

MINUTES OF THE MEETING

BUILDING CODE ADMINISTRATORS AND INSPECTORS BOARD
CARIBE ROYALE ORLANDO
8101 WORLD CENTER DRIVE
ORLANDO, FL 32821
JUNE 5, 6, 7, & 8, 2007

JUNE 5, 2007

APPLICATION REVIEW COMMITTEE CALL TO ORDER

Mr. Kymalainen, Chair of the Committee, called the meeting to order at 9:10 a.m.

Members Present

Bob Kymalainen, Chair
Nick Sasso

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Edward Silva
Joseph Price
Gustavo Gomez

REVIEW OF APPLICATIONS

The Committee reviewed applications of individuals that were present.

Joseph W. Price, Jr. – Provisional Mechanical Inspector

Mr. Price was present at the meeting and the Committee approved the application.

Edward Silva – Provisional Building Code Administrator

Mr. Silva was present at the meeting and the Committee approved the application.

At this time, the Committee continued to review applications.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 6:00 p.m.

JUNE 6, 2007 – 10:30 A.M.
8:00 – 9:40 BOAF CONFERENCE

CALL TO ORDER, PLEDGE OF ALLEGIANCE AND WELCOME

Vice-Chair Sasso called the meeting to order at 10:31 a.m.

Members Present

Nick Sasso, Vice-Chair
Fred Dudley – arrived at 12:45 p.m.
Dennis Franklin
Bob Kymalainen
Rob Nagin

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Jeffrey Jones, Board Counsel
John W. Connelly, III
Solarab Kermanji
Bill Schutt
Dan Thomas
Douglas Terpenning
Thomas E. Smith
John R. McConnell
Jimmy Strickland
Donald E. Hampton
Igor Bardales
Michael Bohling
David Blassi
Bernard Harper, Jr.
Warren Lutwin
Sheryl Howard
Justo Diaz
David Springer
Terry C. Wells
Andrew Yackso, Jr.
Troy Crews
Larry Lee
Peter Ringle
James Wells
Catherine Spafford
John Ross
Mark Harmon
Wyatt T. Haygood
Michael Guerasio

Wayne Francis
William Ward
Joseph Schubiger
Joe Thimm
David Vines
Robert Broksi

REQUESTS FOR HEARINGS

Igor Ivan Bardales – Provisional Building Inspector

Mr. Bardales was present at the meeting and was sworn in by the court reporter. Additional information was provided at the meeting. Following discussion, the following action was taken.

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

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

Michael Bohling – Plumbing Inspector

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

Motion Died for lack of a second.

Mr. Larry Dale Lee, building official, was present and was sworn in by the court reporter. Following discussion, the hearing was tabled until later in the meeting.

Mr. Bohling and Mr. Lee appeared before the Board later in the day and were both sworn in by the court reporter. An affidavit of experience was provided for the Board's review. Following discussion, the following action was taken.

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

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

Robert Brown – Provisional Building Code Administrator

Mr. Brown was present at the meeting and was sworn in by the court reporter. Additional information had been submitted for the Board's review. During discussion, Mr. Brown informed the Board that he had taken and passed the technical exams and wanted the standard license, not the provisional license. Following discussion, the following action was taken.

MOTION: Mr. Franklin made a motion that the Board approve the building code administrator application as a standard application.

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

Hosea F. Crooms – Provisional Building Inspector

Mr. Crooms was not present at the meeting. Following discussion, the following action was taken.

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

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

Justo Diaz – Building Plans Examiner

Mr. Diaz was present at the meeting and was sworn in by the court reporter. Additional information had been submitted for the Board's review. Ms. Catherine Spafford, building official, was present and was sworn in by the court reporter. Following discussion, the following action was taken.

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

Motion died for lack of a second.

Following discussion, the following action was taken.

MOTION: Vice-Chair Sasso made a motion that the Board uphold the denial of the building plans examiner application.

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

David Q. Galassi – Building Inspector

Mr. Galassi 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. Nagin made a motion that the Board approve the building inspector application.

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

Donald E. Hampton – Mechanical Inspector

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

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

Motion died for lack of a second.

In discussion, it was noted that Mr. Hampton held a CBC license from 1983 to 1998.

MOTION: Mr. Nagin made a motion that the Board approve the mechanical inspector application based on information provided.

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

Mark Hannon – 1&2 Family Dwelling Inspector & Provisional 1&2 Family Dwelling Inspector

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

Following discussion, the following action was taken.

MOTION: Mr. Franklin made a motion that the Board approve the 1&2 family dwelling inspector and provisional 1&2 family dwelling inspector applications.

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

Bernard Harper, Jr. – Building Inspector

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

Following discussion, the following action was taken.

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

Motion died for lack of a second.

Following discussion, the following action was taken.

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

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

Following further discussion, the following action was taken.

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

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

Sheryl Howard – Building Code Administrator, Provisional Building Code Administrator & 1&2 Family Dwelling Plans Examiner – Voluntary

Ms. Howard 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. Ms. Howard informed the Board that she did not want the provisional building code administrator license. She also

stated that she did not have the coastal construction certificate and would reapply for the license at a later date.

MOTION: Vice-Chair Sasso made a motion that the Board uphold the denial of the provisional building code administrator & 1&2 family dwelling plans examiner applications.

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

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

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

Sohrab Kermanj – Building Code Administrator

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

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

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

For the record, Mr. Dudley was present at this time.

Robert E. Kinssies – 1&2 Family Dwelling Inspector

Mr. Kinssies 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. Dudley made a motion that the Board uphold the denial of the 1&2 family dwelling inspector application.

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

Mr. Nagin left the meeting at this time.

Warren Lutwin – Building Inspector

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

Vice-Chair Sasso stated that Mr. Lutwin was granted a hearing on the denial of the building inspector application, however, he had also submitted a new application. Mr. Lutwin informed the Board that he did not want the new application. He wanted to proceed with the hearing.

Following discussion, the following action was taken.

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

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

John R. McConnell, Jr. – Plumbing Inspector, Mechanical Inspector, Electrical Inspector

Mr. McConnell 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. Franklin made a motion that the Board approve the plumbing inspector, mechanical inspector and electrical inspector applications.

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

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the Board reconsider the applications.

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

In discussion, Mr. McConnell stated that the greatest percent of his time was spent in the plumbing and mechanical areas.

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

Motion died for lack of a second.

MOTION: Mr. Dudley made a motion that the Board approve the plumbing inspector and mechanical inspector applications.

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

MOTION: Vice-Chair Sasso made a motion that the Board uphold the denial of the electrical inspector application.

SECOND: Mr. Kymalainen seconded the motion which failed with Mr. Dudley and Mr. Franklin voting against the motion.

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the Board uphold the denial of the electrical inspector application.

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

Peter Ringle – 1&2 Family Dwelling Inspector

Mr. Ringle 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. Kymalainen made a motion that the Board approve the 1&2 family dwelling inspector application.
- SECOND: Mr. Dudley seconded the motion and it passed unanimously.

Joseph Schubiger – Building Code Administrator

Mr. Schubiger 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 building code administrator application.
- SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

Thomas E. Smith – Provisional 1&2 Family Dwelling Inspector & Building Inspector

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

Following discussion, the following action was taken.

Mr. William Tom Wallace, building official, was also present and was sworn in by the court reporter. Mr. Wallace discussed Mr. Smith's experience with the Board.

- MOTION: Mr. Franklin made a motion that the Board approve the provisional 1&2 family dwelling inspector and building inspector applications based on testimony and the additional information submitted.
- SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

David Springer – Building Inspector

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

Following discussion, the following action was taken.

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

Jimmy Strickland – Electrical Inspector, Plumbing Inspector, Mechanical Inspector – Endorsement

Mr. Strickland was present at the meeting and was sworn in by the court reporter. 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 approve the electrical inspector, plumbing inspector and mechanical inspector by endorsement applications.
- SECOND: Mr. Kymalainen seconded the motion and it passed with Vice-Chair Sasso voting against the motion.

Doug Terpenning – Provisional 1&2 Family Dwelling Inspector

Mr. Terpenning 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. In discussion, Mr. Terpenning stated that the building official was present at the meeting. Mr. Jacob Lee Wright, building official, was sworn in by the court reporter. Mr. Wright informed the Board that the hire date for Mr. Terpenning was 2007 not 2006 as indicated on the affidavit.

Following discussion, the following action was taken.

- MOTION: Mr. Dudley made a motion that the Board approve the provisional 1&2 family dwelling inspector application based on the additional information provided.
- SECOND: Mr. Franklin seconded the motion and it passed unanimously.

Daniel E. Thomas – Provisional: Plumbing Inspector, Plumbing Plans Examiner, Mechanical Inspector, Mechanical Plans Examiner; Plumbing Inspector & Plumbing Plans Examiner

Mr. Thomas 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. Mr. Thomas informed the Board that he wanted to withdraw all provisional plumbing related applications. He stated that the only applications that should be considered were for provisional mechanical inspector and mechanical plans examiner.

Following discussion, the following action was taken.

- MOTION: Mr. Franklin made a motion that the Board approve the provisional mechanical inspector and provisional mechanical plans examiner applications based on the additional information provided.
- SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

For the record, Mr. Nagin was present at this time.

David L. Vines – Electrical Inspector, Endorsement – Plumbing Inspector & Mechanical Inspector

Mr. Vines 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. Kymalainen made a motion that the Board approve the mechanical inspector application by endorsement.

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

MOTION: Mr. Dudley made a motion that the Board approve the plumbing inspector application by endorsement.

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

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

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

James Christopher Wells (Reconsideration) – Building Plans Examiner & Provisional Building Plans Examiner

Mr. Wells was present at the meeting and was sworn in by the court reporter. Mr. Jones explained that Mr. Wells had requested a formal hearing and during discussion it was agreed that the applications would be reconsidered by the Board first to see if the issues could be resolved without going to formal hearing. Mr. Jones asked Mr. Wells if he was represented by counsel today. Mr. Wells responded that he was not.

During discussion, Vice-Chair Sasso asked Mr. Wells if he had paid the fines that were imposed by the Construction Industry Licensing Board and if he had paid the restitution. Mr. Wells informed the Board that he had not paid them as he had filed bankruptcy.

Following discussion, the following action was taken.

MOTION: Mr. Franklin made a motion that the Board uphold the denial of the building plans examiner and provisional building plans examiner applications due to the disciplinary action with the Construction Industry Licensing Board.

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

Terry Clayton Wells – Provisional Building Inspector

Mr. Wells was present at the meeting and was sworn in by the court reporter. 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 building inspector application.

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

Andrew Yackso, Jr. – Building Inspector – Endorsement

Mr. Yackso 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. Franklin made a motion that the Board approve the building inspector application by endorsement.

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

REQUEST FOR LICENSE WITHOUT EXAMINATION – JOSEPH THIMM

Mr. Thimm was present at the meeting and was sworn in by the court reporter. He provided information at the meeting for the Board's review. Mr. Jones informed the Board that Mr. Thimm wanted approval from the Board to be exempt from the required examinations for the building code administrator license. Following discussion, the Board denied the request.

REQUEST FOR EXTENSION OF PROVISIONAL LICENSE – JAMES R. ROGERS

Mr. Rogers was not present at the meeting, however, information had been sent to the Board regarding his request.

Following discussion, the following action was taken.

MOTION: Mr. Franklin made a motion that the Board grant a one year extension of the provisional license.

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

RECESS

There being no further business to come before the Board at this time, the meeting was recessed at 4:23 p.m.

JUNE 7, 2007 – 9:00 A.M.

CALL TO ORDER

Vice-Chair Sasso called the meeting to order at 9:03 a.m.

Members Present

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

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Jeffrey Jones, Board Counsel
Eric Hurst, Prosecuting Attorney
Sam Acosta
Arnold Verwel

Robert von Kampen, Ph.D., ICC
Thomas J. Gordon
Robert McDougal
James Brown
Carol Hurst
Wayne Francis
Thomas H. Cox
Michael Fichera
Gordon S. Carew
Robert E. Kegan
Skip Lukert
Robert Brown
John Ayra
Pat Sura
Frank O'Neill
Bill Dumbaugh
Sharon Mignardi
Chery Mason, Court Reporter – American Court Reporting

Mr. Eric Hurst, Assistant General Counsel, informed the Board that he was present on behalf of Ms. Jessica Leigh who was unable to attend this meeting.

INFORMAL HEARING

Samuel Carson Acosta, Case # 2006-028758

PCP Members: Nagin, Dudley, Council

Mr. Nagin and Mr. Dudley were recused as they were on the Probable Cause Panel.

Mr. Acosta was present at the meeting and was sworn in by the court reporter. Mr. Hurst presented the case and informed the Board that the Department recommended that they adopt the allegations of fact.

MOTION: Mr. Kymalainen made a motion that the Board adopt the Findings of Fact as stated in the Administrative Complaint in Case #2006-028758.

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

Mr. Hurst asked Mr. Acosta to present his testimony at this time. Mr. Acosta discussed his case with the Board.

Mr. Hurst informed the Board that the penalty guidelines for this case called for a fine of up to \$1,500.00, costs in the amount of \$1,112.59, and the option of probation, suspension or revocation of the license. Mr. Hurst asked that the Board adopt the Conclusions of Law at this time.

MOTION: Mr. Kymalainen made a motion that the Board adopt the Conclusions of Law as stated in the Administrative Complaint in Case #2006-028758.

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

Following discussion, the following action was taken.

MOTION: Mr. Franklin made a motion that the Board impose an administrative fine in the amount of \$500.00, costs in the amount of \$1,112.59, one year probation, obtain an additional four hours of continuing education within one year and attend a board meeting when the continuing education hours have been completed.

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

SETTLEMENT STIPULATIONS

James Hiram Phillips, Case # 2005-059307

PCP Members: Nagin, Bertolami, Council

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

Mr. Phillips was not present at the meeting. Mr. Hurst presented the case to the Board. He stated that the Department had entered into a Settlement Stipulation which imposed an administrative fine in the amount of \$1,000.00, costs in the amount of \$465.54, one year of probation, and 14 hours of continuing education.

In discussion, it was noted that the 14 hours of continuing education was in addition to the normal renewal requirements.

MOTION: Mr. Franklin made a motion that the Board accept the Settlement Stipulation as presented in Case #2005-059307.

SECOND: Mr. Kymalainen seconded the motion and it passed with Mr. Dudley voting against the motion.

Donald E. Rees, Case # 2006-033598

PCP Members: Nagin, Dudley, Council

Mr. Nagin and Mr. Dudley were recused as they were on the Probable Cause Panel.

Mr. Rees was not present at the meeting. Mr. Hurst presented the case to the Board. He stated that the Department had entered into a Settlement Stipulation which called for the voluntarily relinquishment of Mr. Rees' license.

Following discussion, the following action was taken.

MOTION: Mr. Franklin made a motion that the Board accept the Settlement Stipulation as presented in Case #2006-033598.

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

DEFAULT

Michael L. Lane, Case # 2006-026883

PCP Members: Nagin, Dudley, Council

Mr. Nagin and Mr. Dudley were recused as they served on the Probable Cause Panel.

Mr. Lane was not present at the meeting. Mr. Hurst presented the case to the Board and asked that the Board make a motion affirming that Mr. Lane had waived his rights to a hearing.

MOTION: Mr. Franklin made a motion that the Respondent had waived his rights to hearing.

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

Mr. Hurst stated that the Department recommended that the Board adopt the Allegations of Fact and Conclusions of Law as contained in the Administrative Complaint.

MOTION: Mr. Kymalainen made a motion that the Board adopt the Allegations of Fact and Conclusions of Law as contained in the Administrative Complaint.

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

Mr. Hurst informed the Board that the disciplinary guidelines called for a fine from \$1,500.00 to \$5,000.00, costs in the amount of \$514.98, and probation or revocation.

MOTION: Mr. Franklin made a motion that the Board impose a fine in the amount of \$4,000.00, costs in the amount of \$514.98 and license revocation.

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

PROSECUTING ATTORNEY REPORT – JESSICA LEIGH

Mr. Hurst provided the Board with an updated attorney's report. He stated that Ms. Leigh requested an extension of time for Case #2006-067660. In discussion, Mr. Dudley requested that Ms. Leigh provide the Board with the reason for this extension request at the next meeting.

MOTION: Mr. Dudley made a motion that the Board approve the request for an extension of time for case #2006-067660 for 90 days.

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

Mr. Dudley questioned why the Ratner case was still in status 40 and wanted information presented at the next meeting on this issue.

Cases Referred to State Attorney's Office

This was provided for informational purposes.

RECESS

There being no further business to come before the Board at this time, the meeting was recessed at 10:26 a.m.

RULES AND LEGISLATION COMMITTEE

CALL TO ORDER

Mr. Nagin, Chair of the Committee, called the meeting to order at 10:28 a.m.

Members Present

Rob Nagin, Chair
Fred Dudley
Bob Kymalainen

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Jeffrey Jones, Board Counsel
Nick Sasso, Board Member
Dennis Franklin, Board Member
Wayne Francis
Rob von Kampen, Ph.D.
Robert Brown
Bill Dumbaugh

LEGISLATIVE REPORT – ROB NAGIN

Mr. Nagin informed the Committee that SB404 had not yet been presented to the Governor for signature. He stated that as soon as he had any information, it would be reported to the Building Officials Association of Florida and they would put the information on their web page.

Mr. Dudley reported that SB404 also provided new requirements for CILB applicants to complete a criminal history records check as a condition for licensure consideration. He asked if this Board would be interested in having this added to their requirements. Mr. Dudley said that he thought it should be considered during the Rules and Legislative Committee and a recommendation could be made to the full Board. He suggested that the Board have the Department look at a CILB parallel for the new legislation. Ms. Barineau responded that she would relay this information to the Department.

MOTION: Mr. Dudley made a motion that the Committee request the Department consider legislation for the Building Code Administrators and Inspectors Board requiring a criminal history report from the Florida Department of Law Enforcement for initial licensees.

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

Mr. Dudley commented that there was no definition regarding good moral character in their practice act. He asked Mr. Jones to review this and report back at the August meeting if there would be any value to have a similar definition as the Construction Industry Licensing

Board. Mr. Jones responded that he would review this, discuss the issue with Ms. Leigh, and report at next meeting.

RULES REPORT – JEFFREY JONES

Mr. Jones informed the Committee that his report was in the handout folder. He added that should SB2836 become law, the allowance of 90 days to work, once an application for a provisional license is submitted, will have to be changed to 120 days. He stated that he would proceed with rulemaking if this happens.

PROPOSED CHANGES TO RULE 61G19-6.017, FLORIDA ADMINISTRATIVE CODE, ONE AND TWO FAMILY DWELLING INSPECTOR CERTIFICATION – NICK SASSO

Mr. Sasso stated that this was a suggestion from the Application Review Committee. He stated that some of the applicants have education that they are trying to use to qualify for licensure that is not in a related field. The Committee's understanding is that in order for education to qualify it must be related to the category sought. Mr. Sasso stated that he and Mr. McCormick wanted to further clarify this issue and add to Rule 61G19-6.017, Florida Administrative Code, "in the category sought."

MOTION: Mr. Dudley made a motion that the Committee recommend to the Board that Rule 61G19-6.017, Florida Administrative Code, be amended to add "in the category sought."

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

Mr. Nagin asked Mr. Jones to move forward with rule development.

Mr. Sasso stated that it is getting harder to approve applications as the language for a job superintendent does not have the same level of experience as a contractor. Mr. Kymalainen commented that he personally never sees the contractor. The superintendents are the ones that gain the knowledge. Mr. Nagin agreed and stated that he would not like to see this section deleted. Mr. Dudley stated that he understood their concern and suggested that they strike "managerial."

Following discussion the following action was taken.

MOTION: Mr. Kymalainen made a motion that the Committee recommend to the Board that Rule 61G19-6.017(a) and (b), Florida Administrative Code, be amended by deleting the words "managerial or."

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

OLD BUSINESS

Research Regarding 2 years vs. 3 Years on Provisional Licenses For Use in Standard Licensure Experience Requirement – Jeffrey Jones

Mr. Jones informed the Committee that the change in the expiration date for provisional licenses was in July 2000.

Rule to Codify Procedure to Review Licensure Applications Update – Jeffrey Jones

Mr. Jones informed the Board that the case of Harden vs. Department of Business was still in the briefing stage and there was no decision on the case at this time. Mr. Jones informed the Committee that he will continue to watch this case and will keep the Board informed. Mr. Dudley suggested that Mr. Jones, if the process is upheld in this case, be aware of any rules that will need to be changed.

NEW BUSINESS

Mr. Nagin asked if the Committee wanted to reconsider the experience rule that was developed previously.

MOTION: Mr. Kymalainen made a motion that the Committee reconsider the experience rule.

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

Mr. Nagin stated that the proposed rule defined the experience by category. He stated that this was brought up at the BOAF meeting and would perhaps give current licensees and potential licensees an idea of what the Board considers as qualifying experience. Mr. Sasso stated that he was opposed to this proposal in the past because the list only had certain items. He stated that he did not want to “box them in” where you only have to have certain experience or they are not qualified.

Mr. Nagin stated that the Committee would discuss this proposal at the next meeting.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 11:17 a.m.

EXAMINATION AND CONTINUING EDUCATION COMMITTEE

CALL TO ORDER

Mr. Franklin, Chair of the Committee, called the meeting to order at 11:27 a.m.

Members Present

Dennis Franklin, Chair
Nick Sasso

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Jeffrey Jones, Board Counsel
Bob Kymalainen, Board Member
Fred Dudley, Board Member
Rob Nagin, Board Member
Wayne Francis

Rob von Kampen, Ph.D

**CONTINUING EDUCATION COURSES FOR REVIEW
CONTRACTORS INSTITUTE**

Course Renewal

1. 2-Hour BCAI Laws & Rules (0006975)
Requesting 2 hours LAWS & RULES credit

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

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

BOSS CONSTRUCTION SCHOOL, INC.

New Course

1. Growth Through Design
Requesting 16 hours GENERAL credit

Following discussion, the following action was taken.

MOTION: Mr. Sasso made a motion that the Board deny the course as it was too broad.

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

FIRST COAST CHAPTER ICC/BOAF

New Courses

1. Simply Accessible
Requesting 2 hours AOA credit
2. Understanding the Florida Existing Building Code
Requesting 4 hours GENERAL credit
3. Engineers and Private Providers Inspectors
Requesting 2 hours LAWS & RULES credit
4. Safety and Health Regulations
Requesting 1 hour GENERAL credit

MOTION: Mr. Nagin made a motion that the Committee approve all of the courses as submitted.

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

ATKINS ENGINEERS

Course Renewal

1. Design and Construction of Single Family Homes (0006647)
Requesting 7 hours GENERAL credit

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

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

GORDON DON BRINDLEY

New Course

1. Florida Laws & Rules, Chapter 468, Part XII & 61G19
Requesting 2 hours LAWS & RULES credit

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

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

DEVELOPMENT SERVICES SARASOTA COUNTY

New Course

1. Understanding & Implementing the FEMA 50% Rule
Requesting 1 hour GENERAL credit

Mr. Nagin stated that this course was specific to the Sarasota County flood ordinance. Following discussion, the following action was taken.

MOTION: Mr. Nagin made a motion that the Committee deny the course as submitted as it was too narrowly scoped.

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

Course Renewals

1. The Pool Steel and Deck Inspection (0004745)
Requesting 1 hour GENERAL credit
2. The Monolithic Slab Inspection (0004739)
Requesting 1 hour GENERAL credit
3. The Lintel, Tie Beam and Column Inspection (0004741)
Requesting 2 hours GENERAL credit
4. The Framing Inspection (0004740)
Requesting 4 hours GENERAL credit
5. The Footing Inspection (0004744)
Requesting 1 hour GENERAL credit
6. The Floor Inspection (0004742)
Requesting 1 hour GENERAL credit
7. The Final Building Inspection (0004743)
Requesting 1 hour GENERAL credit
8. Occupancy Separation, Florida Code vs. Tenant Separation (0007000)
Requesting 2 hours GENERAL credit
9. Principles & Practices for Continuing Education (0006648)
Requesting 2 hours LAWS & RULES credit
10. Florida Accessibility for Building Construction (0004737)
Requesting 2 hours AOA credit

Mr. Nagin commented that course #1 had "standard" building code in the syllabus and it should be changed to "Florida."

MOTION: Mr. Nagin made a motion that the Committee approve courses #1 through #8, with the word "standard" being changed to "Florida" in course #1.

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

MOTION: Mr. Sasso made a motion that the Committee deny course #9 as there was too much information for the short time frame.

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

MOTION: Mr. Nagin made a motion that the Committee approve course #10 as submitted.

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

CUTSTONE LEARNING LLC

New Courses

1. Florida Existing Building Code (Internet)
Requesting 2 hours GENERAL credit
2. A Code Comparison: Occupancies in the FBC and Florida Fire Prevention Code (Internet)
Requesting 1 hour GENERAL credit
3. Fair Housing: An In Depth Study of Accessible Routes and Accessible Public and Common Use Areas (Internet)
Requesting 1 hour AOA credit
4. Fair Housing: An In Depth Study of Kitchens and Bathrooms (Internet)
Requesting 1 hour AOA credit
5. An Overview of the Fair Housing Act (Internet)
Requesting 2 hours AOA credit

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

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

GOLD COAST SCHOOL OF CONSTRUCTION, INC.

Course Renewals

1. Regulatory Compliance (0006997)
Requesting 7 hours GENERAL, AOA, LAWS & RULES credit
2. Regulatory Compliance – Internet (0006998)
Requesting 7 hours GENERAL, AOA, LAWS & RULES credit

Following discussion, the following action was taken.

MOTION: Mr. Kymalainen made a motion that the Committee deny course #2 as the rule referenced in the syllabus is incorrect.

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

MOTION: Mr. Dudley made a motion that the Committee approve course #1 as submitted.

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

Mr. Nagin asked Mr. Jones to contrast their rules with Rule 61G4-18.007(7), Florida Administrative Code, and provide the information at the next meeting.

POLK COUNTY BOCC BUILDING DIVISION

New Courses

1. FBC Chapter 11 Florida Accessibility Code
Requesting 2 hours AOA credit
2. Florida Laws and Rules
Requesting 2 hours LAWS & RULES credit
3. FBC, Building, Chapters 1-10 Overview
Requesting 10 hours GENERAL credit

MOTION: Mr. Sasso made a motion that the Committee approve course #s 1 & 2 as submitted.

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

Following discussion, the following action was taken.

MOTION: Mr. Nagin made a motion that the Committee deny course #3 as there was too much information for the time allotted.

SECOND: Mr. Kymalainen seconded the motion and it passed with Mr. Dudley voting against the motion.

DIVISION OF MOTOR VEHICLES/BUREAU OF MH/RV CONSTRUCTION

Course Renewals

1. Review of Department Rules for Manufactured/Mobile Homes (0002973)
Requesting 1 hour GENERAL credit
2. Anchor and Tie Down Installation for Manufactured Housing (0003468)
Requesting 2 hours GENERAL credit
3. Foundation and Pier Installation for Manufactured Housing (0003469)
Requesting 2 hours GENERAL credit
4. Installation Standards for Manufactured/Mobile Homes (0002944)
Requesting 4 hours GENERAL credit

MOTION: Mr. Nagin made a motion that the Committee approve all of the courses as submitted.

SECOND: Mr. Sasso 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 12:08 p.m.

EXECUTIVE COMMITTEE

Call To Order

Vice-Chair Sasso called the meeting to order at 12:08 p.m.

Members Present

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

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Jeffrey Jones, Board Counsel
Wayne Francis
Rob von Kampen, Ph.D
Bill Dumbaugh

OLD BUSINESS

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

NEW BUSINESS

Mr. Dumbaugh asked if a decision had been made regarding the Declaratory Statement he submitted.

Mr. Jones informed the Committee that he was going to discuss this issue during the meeting the following day, however, it was the pleasure of the Board as to when it would be discussed. Since Mr. Dumbaugh was present, the Board asked that Mr. Jones the Declaratory Statement at this time.

Mr. Jones informed the Committee that the request had been properly noticed and it was discussed at the last meeting. The Board formulated a response and he wanted to ensure that the Board approved of the response. Mr. Jones provided a draft of his response as follows: "Pursuant to the exemption of Section 468.602(2), Florida Statutes, an architect or engineer may not delegate an inspection to a representative that is not licensed as an architect, engineer, or building inspector."

The Executive Committee agreed with the language proposed by Mr. Jones.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 12:30 p.m.

JUNE 8, 2007 - 9:00 A.M.

CALL TO ORDER

Mr. Sasso, Vice-Chair of the Board, called the meeting to order at 9:03 a.m.

Members Present

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

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Jeffrey Jones, Board Counsel
Michael Green, Unlicensed Activity Coordinator, Department of Business and Professional Regulation
Don Fuchs
Doug Harvey
Rob von Kampen
Wayne Francis
Patrick Murphy
Joe Crum

APPROVAL OF THE APRIL 17, 18, 29, & 20, 2007, MINUTES OF THE MEETING

Vice-Chair Sasso stated that under "Old Business" the wording needed to be changed to "will begin working on the affidavit."

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

REPORTS

Chair's Report – Nick Sasso, Vice-Chair

Vice-Chair Sasso did not have a report at this time.

Application Review Committee – Bob Kymalainen

Ratification and Denial Lists

Mr. Kymalainen reported that the Committee reviewed 184 applications of which 100 applications were denied and 84 applications were approved.

MOTION: Mr. Nagin made a motion that the Board adopt the actions of the Application Review Committee and also approve the Ratification list.

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

Rules and Legislation Committee – Rob Nagin

Mr. Nagin reported that there was legislation which was currently being reviewed by the Governor.

Mr. Nagin reported that Mr. Dudley made a suggestion for Mr. John McBride of the Department to look into adding a section to Chapter 455, Florida Statutes, regarding automatic criminal background checks, similar to the language in SB404 for Chapter 489, Florida Statutes, licensees. Mr. Nagin stated that Ms. Barineau would discuss this with Mr. McBride.

Mr. Nagin stated that Mr. Jones was going to provide a draft definition of “good moral character” at the next meeting. He reported that Mr. Jones provided the Committee with his rules report.

Mr. Nagin reported that Vice-Chair Sasso had suggested changes to Rule 61G19-6.017, Florida Administrative Code. Subsections (e) and (f) had the words “in the category sought” added which was approved by the Committee. He stated that Vice-Chair Sasso also suggested amending subsections (a) and (b) striking the words “managerial or” from the rule which was approved by the Committee.

Mr. Nagin stated that Mr. Jones updated the Committee regarding the ongoing legal case of Harden vs. Department of Business and stated that at this time, no action was necessary.

Mr. Nagin reported that the Committee discussed the definition of “work experience” included in a previously drafted rule. This issue will be brought before the Committee again for reconsideration at the next meeting.

MOTION: Mr. Franklin made a motion that the Board approve the actions of the Rules and Legislation Committee.

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

Examination and Continuing Education Committee – Dennis Franklin

Mr. Franklin reported that the Committee met and reviewed, for approval or denial, courses submitted for continuing education.

MOTION: Mr. Dudley made a motion that the Board approve the actions of the Examination and Continuing Education Committee.

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

Executive Committee – Nick Sasso, Vice-Chair

Vice-Chair did not have a report to give at this time.

Board Counsel – Jeffrey Jones

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

Executive Director – Robyn Barineau

Continuing Education Update

Ms. Barineau stated that the continuing education was an ongoing issue at this time. The notification letters for continuing education deficiencies were mailed out this week.

Rule Development Workshop

Ms. Barineau stated that the Board would need to conduct a rules development workshop in conjunction with the next meeting if SB404 becomes law with regard to the training program implementation. She asked which day the Board would like to hold the workshop.

Mr. Nagin stated that BOAF should come to the Board meeting with draft language and they would need to have a two hour workshop which could be conducted during the Committee meetings. Mr. Dudley suggested that BOAF provide the draft to Mr. Jones prior to the next meeting in order for him to have time to review the material.

Mr. Fuchs asked what the Board wanted BOAF to present. Mr. Nagin responded the legislation laid out the general guidelines and they were asking BOAF to provide the expectations in the form of rule language. He suggested that they also bring suggestions regarding the number of required hours to the meeting. Mr. Fuchs stated that they would do this for all four trades.

Complaints & Investigative Statistics July 06 – April 07

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

Ms. Barineau reminded the members that all financial disclosure forms needed to be completed, if they had not already done so. She also asked the members to submit their travel information as soon as possible since it was close to the end of the fiscal year.

Michael Green

Update on Educational Pamphlet

2008 Unlicensed Activity Plan

Ms. Barineau introduced Mr. Green, the Department's new Unlicensed Activity Coordinator, to the Board. Mr. Green informed the Board that he had been with the Department for over 10 years as an investigator. He stated that he was interested in the unlicensed activity area and felt that the building department's played a vital role in catching unlicensed individuals.

Mr. Green informed the Board that the Department is currently broadcasting public service announcements featuring Bob Vila and there is also a link to his site on the Department's

web page which contains educational information. He stated that they are also working on new public service announcements. Mr. Nagin requested a copy of the announcement featuring Bob Vila to run on their channel at his building department. Mr. Green responded that he would send the information to him.

Mr. Green stated that there is an ongoing major review of all correspondence ongoing due to the plain language initiative. He stated that he will provide the Board with the educational pamphlets once they are completed.

Mr. Nagin stated that previously there had been discussion of having a card issued that would contain all of the information for contractors, much like a credit card. Mr. Green responded that he would research the issue.

ICC Update – Rob von Kampen, Ph.D.

Dr. von Kampen informed the Board that the paper and pencil examinations were continuing on track along with the computer based testing. He informed the Board that they did not have any plans to reduce the number of paper and pencil examination at this time, however in the next year or two the numbers will be small and will not support continuing paper and pencil testing. Dr. von Kampen stated that they have streamlined the data transfers to reduce the process time.

Dr. von Kampen reported that they are moving forward with the roofing inspector examinations and plan to meet with the experts the week of July 11-13 or July 18-20. He stated that they have five confirmed experts. Dr. von Kampen reported that the modular examinations are ready to be updated, which can be done in a one day meeting. He was waiting on final notification regarding the rule before proceeding.

Dr. von Kampen stated that he will continue to attend the meetings, however in the future, he will have someone from training and education present for ICC courses that will be reviewed by the Board.

CORRESPONDENCE

Letter from Sam Gerace, Executive Director, Florida Association of Plumbing, Gas & Mechanical Inspectors, Inc

This was provided for informational purposes. Ms. Barineau stated that she understood that Vice-Chair Sasso, Mr. Kymalainen and Mr. Franklin would be attending and she had requested travel budget for them to attend, which has not been approved at this time.

Spring 2007 Newsletter

This was provided for informational purposes.

NEW BUSINESS

Mr. Fuchs, on behalf of BOAF, thanked the Board for attending their conference on Wednesday. He stated that the vast majority of members believe the Board is doing a good job. Mr. Fuchs informed the Board that BOAF had done a major revision and they now have a committee for conduct. He reported that there were 303 full conference

attendees, which was less than they had last year as cities and counties have slashed their travel budget. Mr. Fuchs stated that there were 30 to 50 first time attendees.

Mr. Fuchs suggested that the Board may want to consider developing a pamphlet on the differences between inspectors and home inspectors.

OLD BUSINESS

Vice-Chair Sasso reminded the Board of the Application Review Committee's consistency with the five year experience requirement.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:07 a.m.