS NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT (RESPONDENTS HAVE THE OPTION OF APPEARING ON FEBRUARY 11 BEFORE THE APPLICATION REVIEW COMMITTEE OR FEBRUARY 12 BEFORE THE FULL BOARD.)

Bruce Kevin Bromley – Building Inspector

Mr. Bromley was not present at the meeting; however, he did provide information for the board's consideration. Following discussion, the following action was taken.

- MOTION: Mr. Dudley made a motion that the board approve the application based on the additional information submitted.
- SECOND: Mr. Nagin seconded the motion which failed with Mr. Kymalainen, Mr. Franklin, Mr. Gathright and Vice-Chair Sasso voting against the motion.
- MOTION: Mr. Kymalainen made a motion that the board uphold the denial as originally stated.
- SECOND: Mr. Gathright seconded the motion which passed with Mr. Nagin and Mr. Dudley voting against the motion.

Marcel Juhas – Building Plans Examiner

Mr. Juhas was present at the meeting along with Mr. Richard S. Gloss, Jr., Building Official and Mr. Roger Edwards. They were all sworn in by the court reporter. Vice-Chair Sasso informed the board that Mr. Juhas came before the Application Review Committee and the committee voted to table the hearing after they were unable to make a final determination regarding the application. Mr. Juhas provided additional information for the board's review at the meeting.

Following discussion, the following action was taken.

- MOTION: Mr. Franklin made a motion that the board approve the application based on additional information submitted.
- SECOND: Mr. Dudley seconded the motion and it passed unanimously.

Gerardo Moreno – Provisional Electrical Plans Examiner

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

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

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

Ralph David Piper – Electrical Inspector

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

Following discussion, the following action was taken.

MOTION: Mr. Franklin made a motion that the board uphold the denial as originally stated.

SECOND: Mr. Gathright seconded the motion which passed unanimously.

RECOMMENDED ORDER – ROBERT KEGAN, DOAH CASE # CASE # 08-2108PL

Mr. Kegan was present at the meeting along with his attorney, Mr. Harry Hackney.

Ms. Duffy stated that the board had been provided with the information regarding this case. She indicated that the Administrative Law Judge rules in favor of Mr. Kegan. She asked that the board accept the Recommended Order.

Ms. Cocheu stated that Mr. Nagin and Mr. Dudley would be recused as they served on the Probable Cause Panel. She stated that the board was limited to discussing the information that was before them. Ms. Cocheu stated that it would be inappropriate for the board to question Mr. Kegan.

Chair McCormick arrived at the meeting during this hearing.

Following discussion, the following action was taken.

MOTION: Mr. Kymalainen made a motion that the board accept the Recommended Order as presented.

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

PROSECUTING ATTORNEY REPORT – LIBBY DUFFY

Ms. Duffy informed the board that Ms. April Skilling, Deputy General Counsel, was also present and provided a copy of the attorney's report.

Ms. Skilling informed the board that they are revamping and standardizing the reports that are provided to all boards. She stated that case names and case numbers will not be provided if probable cause has not been found. They will be provided information about the public cases but not the private as well as an unlicensed activity report. Ms. Skilling informed the board that they have instituted processes in order to move the cases faster as the Department wants to close cases within a year, if possible, and she discussed the timelines with the board.

Mr. Kymalainen commented that he was pleased with what was being done. Mr. Dudley felt that the information should be provided to them in the form of a flow chart. Ms. Skilling responded that she did have a flow chart which will be provided for review at the next meeting.

Ms. Skilling stated that the reports that will be provided at future meetings will contain the most current information.

Mr. Sasso stated that ultimately he wants results and he wants to see what happens with the changes.

Ms. Skilling advised the board that if a member files a complaint their name will need to be on the complaint so that everyone is aware of who made the complaint should the case come before the board.

RECESS

There being no further business to come before the board at this time, the meeting was recessed at 11:09 a.m.

RULES AND LEGISLATION COMMITTEE

CALL TO ORDER

Mr. Nagin, Chair of the committee, called the meeting to order at 11:09 a.m.

Members Present

Rob Nagin, Chair
Fred Dudley
Bob Kymalainen

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Ann Cocheu, Board Counsel
Bob McCormick, Board Member
Dennis Franklin, Board Member
Richard Gathright, Board Member
Nick Sasso, Board Member
Doug Harvey, Building Officials Association of Florida
Marcel Juhas
Robert Kegan
Gerardo Moreno
Rob von Kampen, Ph.D., International Code Council
Joe Rebuck
Jane Waddel

LEGISLATIVE REPORT – ROB NAGIN

Mr. Nagin informed the committee that there were currently 32 bills that have been filed, 11 in the House and 21 in the Senate, that are related to the building code profession, but none were specific to this board. He stated that he will provide staff with a list of the bills for them to forward to all members.

Mr. Nagin stated that there were two bills, Senate Bills 366 and 368, that he wanted to bring to the members attention along with the Building Officials Association of Florida to monitor closely.

Ms. Barineau and Mr. Dudley stated that they would also watch for any bills that would affect the board.

RULES REPORT – ANN COCHEU

Rule 61G19-6.016, F.A.C., Voluntary Certification Categories

Ms. Cocheu stated that Mr. Sasso brought this to the attention of the board to add the examination requirement. She stated that there was some indication that this had already been drafted, however, the last change was done twice in 2007. Ms. Cocheu stated that she had reviewed the files in the office and the rule had not been noticed. If the members were satisfied with the language Mr. Sasso provided at the last meeting, she needed authorization to notice the rule.

MOTION: Mr. Dudley made a motion that Ms. Cocheu notice Rule 61G19-6.016, F.A.C., for rule development.

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

Mr. McCormick asked when the notice would appear. Ms. Cocheu responded that she would send it over next week. Ms. Barineau stated that she would prepare the Statement of Estimated Regulatory Cost (SERC.)

Rule 61G19-7.002, F.A.C., Training Program Providers

Ms. Cocheu stated that she has not received the web site and the form number to do a notice of change.

Rule 61G19-7.0015, F.A.C., Board Approved Comprehensive Initial Training Programs as Alternative Eligibility Requirements for Examination for Building Inspector or Plans Examiner Certification

Ms. Cocheu informed the committee that the notice of change should be in the Florida Administrative Weekly on Friday, February 13, 2009.

Mr. Nagin asked Ms. Cocheu if a letter from the Joint Administrative Procedures Committee dated January 30, 2009, had been addressed. Ms. Cocheu responded that it had been addressed.

RULES WORKSHOP ON RULES 61G19-5.002, F.A.C., DISCIPLINARY GUIDELINES, 61G-19-5.006, F.A.C., CITATIONS, AND 61G19-5.007, F.A.C., NOTICE OF NONCOMPLIANCE

Ms. Cocheu informed the committee that the workshop was originally noticed for February 15 instead of February 12, so she had to do an amended notice and the first date that the workshop could be held was on February 13. Mr. Nagin stated that the workshop would be held on Friday at 10:00 a.m.

Mr. Dudley announced that the Senate President has asked that he serve on the Small Business Council which reviews all of the rules. He stated that the latest bill he read is going to create a more formal relationship where the actual rules will be reviewed by the panel. Mr.

Dudley asked Ms. Cocheu to look into this and advise him regarding his relationship with serving on this board's Rules Committee. He stated that he would recuse himself from voting on any rules with the council regarding this board.

OLD BUSINESS

Mr. Sasso stated that he had brought up the issue regarding a definition of good moral character before and wondered if they should have a rule that addresses this.

In discussion, Mr. Dudley informed the committee that the Electrical Contractors Licensing Board had a good definition of good moral character. Mr. Sasso stated that he would review this and it could be discussed at the next meeting.

NEW BUSINESS

Mr. Franklin stated that he had requested an agenda item regarding obtaining information on limited licensees. Ms. Barineau responded that there was no authority to perform an audit and that the licensees did not have to inform the department as to where they were employed. She stated that they could send a reminder during the next renewal cycle to remind them of the requirements of the license.

Following discussion, the board agreed to send out a reminder in the renewal notices regarding the limited licenses.

ADJOURNMENT

There being no further business to come before the committee, the meeting was adjourned at 11:57 p.m.

EXAMINATION AND CONTINUING EDUCATION COMMITTEE CALL TO ORDER

Mr. Franklin, Chair of the committee, called the meeting to order at 1:30 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
Rob Nagin, Board Member
Fred Dudley, Board Member
Bob Kymalainen, Board Member
Doug Harvey, Building Officials Association of Florida
Robert Kegan
Rob von Kampen, Ph.D., International Code Council
Joe Rebuck
Jane Waddel

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

New Course

1. Florida Accessibility Code
Requesting 1 ACCESSIBILITY credit (F-1755, A-1622)

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

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

GORDON DON BRINDLEY

New Course

1. Florida Chapter 112, Part III, Code of Ethics
Requesting 1 hour ETHICS credit (F-1757, A-1624)

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

SECOND: Mr. Gathright seconded the motion.

In discussion, Mr. Gathright commented that only Chapter 112, F.S., was referenced, that there was nothing for this board, and it had to have both. Following discussion, the motion failed with all members voting against the motion.

MOTION: Mr. Gathright made a motion that the committee deny the course as submitted.

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

GOLD COAST SCHOOL OF CONSTRUCTION, INC.

Renewal Course

1. Practitioner's Guide to FBC: Accessibility Code & Fair Housing (0006622)
Requesting 2 hours ACCESSIBILITY credit (F-741, A-1561)

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

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

B.T. BUILDERS, INC.

New Courses

1. Wind Mitigation
Requesting 1 hour GENERAL credit (F-1759, A-1626)

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

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

Discussion followed.

MOTION: Mr. McCormick made a motion that the committee reconsider the approval of the course.

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

Following discussion, the following action was taken.

MOTION: Mr. Sasso made a motion that the committee deny the course based on the application form not being filled out completely and there were no times included on the outline.

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

- Chapter 440 Florida Statutes, Workers' Compensation
Requesting 1 hour LAWS & RULES credit (F-1760, A-1627)

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

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

- Contractor Licensing Chapter 489 Florida Statute
Requesting 2 hours LAWS & RULES credit (F-1761, A-1628)

Following discussion, the following action was taken.

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

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

- Lien Law of Florida Chapter 713 Construction Liens
Requesting 2 hours LAWS & RULES credit (F-1762, A-1629)

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

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

- Portable Ladder Safety
Requesting 1 hour GENERAL credit (F-1763, A-1630)
- Fixed Ladder Safety
Requesting 1 hour GENERAL credit (F-1764, A-1631)

MOTION: Mr. Sasso made a motion that the committee courses 5 and 6 as they were not related to the profession.

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

BUILDING OFFICIALS ASSOCIATION OF FLORIDA

New Courses

- Advanced Wind Mitigation Retrofits
Requesting 1 hour GENERAL credit (F-1766, A-1633)
- Florida Energy Code Update
Requesting 2 hours GENERAL credit (F-1771, A-1638)
- Introduction to Solar Thermal Systems
Requesting 1 hour GENERAL credit (F-1772, A-1639)
- Mechanical Code Update
Requesting 2 hours GENERAL credit (F-1774, A-1641)
- Manufactured/Modular Building Program
Requesting 2 hours GENERAL credit (F-1775, A-1642)
- Florida Residential Code Update
Requesting 2 hours GENERAL credit (F-1776, A-1643)
- Solar Permitting & Inspection under the Florida Building Code

Requesting 1 hour GENERAL credit (F-1777, A-1644)

13. Introduction to Solar PV Systems
Requesting 1 hour GENERAL credit (F-1778, A-1645)

MOTION: Mr. McCormick made a motion that the committee approve course numbers 1, 6, 7, 9, 10, 11, 12, and 13 as submitted.

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

2. Building Department Operations
Requesting 1 hour GENERAL credit (F-1767, A-1634)

Following discussion, the following action was taken.

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

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

3. Building Department Budgets under the FBC and Florida Law
Requesting 2 hours GENERAL credit (F-1768, A-1635)

Following discussion regarding materials not being supplied when the course was presented, Mr. Harvey agreed to provide electronic materials and printed materials when the course is presented for all attendees.

MOTION: Mr. McCormick made a motion that the committee approve the course with the stipulation that the electronic materials are also provided in printed form.

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

4. FBC Chapters 5, 6 & 7 – Advanced Training
Requesting 3 hours GENERAL credit (F-1769, A-1636)

Mr. Nagin stated that an editorial correction needed to be made in the references to the 2007 Florida Building Code. Mr. Harvey stated that he would make the corrections.

MOTION: Mr. Gathright made a motion that the committee approve the course with the corrections.

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

5. Common Code Violations
Requesting 2 hours GENERAL credit (F-1770, A-1637)

Following discussion, the following action was taken.

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

SECOND: Mr. Sasso seconded the motion which passed unanimously.

8. The Role of the Building Official in Enforcing Florida's Lien Law
Requesting 1 hour GENERAL credit (F-1773, A-1640)

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the committee approve the course; however, it was approved for laws and rules credit not general.

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

COLLIER COUNTY BUILDING DEPARTMENT (NEW PROVIDER)

(F-263, A-463)

New Course

1. Florida Building Code 2007-Significant Changes
Requesting 3 hours GENERAL credit (F-1765, A-1632)

MOTION: Mr. McCormick made a motion that the committee approve the course and the provider.

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

SANTA ROSA COUNTY INSPECTION DEPARTMENT

New Courses

1. Means of Egress
Requesting 2 hours GENERAL credit (F-1779, A-1646)
2. Types of Construction and Fire-Resistance Construction
Requesting 2 hours GENERAL credit (F-1780, A-1647)
3. Coastal Construction in Florida
Requesting 2 hours GENERAL credit (F-1781, A-1648)

MOTION: Mr. Gathright made a motion that the committee approve courses 1, 2, and 3 as submitted.

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

4. Laws and Rules for Code Professional
Requesting 2 hours LAWS & RULES credit (F-1782, A-1649)

MOTION: Mr. Gathright made a motion that the committee deny the course as it was for 85 minutes and not 100 minutes.

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

5. Florida Accessibility Code
Requesting 2 hours ACCESSIBILITY credit (F-1783, A-1650)

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

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

6. Code for Ethics for Public Officers and Employees
Requesting 1 hour ETHICS credit (F-1784, A-1651)

MOTION: Mr. Gathright made a motion that the committee deny the course as it only references Chapter 112, F.S.

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

TECHNICAL ELECTRICAL CONSULTANTS (NEW PROVIDER)

New Course

1. Code of Ethics for Public Officers & Employees
Requesting 1 hour ETHICS credit (F-1758, A-1625)

Mr. Sasso recused himself from considering this course as he personally knows the provider.

MOTION: Mr. Gathright made a motion that the committee approve the course and provider as submitted.

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

Ms. Waddel, with Contractors Institute, asked for clarification on the rule for the laws and rules requirement for continuing education and for ethics because “and” is taken literally in the ethics portion.

Mr. McCormick agreed that it is not being done the same way and that the committee should revisit the two courses that they denied based on the fact that they did not include both.

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the committee reopen the courses that were denied for ethics courses.

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

MOTION: Mr. McCormick made a motion that the committee approve course #6 by Santa Rosa County and course #1 by Gordon Don Brindley.

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

In discussion, the committee requested that Rule 61G19-9.001, Florida Administrative Code, be noticed for discussion at the next meeting. Ms. Cocheu responded that she would notice it for the next meeting.

ADJOURNMENT

There being no further business to come before the committee, the meeting was adjourned at 2:36 p.m.

EXECUTIVE COMMITTEE

CALL TO ORDER.

Mr. McCormick, Chair of the committee, called the meeting to order at 2:36 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
Doug Harvey, Building Officials Association of Florida
Robert Kegan
Rob von Kampen, Ph.D., International Code Council
Joe Rebuck
Jane Waddel

OLD BUSINESS

Mr. Franklin commented that they had discussed including information regarding the limited licenses in the renewal notices for all licenses. Ms. Barineau informed the committee that she would seek approval from the department on language relating to limited licenses.

During discussion, Mr. Harvey informed the board that he would include information on the BOAF Web site. Mr. McCormick stated that it should also be included in the next newsletter.

NEW BUSINESS

Mr. Dudley commented that it appeared that if the meetings were started at 8:30 they could do all of the business in one day and he would like the Chair and staff to look into the possibility of amending the meeting start times. Ms. Barineau reminded the board that contracts were already in place for the meetings this year.

Following discussion, Mr. McCormick stated that he preferred the 9:00 meetings and no changes would be made at this time.

ADJOURNMENT

There being no further business to come before the committee, the meeting was adjourned at 3:14 p.m.

FEBRUARY 13, 2009 - 9:00 A.M.

CALL TO ORDER, PLEDGE OF ALLEGIANCE

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
Rob von Kampen, ICC
Jack Wingo
Doug Harvey, BOAF
Jane Waddel, Contractors Institute

APPROVAL OF THE DECEMBER 9 - 12, 2008, MINUTES OF THE MEETING

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

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

REPORTS

Chair's Report – Bob McCormick, Chair

Chair McCormick stated that he did not have a report to give at this time.

Application Review Committee – Nick Sasso

Ratification List

Vice-Chair Sasso reported that the Ratification List was provided as a handout. He also reported that the committee reviewed a total of 105 applications of which, 49 were approved, and 56 were denied.

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

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

MOTION: Mr. Kymalainen made a motion that the board approve the Ratification List as submitted.

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

Rules and Legislation Committee – Rob Nagin

Mr. Nagin reported that there were 32 bills that had been filed which have the potential to effect building code. He reported that Rule 61G19-6.016, F.A.C., was to be noticed for rule development; Rule 61G19-7.002, F.A.C., there was no action taken, awaiting information; Rule 61G19-7.0015, F.A.C., there was no action taken.

Mr. Nagin reported that the Senate President has appointed Mr. Dudley to the Small Business Council which may possibly be a conflict of interest in the future.

Mr. Nagin reported that Mr. Sasso requested that the committee consider a rule defining “good moral character” as per Chapter 489, Part I and II, F.S. Ms. Cocheu will bring information to the next meeting for discussion.

Mr. Nagin reported that the Rules Workshop will be conducted at 10:00 a.m.

MOTION: Mr. Franklin made a motion that the board approve the actions of the committee as reported.

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

Mr. Nagin informed the members that he will forward the information on the bills for distribution to staff.

Examination and Continuing Education Committee – Dennis Franklin

Mr. Franklin reported that the committee reviewed 30 continuing education courses, of which six were denied and 24 were approved.

MOTION: Vice-Chair Sasso made a motion that the board approve the actions of the committee as reported.

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

Vice-Chair Sasso stated that he felt he would need to be taken off this committee because his employer has providers that they work with that provides classes.

Chair McCormick stated that he commented during the committee meeting yesterday that hand-outs should be provided at the classes provided by BOAF. He stated that he wanted to clarify his statement in that if the material was critical to the class it should be provided at the class in paper form.

Executive Committee – Bob McCormick, Chair

Chair McCormick reported that the committee had discussion about notifying limited license holders about the requirements of the license and he will provide staff with a draft insert for the license renewal notices.

Chair McCormick reported that they also discussed old permits, however no action was taken.

Board Counsel – Ann Cocheu

Findings of Research Regarding The Term “Employee”

Ms. Cocheu reported that Mr. Nagin brought this issue up with respect to employees. Ms. Cocheu informed the board that it was difficult to give advice if you don't know any specifics.

In discussion, Chair McCormick stated that according to Ms. Cocheu, this was all vague and if a situation arises and a complaint is filed, it will proceed through the system. Ms. Cocheu stated that if anyone hears of problems, they should file a complaint.

Following discussion, no action was taken.

Self Certification by Architects, Engineers, Contractors, and Building Code Administrators

Ms. Cocheu stated that this was a result of the application reviews and she was asked to look at self-certification. Chair McCormick stated that the Application Review Committee has accepted these in the past and wanted to know if this practice is acceptable. Ms Cocheu commented that she saw no problem with self-certification, if the applicant is an architect, engineer, contractor or building code administrator.

Mr. Dudley commented that the board may want to consider a rule change regarding self-certifications.

Lanny Walker Case Update

Ms. Cocheu reported that oral argument has not been scheduled.

RULES WORKSHOP- 10:00 A.M. – ANN COCHEU

- 61G19-5.002: Disciplinary Guidelines
- 61G9-5.003: Aggravating and Mitigating Factors
- 61G9-5.004: Final Orders
- 61G19-5.005: Criteria for Reinstatement and Relicensure
- 61G19-5.006: Citations
- 61G19-5.007: Notice of Noncompliance

Ms. Cocheu commented that this was originally set up to determine if the board wanted to add any additional citations to the rules.

Vice-Chair Sasso stated that he had requested Ms. Duffy provide a list of what she considered to be minor violations. Ms. Barineau informed the Board that a document was distributed that was prepared by the Division of Regulation to provide the information per his request. Vice-Chair Sasso responded that he asked Ms. Duffy for her opinion as to what she might consider minor.

Chair McCormick commented that if they wanted a response from Ms. Duffy, should be discussed when she is present.

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the board continue the rules workshop until the next meeting on Rule 61G19-5.006, F.A.C., for the purpose of obtaining input from Ms. Duffy.

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

MOTION: Vice-Chair Sasso made a motion that the board move forward with amending Rule 61G19-5.002, Florida Administrative Code, to increase the maximum penalty in the disciplinary guidelines to \$5,000 per offense.

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

Executive Director – Robyn Barineau

Ms. Barineau stated that she had no additional report at this time.

ICC Update – Rob von Kampen, Ph.D.

CBT Examination Administrations

Dr. von Kampen reported that at the last meeting he was asked if the computer-based examination could be offered eight times a year, and he informed that board that he thinks this could be accommodated. He stated that the only stipulation that ICC would request would be that a candidate could only take the examination four times in the first half of year and four times in the second half of the year.

Ms. Barineau commented that she thought that would be ideal. Dr. von Kampen informed the board that this could be effective by January 1, 2010. Ms. Barineau responded that it may need to be timed with the contract. She will get with the Bureau of Education and Testing to discuss.

Chair McCormick stated that he felt this would accomplish what they were asked to accomplish.

PUBLIC COMMENTS

There were no comments from the public.

OLD BUSINESS

Vice-Chair Sasso stated that he was going to be involved with conducting education seminars and, therefore, he should be taken off the Continuing Education Committee.

Chair McCormick responded that he would like to determine if he has to be removed from the committee before any changes are made. Mr. Dudley stated that he could swap committees with Vice-Chair Sasso.

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 10:47 a.m.