

## **EXECUTIVE SUMMARY**

### **Florida Building Code Administrators and Inspectors Board**

#### **I. General Information**

Meeting Type: Application Committee, Examination and Continuing Education Committee, Rules and Legislation Committee, Executive Committee, and General Business Meeting  
Meeting Date: Tuesday, June 10, 2008, through Friday, June 13, 2008  
Meeting Location: Naples Grade Beach Resort  
475 Seagate Drive  
Naples, Florida 34103

#### Attendees:

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

Robyn Barineau, Executive Director, Department of Business and Professional Regulation

Elise Rice, Government Analyst, Department of Business and Professional Regulation

Ann Cocheu, Assistant Attorney General, Department of Legal Affairs

Don Fuchs, Building Officials Association of Florida (BOAF)

Doug Harvey, BOAF

Jane Waddell, Contractors Institute

Sharon Mignardi, Cutstone Learning, LLC

Rob von Kampen, International Code Council (ICC)

Steve Shapiro, ICC

Rick Wyland, ICC

Greg Johnson, ICC

Doug Murdock, ICC

Mike Armstrong, ICC

Karen Johnson, ICC

Sharon Dutton, Court Reporter

Other Interested Parties

#### **II. Major Issues/Actions**

- Board members Bob McCormick, Nick Sasso, Richard Gathright, and Bob Kymalainen, Executive Director Robyn Barineau, Government Analyst Elise Rice, and Assistant Attorney General Ann Cocheu served on a panel at the annual conference of the Building Officials Association of Florida (BOAF) answering questions posed by the attendees.

- The Application Review Committee approved 83 applications for licensure, denied 83 applications for licensure, and ratified an additional 50 applications. The board conducted informal hearings for licensure matters, upheld nine previously denied applications, approved ten previously denied applications, and tabled one previously denied application.
- The Examination and Continuing Education Committee approved seven continuing education course applications, and denied nine continuing education course applications.
- Regarding case numbers 2006.064055 and 2006.050616 against Mr. Thomas E. Ratner, the board imposed a fine of \$500, costs of \$750.16, and revocation of both his building inspector and building plans examiner licenses, never to apply for any licenses issued by the Building Code Administrators and Inspectors Board in the future. The board also agreed to allow Mr. Ratner to make payment of the fine and costs within 60 days after release of his current prison term.
- Regarding case number 2007.040555 against Mr. Alex Zigmund, the board imposed a fine of \$1,000, costs of \$225.15, and one year probation which includes an additional 14 hours of continuing education.
- Regarding case number 2006.045343 against Mr. Nicanor Andrade, the board imposed a fine of \$1,500, costs of \$2,201.12, and one year probation which includes an additional 14 hours of continuing education.
- Regarding case number 2007.024630 against Mr. Willie D. Herbert, the board imposed a fine of \$1,000, costs of \$904.23, and one year probation which includes an additional 20 hours of continuing education.
- Ms. Jessica Leigh, Assistant General Counsel, reviewed the Prosecuting Attorney's Status Report and reported that there were 30 building code cases in the legal section as of June 9, 2008.
- The board discussed the declaratory statement submitted by Mr. Pete Quintela, which asked whether or not a mechanical plans examiner could examine construction plans as it relates to the energy code for the mechanical part of the plans and for the electrical, plumbing, building and mechanical parts of the plans. The board agreed to conduct an informal workshop at the August board meeting to discuss these questions.
- The board agreed to discuss the possibility of requiring category-specific continuing education for licensees at the August meeting.
- Mr. Rob Nagin gave an overview of all the building code related bills which have already been filed for consideration during the 2008 legislative session.
- The board discussed the accountability of recordkeeping in building departments as there are currently no standards for protection of records. Ms. Leigh indicated that data manipulation is becoming a problem in disciplinary matters. The board asked Ms. Ann Cocheu, Assistant Attorney General, to research this matter to determine if rules can be promulgated or if a statutory change would be necessary.
- Mr. Fred Dudley mentioned a recent meeting with representatives of the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board relating to solar permitting. He indicated that continuing education providers will need to develop courses for education on this type of permitting.
- The board agreed that future disciplinary penalties should require imposition of a fine and costs, 14 additional hours of continuing education, and for each year of probation, a licensee should be required to attend at least one Thursday and Friday session of a board meeting.

- The board denied the request of Mr. Ray Van Tassell, Jr., to extend his provisional 1&2 family dwelling inspector's license.
- The board agreed to allow Chair Bob McCormick to contact Construction Industry Licensing Board Executive Director, G.W. Harrell, regarding home inspectors and report his findings to the board at their August meeting.
- The board denied the request submitted by Mr. Gerald Martin Liverette for reinstatement of his mechanical plans examiner's license.
- Ms. Barineau informed the board that as of March 31, 2008, their operating account balance was \$995,526 and their unlicensed activity account balance was \$201,311.
- Ms. Barineau asked that all board members submit their travel reimbursement vouchers as soon as possible as the end of the fiscal year is fast approaching.
- Dr. Rob von Kampen, International Code Council, informed the board that more and more building code applicants are taking technical examinations via computer-based testing at 22 Florida locations. He added that pencil and paper examinations continued to be offered four times annually at 11 Florida locations. He indicated that the roofing examinations are now available. The new modular inspector and plans examiner examination forms will be launched in September 2008. Mr. Nagin asked that Dr. von Kampen provide pass rates for computer-based testing versus pencil and paper administrations. Dr. von Kampen will provide this information to Ms. Barineau for dissemination.
- Chair McCormick mentioned that the 2009 BOAF Conference will be conducted in May 2009 in Daytona Beach.
- Ms. Barineau advised the board of the following tentative 2009 meeting dates and locations:
  - February 10-13, 2009 – Orlando, Florida
  - April 7-10, 2009 – Jacksonville, Florida
  - June 9-12, 2009 – Orlando, Florida
  - August 4-7, 2009 – Ft. Lauderdale, Florida
  - October 13-16, 2009 – Orlando, Florida
  - December 1-4, 2009 – Tallahassee, Florida
- The next board meeting will be conducted in Tampa, Florida, from Tuesday, August 12, through Friday, August 15, 2008.

### **III. Legislation/Rule Promulgation**

- There was no additional legislation or rule promulgation.

### **IV. Action Required**

- Ms. Cocheu will prepare final orders and notices of intent to deny and forward to board staff for filing with the Agency Clerk.
- At the next meeting, the board will discuss whether or not a mechanical plans examiner could examine construction plans as it relates to the energy code for the mechanical part of the plans and for the electrical, plumbing, building and mechanical parts of the plans.
- The board agreed to discuss the possibility of requiring category-specific continuing education for licensees at the August meeting.
- Ms. Cocheu will research building department recordkeeping requirements for discussion at the August meeting.

- Chair McCormick will inform the board of his conversation with Mr. G.W. Harrell regarding home inspectors at the next meeting.
- Dr. von Kampen will provide Ms. Barineau with pass rates for computer-based testing versus pencil and paper administrations for distribution.

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Robyn Barineau  
Executive Director  
June 17, 2008