

# MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 01-20-05

**Attendance:** Richard Horton, CH Thomas Utterback, VC Enrique Salvador William Derrer  
Jesus M. Gomez Rolando Diaz Arnold Velazquez Robert Barnes  
Edward Woodard Gregory Pierce Carmen Garcia Justin Manuel  
William Strachan, (Ret. Chief) Alfonso Fernandez-Fraga, P.E.

**Excused:** John Kurzman William Riley Chief Virgil Fernandez

**Staff Present:** Michael Goolsby, Acting Secretary to the Board  
Maria Arista-Volsky, Asst. County Attorney  
Yvonne Bell, Recording Secretary

**Court Reporter:** Isabel Seralnik, Metro Dade Court Reporters

**The meeting commenced at 1:22 P.M.**

## MINUTES OF DECEMBER 16, 2004

Mr. Horton requested a motion of the Board to approve the minutes of the **December 16, 2004** meeting.

Mr. Diaz moved to accept the minutes of the last meeting. Mr. Woodward seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton requested a motion to approve the **Consent Agenda**.

### CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. B0001902/BC001044, Baloyra**

**APPEAL #2: TCO EXTENSION, PERMIT No. 03050503, Halkali & Shook**

Mr. Pierce moved to approve the Consent Agenda items as announced by Mr. Horton. Mr. Barnes seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton then proceeded with the **Regular Agenda Appeals**.

### REGULAR AGENDA APPEALS

**APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Aventura, Delvista Towers, 20225 N.E. 34 Delvista Court, Permit #BL03-959, FBC Section 11-4.3.1, Handicapped Parking Space**

The Building Official advised the members that the issue had since been **resolved** and this appeal no longer needed to be heard by the Board.

**APPEAL #2: APPEAL OF BUILDING OFFICIAL: Town of Bay Harbor Islands, Island Pointe, 10350 West Bay Harbor Drive, FBC Section 1615.2, Roof Top Patio**

Mr. Horton advised the Board that this appeal has been **deferred**.

**APPEAL #3: APPEAL OF BUILDING OFFICIAL: Town of Bay Harbor Islands, 9350 W. Bay Harbor Drive, #2-C, Electrical Permit Requirements**

Mr. John Lipka commented that he is a State licensed contractor and an electrical permit was required by Bay Harbor in the past for this type of mechanical change. He added that the mechanical contractor should not have to pull an electrical permit and now the Building Official is holding back his final inspection and is requesting items beyond the required scope.

Mr. Horton stated that this issue came to the Board prior and they ruled that an electrical permit would be required. He commented that to his knowledge it was appealed and possibly overturned by the Circuit Court.

Asst. County Attorney Maria Arista-Volsky advised them that she did not see a Order on this matter, but she note the Motion filed with the Court for dismissal; not a specific final Order.

Mr. Oriol Torres-Haage, Building Code Compliance Specialist (Electrical) stated that he only addressed the code requirements. He commented that he visited the site and took photographs; he proceeded to bring the Board's attention, through a power point presentation, that the unit air handler was changed and violations to the NEC existed. He went on to add that they used a number twelve wire instead of a number ten.

Mr. Don Jonson, Chief Electrical Inspector for the Town of Bay Harbor, presented the members with backup material and proceeded to inform the members that the original case was based on the South Florida Building Code. He stressed that the Florida Building Code went into effect and is now the governing Code for this case. Mr. Jonson went on to add that this is a safety issue and therefore the unit installation needed to be inspected. He commented that the Building Official has the authority to request these permits and he is not requesting that the high and low voltage conduits be required. Mr. Jonson advised the Board that he would like the contractor to correct the previous work performed.

Mr. Horton asked for a description of the original installation requirement.

Mr. Johnson informed the members that this building was completed in 1980 and that the original installation shows two AC units with one unit at 4 1/2 KW and unit two at 3 1/2 KW. He added that someone else could have possibly performed the change out subsequently.

Mr. Velazquez commented that there are two affidavits before them and proceeded to read the amplifier requirements into the records.

Mr. Alfonso Fernandez-Fraga asked about the exact change out requirements.

Mr. Jonson stated that they issue a permit to the mechanical inspector and conduct a dual inspection.

Mr. Charlie Cangianelli, Building Official, Town of Bay Harbor Islands, commented that there is still an electrical violation at this site.

Mr. Lipka responded that they were never told this, as this is an eight story condominium. He stated that he was advised by Mr. Jonson to separate the conduits and he should not be cited for other violations within the apartment, as his work was performed from the load side out.

Mr. Jonson responded that Mr. Lipka was issued an electrical permit under the areas of his mechanical license, therefore, the load side and control falls on him.

Mr. Cangianelli replied that the wiring needed to be checked, as the new unit will require additional electricity and with the suggested device they can make the building safer.

Mr. Lipka responded that his final inspection is being held up due to another inspection request.

Mr. Jonson stated that he is hooking his condenser up to the conduit and this connection must comply with the code.

Mr. Fernandez-Fraga also wanted clarity on this issue and asked Mr. Lipka if the issue was whether he needed an electrical permit or not.

Mr. Lipka stated that this does not apply in other cities and they do not feel it's proper and there should be no reason to inspect it, but they will correct the violations on the load side. Mr. Lipka further commented that he replaced the unit with a 3 1/2 ton unit and machines are now more efficient and using less power

Mr. Jonson then directed everyone to a photograph of the job.

Mr. Pete Quintela, Building Code Compliance Specialist (Mechanical), commented that the practice of requiring a second permit is not correct and proceeded to inform the members that Florida Statute 489 that allows a mechanical inspector to reconnect and disconnect.

Upon much discussion, Mr. Fraga moved the following: that the Mechanical Contractor did not require an electrical permit when an exact change out was performed; therefore, the Town of Bay Harbor Islands is to revoke the electrical permit. The electrical violations on the load side of the air conditioning disconnect was the responsibility of the Mechanical Contractor in doing work within his scope. Also, a final inspection will be required for the work done on the load side of the air conditioner disconnect which the

Mechanical contractor installed. If the new air conditioner requires a larger over current protection, then a new electrical permit would be required. Mr. Barnes seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton then proceeded with the **Emergency TCO/TCC Appeal Agenda.**

**EMERGENCY AGENDA TCO/TCC APPEALS**

**APPEAL #1: TCO EXTENSION, PERMIT No. 01-5010199, Garcia-Sierra**

**APPEAL #2: TCO EXTENSION, PERMIT No. 02-5016046, Garcia-Sierra**

Mr. Salvador moved to approve 90-day extensions for the above-mentioned TCO Appeal items. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton proceeded with the **Regular Agenda TCO/TCC Appeals.**

**REGULAR AGENDA TCO/TCC APPEALS**

**APPEAL #1: TCO EXTENSION, PERMIT No. 2002-040908, Fonticiella**

Mr. Leonard Fonticiella informed the members that a pump was required prompting the plans to be resubmitted. He added that the pump is on site and they expect a final in a couple of days.

After some discussion, Mr. Derrer moved to grant a 90-day extension. Mr. Woodward seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #2: TCO EXTENSION, PERMIT No. 01-1430, Tillman**

Mr. Noe Martinez stated that he would like to amend the TCO submission to include Unit Nos. 501, 901 and 1606 to the mentioned permit number.

Mr. Mariano V. Fernandez, Building Official, City of Aventura took the podium and added that the floors were submitted in three sections and he consented to adding those areas for a total of four extensions for 90-days.

After some discussion, Mr. Velazquez moved to grant the four 90-day TCO extensions as amended. Mr. Salvador seconded the motion.

**Motion carried unanimously**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

The Appellant was directed to provide Staff with an amended filing for the record.

**APPEAL #3: TCO EXTENSION, PERMIT No. B0500307, Baloyra**

Mrs. Patricia Baloyra was present and advised the members that a 90-day extension was needed to finish the job.

After some discussion, Mr. Diaz moved to grant a 90-day extension. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #4: TCO EXTENSION, PERMIT No. BCO2136/BCCO2135/BCO3158/B9904387, Baloyra**

Mrs. Patricia Baloyra was present and advised the members that the interior passed inspection and a 90-day extension was needed to make completions.

Mr. Diego Procel, Developer stated that they needed 90-days to complete the repairs.

After some discussion, Mr. Diaz moved to grant a 90-day extension. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #5: TCC EXTENSION, PERMIT No. B020213/BCC033802, Lazar**

Mr. Ross Penny was present on behalf of the Ritz Carlton South Beach.

After discussion, Mr. Velazquez moved to grant a 90-day extension from January 2005. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #6: TCC EXTENSION, PERMIT No. B020213/BCC03324, Lazar**

Mr. Ross Penny was present on behalf of the Ritz Carlton South Beach.

After some discussion, Mr. Derrer moved to grant a 90-day extension. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #7: TCO EXTENSION, PERMIT No. 00100163, Sfeir**

Mr. Bassam Sfeir was present and advised the Board that the last item pending was the AC system that needed to be modified.

After some discussion, Mr. Derrer moved to grant a 90-day extension. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #8: TCO EXTENSION, PERMIT No. 02-5019074, Bixby**

After some discussion, Mr. Salvador moved to grant a 90-day extension. Mr. Pierce seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Pierce left the room.

**APPEAL #9: TCO EXTENSION, PERMIT No. BO103868/BCO04212**

Mr. Elmsly Yates informed the members that the extension was needed to complete outstanding work.

After some discussion, Mr. Salvador moved to grant a 90-day extension. Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Pierce returned to the meeting.

**Board Non-Agenda Item: 4601 N.W. 36 Street**

Mr. Craig Shapiro, attorney representing the owner of the property, stated that the contractor has not done any work at this site since the last meeting and they have an inspection scheduled for Tuesday of this week. Mr. Shapiro then proceeded to read a letter into the records stating that Tower has submitted a dispute to Mr. Pistorino's findings. He further commented that the test report is ready; not the results.

Mr. Horton asked about the product approval.

Mr. Shapiro responded that the City has the inspection scheduled, but he was told that the Building Official would not be able to grant any additional extensions.

Mr. Velazquez commented that as he recalled the contractor indicated that a one-time product approval was pending.

Mr. Shapiro responded that what was tested and what was built is an issue.

Mr. Horton stressed that the Building Official should be monitoring this situation.

After some discussion, Mr. Derrer moved to grant a 30-day extension. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Discussion: Interpretation of FBC Chapter 10 – Section 1026.5.1 and Chapter 16 – Section 1617.4**

Mr. Eddie Fernandez, Building Code Compliance Specialist (Building) informed the Board that the interpretation request dealt with the High Velocity Hurricane Zone and guard rail requirements. He pointed out that Section 1026 is in question and proceeded to cite relevant sections of the code.

Mr. Woodward, Mr. Diaz and Mr. Salvador stepped out of the room.

Mr. Horton clarified that this interpretation is a permit issue.

Mr. Hernandez then read Section 1617.4 into the record and stated that Chapter 16 of the Florida Building Code is more restrictive.

Mr. Horton stated that he reads this area differently.

Mr. Hernandez commented that staff conducted some research and found that municipalities are reading it differently as well.

Mr. Horton responded that this is a concern of his and remarked that this whole area relates to construction safety not permitted structures.

Mrs. Nazi Gibbon stated that this issue came about through a project that lead to questions regarding what is the required height of a guardrail, whether to call it a safe guard or a guard rail will make the difference.

Mr. Horton commented that guardrails within the dwelling unit have a 36 inch requirement.

Mrs. Gibbon remarked that she was directed to the load consideration section of the code and the opinion was based on Section 1617.4.1. She added that the shop drawings are now on hold until this issue is resolved.

Mr. Ferras stated that they follow the guidelines of NFPA where in a residential structure it is OK to accept 36 inches. He then gave an example of how the height requirements are applied, indicating that there are some considerations given to the location of the rail, i.e. along the stairs or as a balcony.

Mr. Goolsby clarified that the high-velocity requirements delineates Dade and Broward County and the geographic areas.

Mr. Juan Arteaga, Unincorporated Miami Dade County, stated that they enforces NFPA dwelling and mobility is the change, he talked about the difference between handrails, safeguards and guardrails.

Mr. William Strachan stated that the life safety code requirement is 42 inches.

Upon much discussion, Mr. Horton advised the members that the requirement inside the dwelling is 36 inches acceptable on stairs and 42 inches required on any open balcony area in or out.

**REPORT #1**

**Certification Subcommittee for January 2005**

Mr. Salvador announced that the following individuals are being recommended for **approval** for **Re-Certification for 2005** (See **Attached Inspector Tracking System Applicants per Year Report**) and **New Certification for January 2005**.

**INSPECTOR:**  
Alvarez, Raul H.

**REPRESENTING:**  
City of Doral

**DISCIPLINES:**  
Building Inspector (Structural)  
Chief Building Inspector  
Roofing Inspector (Residential)  
Plans Examiner Building  
Building Inspector (Structural)  
Plans Examiner Structural  
Building Inspector (Structural)  
Plans Examiner Building

Bolt, Peter M.  
Cankat, Mustafa  
Earl, Jr., George J.

Miami-Dade County  
City of Miami Gardens  
City of Miami Gardens

Gonzalez, Carlos A.	City of North Miami Beach	Plans Examiner Plumbing
Hangge, Susan M.	Miami-Dade County	Plumbing Inspector
Hernandez, Roberto L.	City of Miami Beach	Mechanical Inspector
Hill, James D.	City of Sunny Isles Beach	Plans Examiner Building
		Building Inspector (Structural)
		Plans Examiner Building
		Building Inspector Structural
Jimenez, Carlos A.	City of Miami	Plans Examiner Structural
Lampert, Thomas J.	City of Florida City	Building Official
Maruri, Miguel A.	Miami-Dade County	Building Inspector (Structural)
Naranjo, Ismael	City of Sunny Isles	Building Inspector (Structural)
Naumann, Carlos A.	City of Hialeah Gardens	Building Inspector (Structural)
		Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
		Plans Examiner Building
		Plans Examiner Structural
Poirier, Jr., Raymond J.	City of Florida City	Electrical Inspector
	City of Miami Gardens	Electrical Inspector
		Plans Examiner Electrical
Regula, Ronald	City of Miami Gardens	Chief Mechanical Inspector
Saez, Jose A.	City of Sweetwater	Mechanical Inspector
Salazar, Manuel A.	City of Miami Beach	Mechanical Inspector
Sariego, Jorge L.	City of Miami Gardens	Mechanical Inspector

Mr. Salvador moved to **grant Re-Certification and New Certification** for the above-mentioned individuals. Mr. Velazquez seconded the motion.

Mr. Jorge Gamoneda informed the members that **Mr. Scott Carriero** and **Mr. Albert Reyes, Jr.**, should be added to the list for approval for Re-Certification.

Mr. Salvador then advised the members that they also would like to add to the list **Mr. Felix J. Pousa** and **Mr. Dariusz R. Reczek** for **approval** for Re-Certification as well.

The Board accepted these additions.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Gamoneda further commented that Mrs. Osoris Quintana remains outstanding, as well the Building Official for El Portal, who is missing paperwork.

Mr. Salvador then announced that the following individual is being recommended for **rejection** for **New Certification** for **January 2005**.

**INSPECTOR:**

Alvarez, Raul H.  
Maruri, Miguel A.  
Narnajo, Ismael

**REPRESENTING:**

City of Doral  
Miami-Dade County  
City of Sunny Isles Beach

**DISCIPLINES:**

Roofing Inspector (Commercial)  
Building Inspector (Structural)  
Plans Examiner Building

Mr. Salvador stated that they are willing to accept Mr. Naranjo's 3½ years and moved to **grant** him **New Certification** for **January 2005**. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Gamoneda proceeded to inform the members that Mr. Alvarez was being for New Certification for Roofing Inspector (Commercial).

Mr. Velazquez commented that Mr. Alvarez has a general contractor's license.

Mr. Salvador responded that it remains that he can not perform commercial.

Mr. Goolsby commented that Mr. Alvarez just passed the test and he can resubmit his resume indicating this information and the office will work with him.

After some discussion, Mr. Salvador moved to **deny** Mr. Alvarez. Mr. Diaz seconded the motion.

**Motion carried. (Mr. Velazquez was opposed.)**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **REPORT #2**

### **Status Report: Unincorporated Miami Dade County, MIA Concourse "H", Permit #1993278779**

Mr. Jorge Delgado advised the Board that drawings were presented to the Fire Department and they have received all the appropriate approvals. He further added that there is a work order in place and they plan to be on the job early next month.

The Board acknowledged the status report.

### **INFORMATION: Building Officials Association of Florida – December 20, 2004 Informal Interpretation**

Mr. Juan Arteaga, Unincorporated Dade County informed the Board that the Building Officials Association of Florida had rendered an informal interpretation on the case that was at the last BORA meeting addressing accessibility to dumpsters. He stated that in accordance with Chapter 11 of the Florida Building Code, they feel that that these dumpsters are to be handicap accessible.

Mr. Velazquez commented that the Board of Rules and Appeals made a decision on this matter and the Building Official's Association of Florida does not supercede the Board's decisions.

**There being no further business, the meeting was adjourned at 3:25 P.M.**

# MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 02-17-05

**Attendance:** Richard Horton, CH Thomas Utterback, VC Enrique Salvador William Derrer  
Jesus M. Gomez Rolando Diaz Arnold Velazquez Robert Barnes  
John Kurzman Myron Rosner Chief Virgil Fernandez William Strachan, (Ret. Chief)  
Alfonso Fernandez-Fraga, P.E.

**Excused:** Edward Woodard Gregory Pierce Carmen Garcia Justin Manuel  
William Riley

**Staff Present:** Michael Goolsby, Acting Secretary to the Board  
Maria Arista-Volsky, Asst. County Attorney  
Yvonne Bell, Recording Secretary

**Court Reporter:** Isabel Seralnik, Metro Dade Court Reporters

**The meeting commenced at 1:20 P.M.**

Mr. Horton welcomed new Board member Myron Rosner to the Board of Rules and Appeals.

The Board members extended a welcome to Mr. Rosner.

Mr. Horton then requested a motion to approve the **Consent Agenda** items.

## CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. 2002-028727, Sergio**

**APPEAL #2: TCO EXTENSION, PERMIT No. B0303717, Leonard**

**APPEAL #3: TCO EXTENSION, PERMIT No. B0000750, Lazar**

Mr. Kurzman moved to approve the Consent Agenda items as announced by Mr. Horton. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## MINUTES OF JANUARY 20, 2005

Mr. Horton then requested a motion of the Board to approve the minutes of the **January 20, 2005** meeting.

Mr. Salvador moved to accept the minutes of the last meeting. Mr. Barnes seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton then proceeded with the **Regular Agenda Certification Report**.

## REPORT #1

### Certification Subcommittee for February 2005

Mr. Salvador announced that the following individuals are being recommended for **approval** for **Re-Certification for 2005**.

#### INSPECTOR:

Arronte, Ramon

Perez, Andres

Roche, Manuel L.

#### REPRESENTING:

Village of El Portal

Village of Biscayne Park

City of Miami

#### DISCIPLINES:

Building Inspector (Structural)

Building Official

Chief Building Inspector

Roofing Inspector (Commercial)

Roofing Inspector (Residential)

Plans Examiner Building

Mechanical Inspector

Plans Examiner Mechanical

Electrical Inspector

Mr. Salvador then announced that the following individuals are being recommended for **approval** for **New-Certification for 2005**.

**INSPECTOR:**

Alvarez, Raul H.  
Annese, Salvatore D.  
Avalos, Adrian  
Berrios, Carlos  
Blanco, Orlando L.  
Childs, Harry B.  
Fernandez, Mariano V.  
Gonzalez, Carlos A.  
Lampert, Thomas J.  
Lash, Richard A.

Palacio, Eliezer

Perez, Jan Pierre  
Prieto, Rosendo E.

Sariego, Jorge L.

**REPRESENTING:**

City of Doral  
City of Miami Springs  
City of Miami Beach  
City of Miami  
City of Miami Springs  
City of Florida City  
Town of Golden Beach  
Miami Shores Village  
City of Florida City  
City of Hialeah

City of South Miami

Miami Shores Village  
City of Hialeah

City of Miami Gardens

**DISCIPLINES:**

Roofing Inspector (Commercial)  
Building Official  
Roofing Inspector (Residential)  
Building inspector (Structural)  
Plans Examiner Structural  
Chief Building Inspector  
Plans Examiner Structural  
Mechanical Inspector  
Chief Building Inspector  
Building Inspector (Structural)  
Roofing Inspector (Residential)  
Building Inspector (Structural)  
Chief Building Inspector  
Roofing Inspector (Commercial)  
Roofing Inspector (Residential)  
Plans Examiner Building  
Chief Mechanical Inspector  
Building Inspector (Structural)  
Roofing Inspector (Commercial)  
Roofing Inspector (Residential)  
Mechanical Inspector

Mr. Gamonda advised the members that Mr. McCarzen needed to be added to the list for Re-Certification as he has 14 hours of his continuing education completed at this time.

Mr. Salvador moved to **grant Re-Certification and New Certification** for the above-mentioned individuals. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Salvador then announced that the following individuals are being recommended for **rejection** for **New-Certification for 2005**.

**INSPECTOR:**

Berrios, Carlos  
Childs, Harry B.  
Lash, Richard A.

McCann, Richard J.  
Prieto, Rosendo E.

**REPRESENTING:**

City of Miami  
City of Florida City  
City of Hialeah

City of North Miami  
City of Hialeah

**DISCIPLINES:**

Plans Examiner Building  
Building Official  
Roofing Inspector (Commercial)  
Plans Examiner Building  
Building Inspector (Structural)  
Plans Examiner Building

Mr. Salvador moved to **deny** the above-mentioned individuals **New Certification** for **February 2005**. Mr. Derrer seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Salvador further informed the Board that the discussion on **Building Official** qualifications would be addressed at the next meeting and asked that all the interested parties be notified accordingly.

Mr. Horton then continued with the **Regular Agenda Appeals**.

**REGULAR AGENDA APPEALS**

**APPEAL #1: APPEAL OF BUILDING OFFICIAL: Town of Bay Harbor Drive, FBC Section 1615, Delvista Towers, 20225 N.E. 34 Delvista Court, Permit #BL03-959, FBC Section 11-4.3.1, Handicapped Parking Space**

Mr. Horton advised the members that this appeal has been **withdrawn** and no longer needed to be heard by the Board.

**APPEAL #2: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 10115 S.W. 85 Terrace, FBC Section 1001.1.2 & 1005.4.3, Means of Egress**

**APPEAL #3: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 2600 N.W. 123 Street, FBC Section 1001.1.2 & 1005.4.3, Means of Egress**

**APPEAL #4: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 1623 S.W. 100 Avenue, FBC Section 1001.1.2 & 1005.4.3, Means of Egress**

**APPEAL #5: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 10920 S.W. 107 Avenue, FBC Section 1001.1.2 & 1005.4.3, Means of Egress**

**APPEAL #6: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 20340 Highland Lake Blvd, FBC Section 1001.1.2 & 1005.4.3, Means of Egress**

**APPEAL #7: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 16143 S.W. 107 Place, FBC Section 1001.1.2 & 1005.4.3, Means of Egress**

Mr. Kevin Paulsen advised the Board that this issue is regarding the requirements for the means of egress for the window height, which all have expired permits. He advised the members that all of these existing properties were cited for the same violation.

Mr. Flavio Gomez, Unincorporated Miami Dade County, stated that the code is clear and outlines the replacement criteria of a structure and it goes on to make an exemption for minor repairs. He feels that the egress requirements must be reviewed under Chapter 3402. Mr. Gomez added that you can return to the old code only if they abide by the standards.

Mr. Kurman asked about a window seat under the window or can a step be built in front of the window.

Mr. F. Gomez responded that this is not acceptable because it is not permanent and they have enforced this for a long time and have received compliance. He added that the 1970's code states 48 inches and then it was lowered to 44 inches and they have to comply with the new code.

Mr. Horton asked does this ordinance relate to buildings built without a permit.

Mr. F. Gomez answered "no".

Mr. Horton asked about the 25% rule.

Mr. Salvador responded that this is for structural requirements.

Mr. F. Gomez replied that the existing building can be repaired, but the windows have to comply with the new code.

Mr. Paulsen stated that this would require a structural repair, which they do not want to spend that kind of money.

Mr. Eddie Hernandez, (Building) Code Compliance Specialist, stated that this an existing building and proceeded to read into the records Chapter 34 – Section 3401.8.3.2 which establishes specific conditions for window replacement as a major structural repair and states that "existing windows shall be replaced with resistance impact or with shutters, as the specific is the one that governs." He then informed the Board that Staff feels that 44 inches is not required and staff also found that the code was silent on this issue from 1936-1938.

Mr. Kurman stated that to have to change the window opening is not correct, as it will never be equal to what is in existence at this time. He then asked for a remedy to help the situation.

Mr. Hernandez commented that this is a structural problem and the windowsill will now have to be designed and stated that some of them are jalousies that do not comply at all.

Mr. Jose Ferras, Building Official, City of Miami stated that if there is a solid door you do not need the second means of egress for the window and informed them that the City of Miami just requires the specific identified in Chapter 3401.8.3.2.

Mr. Dale Lee, Building Official, City of North Miami Beach, stated that they do not require the opening to be modified as well. He added that this can become expensive to cut these windows down.

Mr. Howard Gordon informed the members that they live at 2035 N.E. 201 Terrace and stated that the house was built in 1961. He explained that the permit was sent back with similar revisions requested and they will add high-impact windows.

Mr. Azan commented that they limit their review and do not require the opening to be changed.

After much discussion, Chief Fernandez moved that as it relates to window replacement Chapter 3401.8.3 should apply and the windowsill height should comply with the code for the year the house was built. Mr. Derrer seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #8: APPEAL OF BUILDING OFFICIAL: City of Doral, 8400 Doral Blvd., General Mills – 3<sup>rd</sup> Floor, FBC Section 13-410.1 ABCD.2.1, Insulation of Ducts/Air Condition Spaces**

Mr. Horton advised the members that this appeal has been **withdrawn** and no longer needed to be heard by the Board.

Mr. Horton proceeded with the **Regular Agenda TCO/TCC Appeals**.

**REGULAR AGENDA TCO/TCC APPEALS**

**APPEAL #1: TCO EXTENSION, PERMIT No. B880095, Fine**

**APPEAL #2: TCO EXTENSION, PERMIT No. BCO000146, Fine**

Mr. Cliff Shulman advised the members that he was taking the place of Robert Fine in presenting the case before them today and proceeded to provide a background history of this appeal. Mr. Shulman explained that this is a 217-unit development with problems with the balconies, which modifications to the plans delayed the repairs. He went on to add that in 1999 the City of Miami Beach closed the case and proceeded to read a letter into the records indicating these findings. He commented that they are trying their best to match the tiles, but the residents have hired an attorney, prompting this appeal to be in litigation. He further mentioned that the health, safety issues and structural work have since been addressed and they need 90-days to finish this project.

Mr. Salvador commented that this is going on for too long and suggested that the contractor be removed. He suggested re-opening the permit and bringing in the contractor for questioning.

Mr. Shulman responded that there is a lot of litigation ongoing, but the South Tower was taken care of rather quickly.

Mr. Neil Linden, Esq., clarified that they are not in litigation for the balconies.

Mr. Utterback made clear that the Board is to address the TCO extension.

Mr. Linden commented that this at the hands of the developer and they do not want to call for a CO on this building, as the building was poorly engineered from the beginning. He remarked that there are less people on the job every day and the contractor is being paid by developer. Mr. Linden explained that some of the residents still have their buildings red tagged and suggested that they complete the structure within 60-days.

Mr. Diaz stated that the City cannot order a contractor to work faster, they are to monitor the permit and litigation is probably the best option for them.

Mr. Linden asked for a remedy or for some form of relief, as judges do not monitor contractors.

Mr. Utterback stated that there is nothing else they can do except approve or deny the extension.

Asst. County Attorney reminded the members that they are to address the TCO extension and informed the appellants to seek additional recourse in the Court system on contractual issues.

Mr. Derrer asked can they finish they work in 90-days, since the money is at hand.

Mr. Strachan asked how many balconies were there.

Mr. Shulman responded that there are 217 balconies and once the tile is found, they will be able to receive a CO.

Mr. Linden stated that this project is over 600 days delayed and now there is a violation over the pool area.

Mr. Salvador asked how many residents were willing to move out.

Mr. Shulman commented that they do not promote this approach.

Chief Fernandez remarked that to put the residents out is not in their best interest, since the Building Official is advising them that the property is OK to occupy.

After some discussion, Mr. Derrer moved to grant the extension retroactive to Jan. 2005. Mr. Utterback seconded the motion.

Mr. Philip Azan, Building Official, City of Miami Beach, informed the members that he will accept an additional TCO extension.

Mr. Salvador stressed to Mr. Azan to stay on top of the contractor.

Mr. Jack Hammer, President of the Association, stated that it has been eight years since the building commenced and suggested to the members that they make the extension time certain. He informed them that the residents are ready to move out and the contractor has indicated to him that he could finish the property within 30-days.

Mr. Azan explained that if the property is not granted an extension he would have to render this property unsafe.

Mrs. Linda Arama stated that they want them to provide a completion date and if nothing is done, they are prepared to take this issue to all the newspapers to get help.

Mr. Utterback suggested amending the TCO to a 30-day extension; instead of 90-days.

Mr. Azan informed the members that this is a South Florida Building Code issue and the 90-day extension was at this time being recommended.

**Motion carried. (Mr. Diaz, Mr. Strachan and Mr. Salvador were opposed.)**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #3: TCO EXTENSION, PERMIT No. B0401202, Burgio**

The extension was granted for 30 days from the date of this hearing.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #4: TCC EXTENSION, PERMIT No. 02-00000727, Suarez**

Mr. Horton advised the members that this appeal has been **withdrawn** and no longer needed to be heard by the Board.

**APPEAL #5: TCC EXTENSION, PERMIT No. B0001114/BCC0000048, Sanger**

**APPEAL #6: TCC EXTENSION, PERMIT No. B0001112/BCC0200351, Sanger**

**APPEAL #7: TCO EXTENSION, PERMIT No. B0001111/BCO04169, Sanger**

Mr. Dan Sanger, Senior Project Manager for the Grand Flamingo, took to the podium, advised the members that they are making progress, and proceeded to request an additional extension. He made note to the Chairman that the agenda needed to be corrected to reflect that Permit No. B0001112 should read North Tower and Permit No. B0001111 should read Main Tower.

After some discussion, Mr. Derrer moved to grant 60-day extensions for permits nos. B0001114 and B0001112 and a 90-day extension for permit no. B0001111. Chief Fernandez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Board Non-Agenda Item: 4601 N.W. 36 Street**

Mr. Craig Shapiro, attorney representing the owner of the property, stated that the contractor still has not done any work at this site and they do not want to have to move out of this property. He informed the members that the Building Official visited the site, but since everything is concealed, a proper inspection was not conducted, as they would need to take everything apart to inspect these areas of concern.

Mr. Velazquez asked about bringing the contractor to the Probable Cause Panel (PCP).

Mr. Horton asked the County Attorney about notification for this issue today.

Asst. County Attorney, Maria Arista-Volsky, responded that the Board could not take action or entertain items that have not been notified properly, beyond the administrative TCO/TCC extension.

Mr. Shapiro stated that the TCO is due to expire in a couple of days.

Mr. Horton asked about issuing the contractor a Notice of Violation.

Mr. Shapiro commented that the revocation of the CO and application was on April 12 and on July 12 another extension was granted and at this point they need another extension.

Mr. Horton advised Mr. Shapiro that the permit remains valid until the TCO expires.

Mr. Velazquez suggested once again sending the contractor to PCP.

At this time, Mr. Herminio Gonzalez, Director, Building Code Compliance Office advised the members that once the TCO expires this building automatically can be considered an unsafe structure and then the Building Official could take action.

Mr. Horton asked about the contractor being brought in on these violations.

Mr. Gonzalez responded that the contractor could be brought in on various violations as deemed appropriate.

Mr. Kurzman asked could the Board legally extend the permit.

Asst. County Attorney advised the members to follow the direction of Mr. Gonzalez.

After some discussion, Mr. Salvador moved to grant a 30-day extension and direct the Building Official to send the contractor of record a Notice of Violation if applicable. Chief Fernandez seconded the motion.

**Discussion:**

Mr. Fernandez-Fraga asked could they just fine the contractor.

Asst. County Attorney reiterated that the contractor needed to be properly noticed if action against them is being considered.

Mr. Horton clarified the issue and stated that they should direct the Building Code Compliance Office to send a letter to the Building Official indicating that he should provide an update and issue any appropriate Notice of Violations.

Mr. Goolsby remarked that the inspection never took place due to the concealed work and the Building Code Compliance Office will ask for the results of the one-time product approval.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**REPORT #2**

**Status Report: Unincorporated Miami Dade County, MIA Concourse "H", Permit #1993278779**

Mr. Jorge Delgado advised the Board that construction commenced last week and the electrical work is undergoing.

The Board acknowledged the status report.

Mr. Velazquez left for the day at 3:13 P.M.

**Non-Agenda Item: Building Code Compliance Office – Product Control Division**

Mr. Jaime Gascon, Acting Chief, Product Control Division, stated that the Building Code Compliance Office was putting together a resolution to maintain the validation step as part of the product approval process in the State's product approval system and that this validation process consists of a technical review by the Product Control Division.

Mr. Horton suggested to the members that they maintain the same standards.

After some discussion, Salvador moved to approve the language as written. Mr. Gomez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**INFORMATION: Florida Building Commission**

Mr. Goolsby advised the members that the Florida Building Commission will be meeting in Miami on March 14, 14 and 16 at the Radisson Hotel.

Mr. Horton suggested that Mr. Goolsby send the members a letter indicating the time and location.

**There being no further business, the meeting was adjourned at 3:20 P.M.**

# MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 03-17-05

**Attendance:** Richard Horton, CH Thomas Utterback, VC Enrique Salvador William Derrer  
Jesus M. Gomez Rolando Diaz Arnold Velazquez Robert Barnes  
John Kurzman Myron Rosner Chief Virgil Fernandez William Strachan, (Ret. Chief)  
Alfonso Fernandez-Fraga, P.E.

**Excused:** Edward Woodard Gregory Pierce Carmen Garcia Justin Manuel  
William Riley

**Staff Present:** Michael Goolsby, Acting Secretary to the Board  
Maria Arista-Volsky, Asst. County Attorney  
Yvonne Bell, Recording Secretary

**Court Reporter:** Isabel Seralnik, Metro Dade Court Reporters

**The meeting commenced at 1:20 P.M.**

Mr. Horton then requested a motion to approve the **Consent Agenda** items.

## CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. 2002-028727, Sergio**

**APPEAL #2: TCO EXTENSION, PERMIT No. B0303717, Leonard**

**APPEAL #3: TCO EXTENSION, PERMIT No. B0000750, Lazar**

Mr. Kurzman moved to approve the Consent Agenda items as announced by Mr. Horton. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## MINUTES OF JANUARY 20, 2005

Mr. Horton then requested a motion of the Board to approve the minutes of the **January 20, 2005** meeting.

Mr. Salvador moved to accept the minutes of the last meeting. Mr. Barnes seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton then proceeded with the **Regular Agenda Certification Report**.

## REPORT #1

### Certification Subcommittee for February 2005

Mr. Salvador announced that the following individuals are being recommended for **approval** for **Re-Certification for 2005**.

**INSPECTOR:**

Arronte, Ramon

Perez, Andres

Roche, Manuel L.

**REPRESENTING:**

Village of El Portal

Village of Biscayne Park

City of Miami

**DISCIPLINES:**

Building Inspector (Structural)  
Building Official  
Chief Building Inspector  
Roofing Inspector (Commercial)  
Roofing Inspector (Residential)  
Plans Examiner Building  
Mechanical Inspector  
Plans Examiner Mechanical  
Electrical Inspector

Mr. Salvador then announced that the following individuals are being recommended for **approval** for **New-Certification for 2005**.

**INSPECTOR:**

Alvarez, Raul H.

**REPRESENTING:**

City of Doral

**DISCIPLINES:**

Roofing Inspector (Commercial)

Annese, Salvatore D.	City of Miami Springs	Building Official
Avalos, Adrian	City of Miami Beach	Roofing Inspector (Residential)
Berrios, Carlos	City of Miami	Building inspector (Structural)
Blanco, Orlando L.	City of Miami Springs	Plans Examiner Structural
Childs, Harry B.	City of Florida City	Chief Building Inspector
Fernandez, Mariano V.	Town of Golden Beach	Plans Examiner Structural
Gonzalez, Carlos A.	Miami Shores Village	Mechanical Inspector
Lampert, Thomas J.	City of Florida City	Chief Building Inspector
Lash, Richard A.	City of Hialeah	Building Inspector (Structural)
Palacio, Eliezer	City of South Miami	Roofing Inspector (Residential)
		Building Inspector (Structural)
		Chief Building Inspector
		Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
		Plans Examiner Building
Perez, Jan Pierre	Miami Shores Village	Chief Mechanical Inspector
Prieto, Rosendo E.	City of Hialeah	Building Inspector (Structural)
		Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
Sariego, Jorge L.	City of Miami Gardens	Mechanical Inspector

Mr. Gamonda advised the members that Mr. McCarzen needed to be added to the list for Re-Certification as he has 14 hours of his continuing education completed at this time.

Mr. Salvador moved to **grant Re-Certification and New Certification** for the above-mentioned individuals. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Salvador then announced that the following individuals are being recommended for **rejection** for **New-Certification for 2005**.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Berrios, Carlos	City of Miami	Plans Examiner Building
Childs, Harry B.	City of Florida City	Building Official
Lash, Richard A.	City of Hialeah	Roofing Inspector (Commercial)
		Plans Examiner Building
McCann, Richard J.	City of North Miami	Building Inspector (Structural)
Prieto, Rosendo E.	City of Hialeah	Plans Examiner Building

Mr. Salvador moved to **deny** the above-mentioned individuals **New Certification** for **February 2005**. Mr. Derrer seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Salvador further informed the Board that the discussion on **Building Official** qualifications would be addressed at the next meeting and asked that all the interested parties be notified accordingly.

Mr. Horton then continued with the **Regular Agenda Appeals**.

**REGULAR AGENDA APPEALS**

**APPEAL #1: APPEAL OF BUILDING OFFICIAL: Town of Bay Harbor Drive, FBC Section 1615, Delvista Towers, 20225 N.E. 34 Delvista Court, Permit #BL03-959, FBC Section 11-4.3.1, Handicapped Parking Space**

Mr. Horton advised the members that this appeal has been **withdrawn** and no longer needed to be heard by the Board.

**APPEAL #2: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 10115 S.W. 85 Terrace, FBC Section 1001.1.2 & 1005.4.3, Means of Egress**

**APPEAL #3: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 2600 N.W. 123 Street, FBC Section 1001.1.2 & 1005.4.3, Means of Egress**

**APPEAL #4: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 1623 S.W. 100 Avenue, FBC Section 1001.1.2 & 1005.4.3, Means of Egress**

**APPEAL #5: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 10920 S.W. 107 Avenue, FBC Section 1001.1.2 & 1005.4.3, Means of Egress**

**APPEAL #6: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 20340 Highland Lake Blvd, FBC Section 1001.1.2 & 1005.4.3, Means of Egress**

**APPEAL #7: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 16143 S.W. 107 Place, FBC Section 1001.1.2 & 1005.4.3, Means of Egress**

Mr. Kevin Paulsen advised the Board that this issue is regarding the requirements for the means of egress for the window height, which all have expired permits. He advised the members that all of these existing properties were cited for the same violation.

Mr. Flavio Gomez, Unincorporated Miami Dade County, stated that the code is clear and outlines the replacement criteria of a structure and it goes on to make an exemption for minor repairs. He feels that the egress requirements must be reviewed under Chapter 3402. Mr. Gomez added that you can return to the old code only if they abide by the standards.

Mr. Kurman asked about a window seat under the window or can a step be built in front of the window.

Mr. F. Gomez responded that this is not acceptable because it is not permanent and they have enforced this for a long time and have received compliance. He added that the 1970's code states 48 inches and then it was lowered to 44 inches and they have to comply with the new code.

Mr. Horton asked does this ordinance relate to buildings built without a permit.

Mr. F. Gomez answered "no".

Mr. Horton asked about the 25% rule.

Mr. Salvador responded that this is for structural requirements.

Mr. F. Gomez replied that the existing building can be repaired, but the windows have to comply with the new code.

Mr. Paulsen stated that this would require a structural repair, which they do not want to spend that kind of money.

Mr. Eddie Hernandez, (Building) Code Compliance Specialist, stated that this an existing building and proceeded to read into the records Chapter 34 – Section 3401.8.3.2 which establishes specific conditions for window replacement as a major structural repair and states that "existing windows shall be replaced with resistance impact or with shutters, as the specific is the one that governs." He then informed the Board that Staff feels that 44 inches is not required and staff also found that the code was silent on this issue from 1936-1938.

Mr. Kurman stated that to have to change the window opening is not correct, as it will never be equal to what is in existence at this time. He then asked for a remedy to help the situation.

Mr. Hernandez commented that this is a structural problem and the windowsill will now have to be designed and stated that some of them are jalousies that do not comply at all.

Mr. Jose Ferras, Building Official, City of Miami stated that if there is a solid door you do not need the second means of egress for the window and informed them that the City of Miami just requires the specific identified in Chapter 3401.8.3.2.

Mr. Dale Lee, Building Official, City of North Miami Beach, stated that they do not require the opening to be modified as well. He added that this can become expensive to cut these windows down.

Mr. Howard Gordon informed the members that they live at 2035 N.E. 201 Terrace and stated that the house was built in 1961. He explained that the permit was sent back with similar revisions requested and they will add high-impact windows.

Mr. Azan commented that they limit their review and do not require the opening to be changed.

After much discussion, Chief Fernandez moved that as it relates to window replacement Chapter 3401.8.3 should apply and the windowsill height should comply with the code for the year the house was built. Mr. Derrer seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #8: APPEAL OF BUILDING OFFICIAL: City of Doral, 8400 Doral Blvd., General Mills – 3<sup>rd</sup> Floor, FBC Section 13-410.1 ABCD.2.1, Insulation of Ducts/Air Condition Spaces**

Mr. Horton advised the members that this appeal has been **withdrawn** and no longer needed to be heard by the Board.

Mr. Horton proceeded with the **Regular Agenda TCO/TCC Appeals**.

**REGULAR AGENDA TCO/TCC APPEALS**

**APPEAL #1: TCO EXTENSION, PERMIT No. B880095, Fine**  
**APPEAL #2: TCO EXTENSION, PERMIT No. BCO000146, Fine**

Mr. Cliff Shulman advised the members that he was taking the place of Robert Fine in presenting the case before them today and proceeded to provide a background history of this appeal. Mr. Shulman explained that this is a 217-unit development with problems with the balconies, which modifications to the plans delayed the repairs. He went on to add that in 1999 the City of Miami Beach closed the case and proceeded to read a letter into the records indicating these findings. He commented that they are trying their best to match the tiles, but the residents have hired an attorney, prompting this appeal to be in litigation. He further mentioned that the health, safety issues and structural work have since been addressed and they need 90-days to finish this project.

Mr. Salvador commented that this is going on for too long and suggested that the contractor be removed. He suggested re-opening the permit and bringing in the contractor for questioning.

Mr. Shulman responded that there is a lot of litigation ongoing, but the South Tower was taken care of rather quickly.

Mr. Neil Linden, Esq., clarified that they are not in litigation for the balconies.

Mr. Utterback made clear that the Board is to address the TCO extension.

Mr. Linden commented that this at the hands of the developer and they do not want to call for a CO on this building, as the building was poorly engineered from the beginning. He remarked that there are less people on the job every day and the contractor is being paid by developer. Mr. Linden explained that some of the residents still have their buildings red tagged and suggested that they complete the structure within 60-days.

Mr. Diaz stated that the City cannot order a contractor to work faster, they are to monitor the permit and litigation is probably the best option for them.

Mr. Linden asked for a remedy or for some form of relief, as judges do not monitor contractors.

Mr. Utterback stated that there is nothing else they can do except approve or deny the extension.

Asst. County Attorney reminded the members that they are to address the TCO extension and informed the appellants to seek additional recourse in the Court system on contractual issues.

Mr. Derrer asked can they finish they work in 90-days, since the money is at hand.

Mr. Strachan asked how many balconies were there.

Mr. Shulman responded that there are 217 balconies and once the tile is found, they will be able to receive a CO.

Mr. Linden stated that this project is over 600 days delayed and now there is a violation over the pool area.

Mr. Salvador asked how many residents were willing to move out.

Mr. Shulman commented that they do not promote this approach.

Chief Fernandez remarked that to put the residents out is not in their best interest, since the Building Official is advising them that the property is OK to occupy.

After some discussion, Mr. Derrer moved to grant the extension retroactive to Jan. 2005. Mr. Utterback seconded the motion.

Mr. Philip Azan, Building Official, City of Miami Beach, informed the members that he will accept an additional TCO extension.

Mr. Salvador stressed to Mr. Azan to stay on top of the contractor.

Mr. Jack Hammer, President of the Association, stated that it has been eight years since the building commenced and suggested to the members that they make the extension time certain. He informed them that the residents are ready to move out and the contractor has indicated to him that he could finish the property within 30-days.

Mr. Azan explained that if the property is not granted an extension he would have to render this property unsafe.

Mrs. Linda Arama stated that they want them to provide a completion date and if nothing is done, they are prepared to take this issue to all the newspapers to get help.

Mr. Utterback suggested amending the TCO to a 30-day extension; instead of 90-days.

Mr. Azan informed the members that this is a South Florida Building Code issue and the 90-day extension was at this time being recommended.

**Motion carried. (Mr. Diaz, Mr. Strachan and Mr. Salvador were opposed.)**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #3: TCO EXTENSION, PERMIT No. B0401202, Burgio**

The extension was granted for 30 days from the date of this hearing.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #4: TCC EXTENSION, PERMIT No. 02-00000727, Suarez**

Mr. Horton advised the members that this appeal has been **withdrawn** and no longer needed to be heard by the Board.

**APPEAL #5: TCC EXTENSION, PERMIT No. B0001114/BCC0000048, Sanger**

**APPEAL #6: TCC EXTENSION, PERMIT No. B0001112/BCC0200351, Sanger**

**APPEAL #7: TCO EXTENSION, PERMIT No. B0001111/BCO04169, Sanger**

Mr. Dan Sanger, Senior Project Manager for the Grand Flamingo, took to the podium, advised the members that they are making progress, and proceeded to request an additional extension. He made note to the Chairman that the agenda needed to be corrected to reflect that Permit No. B0001112 should read North Tower and Permit No. B0001111 should read Main Tower.

After some discussion, Mr. Derrer moved to grant 60-day extensions for permits nos. B0001114 and B0001112 and a 90-day extension for permit no. B0001111. Chief Fernandez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Board Non-Agenda Item: 4601 N.W. 36 Street**

Mr. Craig Shapiro, attorney representing the owner of the property, stated that the contractor still has not done any work at this site and they do not want to have to move out of this property. He informed the members that the Building Official visited the site, but since everything is concealed, a proper inspection was not conducted, as they would need to take everything apart to inspect these areas of concern.

Mr. Velazquez asked about bringing the contractor to the Probable Cause Panel (PCP).

Mr. Horton asked the County Attorney about notification for this issue today.

Asst. County Attorney, Maria Arista-Volsky, responded that the Board could not take action or entertain items that have not been notified properly, beyond the administrative TCO/TCC extension.

Mr. Shapiro stated that the TCO is due to expire in a couple of days.

Mr. Horton asked about issuing the contractor a Notice of Violation.

Mr. Shapiro commented that the revocation of the CO and application was on April 12 and on July 12 another extension was granted and at this point they need another extension.

Mr. Horton advised Mr. Shapiro that the permit remains valid until the TCO expires.

Mr. Velazquez suggested once again sending the contractor to PCP.

At this time, Mr. Herminio Gonzalez, Director, Building Code Compliance Office advised the members that once the TCO expires this building automatically can be considered an unsafe structure and then the Building Official could take action.

Mr. Horton asked about the contractor being brought in on these violations.

Mr. Gonzalez responded that the contractor could be brought in on various violations as deemed appropriate.

Mr. Kurzman asked could the Board legally extend the permit.

Asst. County Attorney advised the members to follow the direction of Mr. Gonzalez.

After some discussion, Mr. Salvador moved to grant a 30-day extension and direct the Building Official to send the contractor of record a Notice of Violation if applicable. Chief Fernandez seconded the motion.

**Discussion:**

Mr. Fernandez-Fraga asked could they just fine the contractor.

Asst. County Attorney reiterated that the contractor needed to be properly noticed if action against them is being considered.

Mr. Horton clarified the issue and stated that they should direct the Building Code Compliance Office to send a letter to the Building Official indicating that he should provide an update and issue any appropriate Notice of Violations.

Mr. Goolsby remarked that the inspection never took place due to the concealed work and the Building Code Compliance Office will ask for the results of the one-time product approval.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**REPORT #2**

**Status Report: Unincorporated Miami Dade County, MIA Concourse "H", Permit #1993278779**

Mr. Jorge Delgado advised the Board that construction commenced last week and the electrical work is undergoing.

The Board acknowledged the status report.

Mr. Velazquez left for the day at 3:13 P.M.

**Non-Agenda Item: Building Code Compliance Office – Product Control Division**

Mr. Jaime Gascon, Acting Chief, Product Control Division, stated that the Building Code Compliance Office was putting together a resolution to maintain the validation step as part of the product approval process in the State's product approval system and that this validation process consists of a technical review by the Product Control Division.

Mr. Horton suggested to the members that they maintain the same standards.

After some discussion, Salvador moved to approve the language as written. Mr. Gomez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**INFORMATION: Florida Building Commission**

Mr. Goolsby advised the members that the Florida Building Commission will be meeting in Miami on March 14, 14 and 16 at the Radisson Hotel.

Mr. Horton suggested that Mr. Goolsby send the members a letter indicating the time and location.

**There being no further business, the meeting was adjourned at 3:20 P.M.**

# MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 04-21-05

**Attendance:** Richard Horton, CH      Thomas Utterback, VC      Enrique Salvador      Jesus M. Gomez  
Rolando Diaz      Arnold Velazquez      Robert Barnes      John Kurzman  
Chief Virgil Fernandez      Edward Woodard      Carmen Garcia      Justin Manuel  
William Strachan, (Ret. Chief)

**Excused:** William Derrer      Myron Rosner      William Riley      Gregory Pierce  
Alfonso Fernandez-Fraga, P.E.

**Staff Present:** Maria Arista-Volsky, Asst. County Attorney  
Michael Goolsby, Acting Secretary to the Board  
Yvonne Bell, Recording Secretary

**Court Reporter:** Lorena Ramos, Metro Dade Court Reporters

**The meeting commenced at 1:17 P.M.**

## MINUTES OF MARCH 17, 2005

Mr. Horton then requested a motion of the Board to approve the minutes of the **March 17, 2005** meeting.

Mr. Salvador moved to accept the minutes of the last meeting. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## REGULAR AGENDA APPEALS

### APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Coral Gables, 814 Ponce De Leon Blvd., FBC 3401.8.3.5, 50% Rule

Mr. Horton informed the members that this appeal has been **withdrawn** and would not be heard by the Board.

### APPEAL #2: APPEAL OF BUILDING OFFICIAL: City of Aventura, 19950 West Country Club Drive, NFPA 101 7.5.1.4.4/8.3.4.2, Fire Rated Door Assemblies

Mr. Michael Goolsby, Acting Secretary, Board of Rules and Appeals introduced the item and informed the members that this appeal is regarding whether the fire sprinkler systems installed on both sides of a ½ full butt glazed door meets the code requirements.

Mrs. Janette Suarez, Cabi Developers, advised the members that Mr. Hector Torres with Cabi Developers would provide the specifics of this appeal.

Mr. Hector Torres, Cabi Developers, stated that the ninth floor is brand new and fully sprinkled and proceeded to explain that they installed glass doors in the lobby area. He indicated that a deluge system was then installed to make the door fire rated, which the Fire Department has denied the use of the glass doors. Mr. Torres commented that in his opinion, this is equal to the 20-minute fire rating and it should be considered an equal alternate. Mr. Torres further added that the corridor is fire rated as well.

Mr. Horton read into the record the requirements cited in NFPA 101.5 regarding corridors.

Lt. Salvy Gurliaccio, Miami Dade Fire and Rescue, commented that the requirement calls for a one-hour fire rated door.

Mr. Torres stated that these doors are inside of their offices and the wooden doors would seal off the corridors.

Mr. Kevin Carrier, Building Code Compliance Specialist (Fire), commented that this is a horseshoe shaped corridor with wooden doors leading to an elevator lobby.

Mr. Torres informed the members that they are only occupants on the ninth floor and the double doors would lock automatically during a fire.

Mr. Velazquez commented that NFPA 101 of the Florida Building Code did not seem to address this issue.

Mr. Diaz commented that there is no direct access to the lobby.

Mr. Horton stated that an alternative is to put in a wood door.

Mr. Carrier mentioned that there are rated glass doors.

Chief Fernandez had an alternative in the form of adding a 20-minute fire rated wooden door system or a deluge system where it would go off when the sprinklers are activated.

Mr. Torres responded that they could add the system suggested by Chief Fernandez.

After much discussion, Mr. Salvador moved to deny the appeal. Mr. Salvador indicated that there were other options available including rated glazing that meets or exceeds the required fire rating. Mr. Diaz seconded the motion for discussion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #3: APPEAL OF BUILDING OFFICIAL: City of Miami Beach, 928 Pennsylvania Avenue, FBC 411.3.4, Open Parking Garage**

Mr. Michael Goolsby introduced the item and informed the members that this appeal is regarding the interpretation of FBC Section 411.3.4., and whether the proposed 8-inch block of the 7" wall meets the requirements of the code.

Mr. Anthony Leon read into the record the intent of FBC 411.3.4 and requested that the Board allow a freestanding concrete 8" block wall that stands 7'0" high. He indicated that the wall would run along the length of the openings of the garage in order to be in compliance with the requirements of FBC 411.3.4. Mr. Leon went on to highlight that the building and garage is fully sprinkled.

Mr. Horton commented that the garage has to be set back 10ft with a one-hour fire rated wall.

Mr. Leon commented that there is one on the property line.

Mr. Hamid Dolikhani, Acting Building Official for the City of Miami Beach, remarked that the intent of the code is to enclose the structure.

Upon much discussion, Chief Fernandez moved to deny the appeal based on the fact that an enclosed wall without openings was mandated for this type of structure. Mr. Velazquez seconded the motion.

**Discussion:**

Mr. Kevin Carrier, Building Code Compliance Specialist (Fire), cited the Florida Building Code 2001 Edition and added that 50% of clear height shall be open.

Mr. Horton reiterated that the City of Miami Beach is requesting that a fire rated wall is required.

Mr. Leon stated that his garage is within 10ft of the property wall and went on to add that there is no definition of the word enclosure in the Florida Building Code. He stressed that his interpretation is that the intent is "along the line."

Mr. Diaz stated that the enclosure means to close and this is what he must do to obtain compliance.

Mr. Strachan asked Mr. Leon why is he insistent on using 7ft.

Mr. Leon responded that the 7ft height matches the height of the building.

Mr. Dolikhani stated that the parking garage extends beyond the boarder line and the sprinkler is not a substitute for a one-hour enclosure.

Mr. Carrier reminded the members of a case, with some similarities, where the Board ruled allowing the use of a combination of systems.

Mr. Leon asked the members what is the intent of the code on this area.

Mr. Utterback commented that this area of concern is a bit puzzling.

Mr. Pete Quintela, Building Code Compliance Specialist (Mechanical), concurred with Mr. Utterback in the fact this area does need more clarity. He suggested that the code should read, "you can not build under less than 10ft."

Mr. Kurzman stated that the door openings have to meet the criteria.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #4: APPEAL OF BUILDING OFFICIAL: City of North Miami, 1600-1650 N.E. 135 Street, FBC 3401.8.3.3, Fire Pump Installation**

Mr. Horton informed the members that this appeal has been **withdrawn** and would not be heard by the Board.

**REGULAR AGENDA TCO/TCC APPEALS**

**APPEAL #1: TCO EXTENSION, PERMIT No. 02010260, Ertel**

Mr. Horton informed the members that the Building Official has indicated that this is the last extension that will be recommended on his behalf.

Mr. Manuel Lopez, Building Official of the City of Coral Gables, stated that the completion of this project has been ongoing for some time and he would like to see closure. He indicated that he does not object to an extension at this time.

After some discussion, Mr. Salvador moved to grant a 90-day extension. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #2: TCO EXTENSION, PERMIT No. B0103868, Nobles**

Mr. Walter Nobles explained to the members that the project is near completion and there are only improvements that need to be addressed. He further explained that some of the delays were due to re-work occurring on 20<sup>th</sup> Street and events taking place near the area.

After some discussion, Mr. Salvador moved to grant a 90-day extension. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #3: TCC EXTENSION, PERMIT No. B0001114/BCC0000048, Sanger**

**APPEAL #4: TCC EXTENSION, PERMIT No. B0001112/BCC0200351, Sanger**

Mr. Dan Sanger informed the members that they are close to receiving a final and have a scheduled fire inspection tomorrow. He anticipates that they will receive a CO shortly.

Upon discussion, Mr. Utterback moved to grant 60-day extensions for the above-mentioned permit numbers. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #5: TCO EXTENSION, PERMIT No. B0100654, Upegui**

Mr. Hamid Dolikhani stated that there are conditions that needed to be addressed, one of them being the fire alarm, which needed to be connected to the rest of the building. He mentioned that this would be the last extension he would recommend granting for this permit.

Mr. Horton remarked that the permit expired on April 4, 2005.

After some discussion, Mr. Diaz moved to grant a 90-day extension from today. Chief Fernandez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #6: TCO EXTENSION, PERMIT No. B0001902/BCO01044, Baloyra**

Mrs. Patricia Baylora addressed the Board and informed the members that the extension is needed to complete the work being done.

After some discussion, Mr. Diaz moved to grant a 90-day extension. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #7: TCO EXTENSION, PERMIT No. BCO2136/BCO2135/BCO3158, Baloyra**

Mrs. Patricia Baylora explained that 11 permits remain open out of an initial 150. She added that the space at the top of the building was an issue.

After some discussion, Mr. Diaz moved to grant a 90-day extension. Mr. Utterback seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #8: TCO EXTENSION, PERMIT No. BCO4174/B0000104, Baloyra**

Mrs. Patricia Baylora further informed the members that there are 40 open permits, of which nine of them were closed on Friday. She explained that there were some contractor issues, but they are close to finalizing everything in a few months.

After some discussion, Mr. Diaz moved to grant a 90-day extension. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #9: TCO EXTENSION, PERMIT No. B0204388, Socarras**

Mr. Ariel Socarras remarked that the extension is needed in order to complete the project.

After some discussion, Mr. Salvador moved to grant a 90-day extension. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #10: TCO EXTENSION, PERMIT No. BCO03373, Reyes**

**APPEAL #11: TCO EXTENSION, PERMIT No. BCO0450, Reyes**

Mr. Richard Reyes stated that the project is 100% completed and only requires finalization of the paperwork associated with obtaining the CO. He remarked that the building was sold and the new owner did not close out the permits, prompting the need for the final inspections.

Upon discussion, Mr. Salvador moved to grant a 90-day extension. Mr. Woodward seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #12: TCO EXTENSION, PERMIT No. 001400163, Salvin**

Mr. Jerry Browski informed the members that there was progress being made at the Gables Club Tower Two and proceeded to outline the details as follows: (1) Connection of AC discharge needed to be connected to the AC system and the design documents are pending approval; (2) Beacon Light installation, the designer has now furnished a design and they are awaiting an approval, which will take two weeks; (3) Stripping of the receiving area is in progress; (4) CMU wall in generator room awaiting design approval; (5) Pending CO's based on owner changes – Turner will secure the CO, (6) Repairs to certain roads – public works will complete the repairs. After outlining these areas of concern, he stressed again that there is progress to obtain compliance.

Mr. Lopez advised the members that this has been ongoing for 1½ years and the same items are still pending. He further advised the members that there is a dispute between the Owner and Turner Construction.

Mr. Salvador asked when the permit expired.

Mr. Velazquez responded that the permit expired on April 15, 2005.

After some discussion, Mr. Salvador moved to deny the appeal. Mr. Woodward seconded the motion.

**Discussion:**

Mr. Browski informed the Board that the disputes have nothing to do with the delays.

Mr. Kurzman stated that when the general contractor signs the contract it is their ultimate responsibility to secure the CO.

The President of the Association, The Gables Club Tower Two, stated that he was elected president six months ago and there is progress. He mentioned that they had a meeting with Turner about two months ago and Turner has agreed to pay for these repairs. It was at this time he requested a 90-day extension for this project.

Chief Fernandez then suggested that they meet with the Building Official to work out the specifics.

Mr. Utterback stated that the owner has suffered a lot of loss and perhaps they can extend the permit with the condition that this is the last one.

At this time, Mr. Salvador withdrew his motion to deny the appeal and moved to extend the permit for 60-days, indicating that he felt that this should be the last one granted for this project. Chief Fernandez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

*Mr. Gomez and Mr. Utterback stepped out of the room.*

**REPORT #2**

**Status Report: Unincorporated Miami Dade County, MIA Concourse "H", Permit #1993278779**

Mr. Jorge Delgado advised the Board that the electrical work is ongoing; however, the fire lines and the shop drawings were not approved yet. He informed the members that these changes have now moved the completion date to August 2005.

The members accepted the report as provided by Mr. Delgado.

**REPORT #1**

**Certification Subcommittee for April 2005**

Mr. Salvador announced that the following individuals are being recommended for **approval for New-Certification for 2005.**

<b><u>INSPECTOR:</u></b>	<b><u>REPRESENTING:</u></b>	<b><u>DISCIPLINES:</u></b>
Alvarez, Elio	Village of El Portal	Chief Electrical Inspector Electrical Inspector Plans Examiner Electrical
Annese, Richard	Village of El Portal	Building Inspector (Structural) Roofing Inspector (Residential)
Arronte, Ramon L.	City of Miami Gardens	Building Inspector (Structural) Roofing Inspector (Commercial) Roofing Inspector (Residential)
Bassing, Thomas J.	Village of El Portal	Plans Examiner Building Chief Plumbing Inspector Plans Examiner Plumbing Plumbing Inspector
Blanco, Orlando L.	Village of El Portal	Building Inspector (Structural) Plans Examiner Building Plans Examiner Structural
Childs, Harry B.	City of Florida City	Building Official
Dolikhani, Hamid	City of Miami Beach	Building Official
Figueredo, Luis A.	Miami-Dade County	Plans Examiner Mechanical
Guasp, Jorge	Village of El Portal	Electrical Inspector Plans Examiner Electrical

Hangge, Susan M.	City of Hialeah	Building Inspector (Structural) Plans Examiner Building Plans Examiner Structural
Hendriksen, Keith E. Hernandez, Jorge M.	City of Florida City Village of Palmetto Bay	Electrical Inspector Building Inspector (Structural) Roofing Inspector (Commercial) Roofing Inspector (Residential) Plans Examiner Building
Martin, John F.	City of Homestead	Chief Electrical Inspector Plans Examiner Electrical
Menéndez, Tomas	Village of El Portal	Electrical Inspector Plans Examiner Electrical
Navia, Jesus O'Donnell, William R. Perez, Andre F. Perez, Jan Pierre	City of Miami Gardens City of Miami Beach Miami-Dade County Village of El Portal	Roofing Inspector (Commercial) Building Inspector (Structural) Building Inspector (Structural) Chief Mechanical Inspector Mechanical Inspector Plans Examiner Mechanical
Richard, Robert A. Rivas, Angel R.	Miami-Dade County Village of El Portal	Plans Examiner Building Building Inspector (Structural) Chief Building Inspector Plans Examiner Building
Rodriguez, Jesus Rodriguez, Raul V. Travieso, Omar F. Urrutia, Jorge	City of North Miami Village of El Portal Miami-Dade County Village of El Portal	Building Inspector (Structural) Building Official Building Inspector (Structural) Building Inspector (Structural) Roofing Inspector (Commercial) Roofing Inspector (Residential)
Valdes-Linares, Manuel Vargas, Angel L.	Village of El Portal Village of El Portal	Plans Examiner Structural Building Inspector (Structural) Roofing Inspector (Commercial) Roofing Inspector (Residential)
Willis Henry	City of Miami Gardens	Building Inspector (Structural) Roofing Inspector (Commercial) Roofing Inspector (Residential)
Wong, Ernest M.	Village of El Portal	Plans Examiner Building Mechanical Inspector Plans Examiner Mechanical

Mr. Kurzman moved to **grant New Certification** for the above-mentioned individuals. Chief Fernandez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Salvador then announced that the following individual was being recommended for **rejection** for **Re-Certification** for **2005**.

**INSPECTOR:**

Fernandez, Daniel

**REPRESENTING:**

City of Coral Gables

**DISCIPLINES:**

Electrical Inspector  
Plans Examiner Electrical

***(Failed to take the mandatory 12 hours of Continuing Education through the Building Code Compliance Office).***

Mr. Salvador advised the members that Mr. Fernandez has complied with the continuing education through the Building Code Compliance Office; therefore, he will move to **grant Re-Certification** for Mr. Fernandez. Chief Fernandez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**INFORMATION: - Jorge Gamoneda**

Mr. Jorge Gamoneda, (Plumbing) Code Compliance Specialist, submitted to the members a copy of a memo from the Office of the Inspector General regarding a contractor arrested for submitting fraudulent documents. He further advised the Board that this inspector was terminated as an inspector and a copy of this letter would be placed in the employee's file.

Mr. Goolsby remarked that the memo from the County Attorney addresses offenses prior to becoming an inspector.

**DISCUSSION: - Chairperson and Vice-Chairperson Election for 2005**

Mr. Woodward moved to nominate Mr. Horton for Chairperson and Mr. Utterback for Vice-Chairperson. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**There being no further business, the meeting was adjourned at 2:36 P.M.**

# MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 05-19-05

**Attendance:** Richard Horton, CH Enrique Salvador Jesus M. Gomez Rolando Diaz  
Arnold Velazquez Robert Barnes John Kurzman Carmen Garcia  
William Derrer Myron Rosner Gregory Pierce

**Excused:** Thomas Utterback, VC William Riley Chief Virgil Fernandez William Strachan, (Ret. Chief)  
Edward Woodard Justin Manuel Alfonso Fernandez-Fraga, P.E.

**Staff Present:** Maria Arista-Volsky, Asst. County Attorney  
Michael Goolsby, Acting Secretary to the Board  
Yvonne Bell, Recording Secretary

**Court Reporter:** Lorena Ramos, Metro Dade Court Reporters

**The meeting commenced at 1:15 P.M.**

## MINUTES OF APRIL 21, 2005

Mr. Horton then requested a motion of the Board to approve the minutes of the **April 21, 2005** meeting.

Mr. Diaz moved to accept the minutes of the last meeting. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton then asked for a motion to accept the **Consent Agenda** items.

## CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. 2002-028727, Sergio**

**APPEAL #2: TCC EXTENSION, PERMIT No. B0303717, Leonard**

**APPEAL #3: TCO EXTENSION, PERMIT No. B0000750, Lazar**

Mr. Kurzman moved to approve the Consent Agenda items as announced by Mr. Horton. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## REGULAR AGENDA APPEALS

**APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Coral Gables, 220 Aragon Avenue, FBC 1617.5, Vehicle Safeguard Barriers**

### **Part I of the Appeal - Barriers**

Mr. Michael Goolsby, Board of Rules and Appeals Acting Secretary, introduced the item and informed the members that this appeal is regarding Section 1617.5 & Section 2413.1 of the Florida Building Code as it relates to the project located at 220 Aragon Avenue, a museum garage in Coral Gables.

Mr. Eduardo Lamas, Bermello Ajamil & Partners, informed the members that today was the grand opening for the garage and proceeded to provide them with photographs of the parking garage. He advised them that this was an enclosed eight-story, single entrance garage with a double pre-cast ramp, which can hold over 600 cars. Mr. Lamas further added there are two interior stairs that have smoke insulation vestibules.

Mr. Kurzman asked about motorcycles being able to access the garage.

Mr. Lamas responded that motorcycles are not permitted in the garage.

Mr. Manuel Lopez, City of Coral Gables Building Official, commented that the main concerns are the barriers and the doors. He mentioned that there is really no information on this area in the code and added that a motorcycle could in fact go through these openings

Mr. Horton remarked that the safeguards were required at 42 inches for every garage that he has built.

Mr. Lamas commented that there is a decorative grill on every opening.

Mr. Horton asked the County Attorney about the ordinance on motorcycle use within the City of Coral Gables.

Mrs. Maria Arista-Volsky, Asst. County Attorney, informed the members that existing local vehicle ordinances was not relevant to the appeal.

Mr. Lamas commented that the City Director would make this decision.

Mr. Iqbal Shaikh, Senior Building Code Compliance Specialist advised the members that he concurred with the Building Official in the fact that there is a need for a barrier. He mentioned that the Florida Building Code requires a barrier at a one-foot drop.

After much discussion, Mr. Diaz moved to deny the appeal with regard to Section 1617.5, finding that vehicle barriers are required in all openings of the exterior walls of the parking garage regardless of their width. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Coral Gables, 220 Aragon Avenue, FBC 1617.5, Vehicle Safeguard Barriers**

**Part II of the Appeal - Stairs**

Mr. Eduardo Lamas explained that the second part of the appeal addressed the stairs that are inside the building. He explained that there is a smoke vestibule and as a means of egress, the door swings into exit the stair. Mr. Lamas continued to explain that the Building Official is requiring that the doors are product approved, but he feels that there is no door that will meet his requirements. He informed the members that there are vision panels for security and most people will use the stairs to exit.

Mr. Lopez informed the members that the building is enclosed for ventilation and the walls on the stairs are designed for wind load. He added that the door has to be designed for wind load as well and there are doors available to accommodate the stairs.

Mr. Shaikh showed a photograph of the structure that depicted walls that are a part of the door. He further mentioned that the doors have to be designed for wind load.

Mr. Velazquez moved to reverse the decision of the Building Official with respect to Section 2413.1 thus deciding that the doors of the two stairs are not required to meet the exterior door provisions. Mr. Barnes seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #2: APPEAL OF BUILDING OFFICIAL: City of Miami Beach, Normandy Terraces Building, 1931 Normandy Drive, FBC 411.3.4, Open Parking Garage**

Mr. Goolsby introduced the item and informed the members that this appeal is regarding Section 411.3.4 of the Florida Building Code as it relates to the project located at 1931 Normandy Drive. He mentioned that the appellant has proposed to build a fully sprinkled building that will have parking under Type VI Group R-2 (Apartments) Occupancy.

Mr. Jose Montoya, Representative of Developers, cited Section 411.3.4 of the Florida Building Code and explained to the members that this building is in the permitting process and is designed for parking. He commented that the lot is 50 feet wide and the garage opening is less than 10ft of the property line.

Mr. Robin Hale, Code Consultant, asked what the intent of the enclosure is and stated that the walls are masonry and the building is fire rated. He commented that some multi-structures are not required to be sprinkled, but this building is fully sprinkled. Mr. Hale went on to add that garages are classified as low hazard and, through a test conducted for life safety, it was found that a fire in a garage would produce limited damage. At this time, Mr. Hale requested a revision to the sprinkler system and informed the members that they would consider adding a deluge system.

Mr. Diaz commented that the code specifies "enclosure wall."

Mr. Hale remarked that the wall is up for privacy.

Mr. Hamid Dolikhani, City of Miami Beach Acting Building Official, stated that Section 411 is clear and the use is for a garage, which prompts the need for a one-hour fire rated wall.

Mr. Velazquez asked Mr. Dolikhani whether he would accept a deluge system.

Mr. Dolikhani responded that if they were to install the deluge system he might consider it.

Mr. Kevin Carrier, Building Code Specialist (Fire), stated that the issue is whether this is a parking garage, if so, it must meet the required standards of Section 411.3.

Mr. Gomez commented that they could not build on the property line.

Mr. Dolikhani stated that this is also a Zoning regulation requirement.

Ms. Liliana Murillo remarked that this is a life safety issue and the Fire Department is aware of these circumstances.

Upon much discussion, Mr. Horton asked the appellant would she like to withdraw her appeal and meet with the Building Official on compliance options.

Ms. Murillo stated that she would withdraw her appeal at this time and continue discussions.

The members acknowledged this request.

Mr. Horton then requested that staff seek a declaratory statement on this issue.

### **REGULAR AGENDA TCO/TCC APPEALS**

#### **APPEAL #1: TCC EXTENSION, PERMIT No. B0001111/BCO4169, Sanger**

Mr. Dan Sanger informed the members that three areas have already received a CO and the extension is needed to complete the last area.

Mr. Dolikhani expressed that he had no objections to another extension.

After some discussion, Mr. Velazquez moved to grant a 90-day extension. Mr. Barnes seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

#### **APPEAL #2: TCO EXTENSION, PERMIT No. 02-5016046, Fine**

#### **APPEAL #3: TCC EXTENSION, PERMIT No. 01-5010199, Fine**

Mr. Patrick Range explained that the extension is needed to complete work on the residential floors.

After some discussion, Mr. Salvador moved to grant a 90-day extension. Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

#### **APPEAL #4: TCO EXTENSION, PERMIT No. 9700865/BCO01061, Bloomberg**

Mrs. Jennifer Badgley commented that she was present on behalf of Mr. Ron Bloomberg.

Upon some discussion, Mr. Salvador moved to a grant 90-day extension. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **REPORT #1**

#### **Certification Subcommittee for May 2005**

Mr. Salvador announced that the following individuals are being recommended for **approval** for **New-Certification for 2005**.

**INSPECTOR:**

Adecocea, Julio R.

Bostick, Derek L.

**REPRESENTING:**

City of Doral

City of Homestead

**DISCIPLINES:**

Plans Examiner Building

Mechanical Inspector

Coll, Nino Cronin, John C. Desharnais, George W.	City of Miami City of North Bay Village Miami Shores Village	Chief Plumbing Inspector Plumbing Inspector Building Inspector (Structural) Building Official Electrical Inspector Electrical Inspector Plans Examiner Electrical
Granados, Humberto E. Hall, John T.	City of Homestead City of Doral	Building Inspector (Structural) Building Inspector (Structural) Roofing Inspector (Residential) Electrical Inspector Plans Examiner Electrical
Mañon, Emmanuel Medina, Erick	City of Miami City of Hialeah	Chief Building Inspector Plans Examiner Building Roofing Inspector (Residential) Building Inspector (Structural) Electrical Inspector Plans Examiner Electrical
Morrison, Daniel R.	City of Miami Beach	Building Inspector (Structural) Plans Examiner Building Electrical Inspector Mechanical Inspector Plans Examiner Mechanical
Nieda, Daniel B.	Town of Golden Beach	
O'Donnell, William R. Pousa, Felix J.	City of Miami Beach City of Homestead	
Rodriguez, Jorge M. Varona, Antonio L. Watkins, Kim R. Wong, Ernest M.	City of North Bay Village City of Miami City of Miami Beach City of Aventura	

The following individuals are being recommended for **approval** for **Re-Certification** for 2005.

<b><u>INSPECTOR:</u></b> De Leon, Samuel Mosbat, Mark	<b><u>REPRESENTING:</u></b> City of Miami Beach City of Miami Beach	<b><u>DISCIPLINES:</u></b> Building Inspector (Structural) Building Inspector (Structural)
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Mr. Diaz moved to **grant New Certification and Re-Certification** for the above-mentioned individuals. Mr. Derrer seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Salvador then announced that the following individuals were being recommended for **rejection** for **New Certification** for 2005.

<b><u>INSPECTOR:</u></b> Bostick, Derek L.	<b><u>REPRESENTING:</u></b> City of Homestead	<b><u>DISCIPLINES:</u></b> Plans Examiner Mechanical Plans Examiner Mechanical (Res.)
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**(Applicant must hold Mechanical License as Plans Examiner for 5 years)**

Mr. Diaz moved to **reject** Mr. Bostick for **New Certification**. Mr. Derrer seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

<b><u>INSPECTOR:</u></b> Medina, Erick <b>(Applicant does not meet the experience requirement for Commercial Roofing Inspector as per Miami-Dade County Code Chapter 8, Article 2, Section 21.2(4)(c)(3)(cc).)</b>	<b><u>REPRESENTING:</u></b> City of Hialeah	<b><u>DISCIPLINES:</u></b> Roofing Inspector (Commercial)
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Mr. Diaz moved to **reject** Mr. Medina for **New Certification**. Mr. Derrer seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

<b><u>INSPECTOR:</u></b> Palacio, Eliezer	<b><u>REPRESENTING:</u></b> Town of Miami Lakes	<b><u>DISCIPLINES:</u></b> Building Official
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**(Applicant does not meet minimum five year experience requirements under his CGC License, as required by Chapter 8 of the Miami-Dade Code.**

Mr. Salvador explained to the members that Mr. Palacio passed the exam in April, but was not notified until July, therefore, he should be approved from April.

Mr. Pierce moved to **grant New Certification** for Mr. Palacio. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

*Mr. Gomez stepped out of the room.*

**REPORT #2**

**Status Report: Unincorporated Miami Dade County, MIA Concourse "H", Permit #1993278779**

Mr. Jorge Delgado advised the Board that 48% of the electrical work is completed and they expect to be completed in August 2005.

The members accepted the report as provided by Mr. Delgado.

**EMERGENCY AGENDA**

Mr. Barnes moved to hear the Emergency Agenda items. Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

*Mr. Gomez returned to the meeting.*

**EMERGENCY AGENDA TCO/TCC APPEALS**

**APPEAL #1: TCO EXTENSION, PERMIT No. B0202132/BCC03385/BCC03324, Lazar**

Mr. Arnold Long informed the members that subcontractors are still working to finalize their work in order to obtain a final certificate of occupancy.

Mr. Diaz moved to grant a 90-day extension. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #2: TCO EXTENSION, PERMIT No. B8800095, Fine**

**APPEAL #3: TCO EXTENSION, PERMIT No. BCO000146, Fine**

Mr. Robert Fine asked that they consolidate these appeals and proceeded to explain that the balconies are complete. He requested a 90-day extension.

Mr. Neil Linden, Attorney for the Association, stated that they have received many extensions and they have not received a final inspection as of this date. He stated that there are no life safety issues to this building and suggested that the Board only give them a 30-day extension.

The Director of the Association informed the members that this building remains without a certificate of occupancy and the developer has been able to build additional buildings without being held accountable.

Mr. Kurzman stated that if they have to vacate it would be a tremendous hardship on the homeowners.

The Director of the Association stated that this is what they would like to occur if this action would lead to progress.

Mr. Dolikhani commented that the repair work is completed and to his knowledge, only one unit did not pass inspection. There is other minor work as well. He added that the life-safety issues needed to be re-certified before he signs off on the permit.

At this time, Mr. Salvador moved to deny the appeal. Mr. Barnes seconded the motion.

**Discussion:**

Mr. Derrer asked could this work be completed within 30-days.

Mr. Fine stated that prior to Mr. Azan leaving he was to provide a list of items to be corrected. He informed them that the railings on the edge of the pool needed to be repaired. Mr. Fine further informed the members that the Association has hired someone else to do the fire system and they should not have to certify their work.

Mr. Joe Samaua, Representative for the Developer, stated that they have worked with Mr. Dolikhani and they need a specific list as to what needed to be completed.

Mr. Dolikhani responded that life-safety issues needed to be re-certified.

Mr. Horton suggested that in order to obtain compliance that they meet and discuss what is pending.

Upon much discussion, Mr. Horton called for a vote on Mr. Salvador's motion to deny the appeal.

**Motion failed.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Diaz then moved to grant 30-day extensions for permit nos. **B8800095** and **BCO000146**. Mr. Derrer seconded the motion.

**Motion carried.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**INTERPRETATION: - Request of Miami Dade County Code Chapter 8 – Emergency Action by Building Official**

Mr. Dolikhani advised the members that he had some inquiries about Unsafe Structures Section 8-5 (E) Emergency Action.

Mr. Goolsby read the staff opinion into the record outlining a response to the questions as requested by Mr. Dolikhani.

Mr. Dolikhani asked if a structure has been deemed unsafe and there is an appeal in the courts that has not been heard yet, then what effect does an event, like start to Hurricane Season, have on determining an emergency.

Mr. Goolsby commented that Section 8-5 does not permit the Building Official to demolish the structure, but they can order the property vacated, temporarily close the sidewalks, streets and other adjacent buildings.

Mr. Kurzman asked about the court appeals procedure.

Asst. County Attorney stated that this is not the case and the City has the power to move on issues within their jurisdiction in order to act on an emergency.

Mrs. Rhonda Montoya-Hassaan, City of Miami Beach Attorney, remarked that they are looking for guidance and at what point does something become an emergency, especially unsafe structures.

Asst. County Attorney commented that this is a legal opinion that needed to be addressed at the City of Miami Beach City Attorney's Office, as to Building Official liability.

Upon much discussion, Mr. Kurzman moved to accept the Building Code Compliance Office staff interpretation. Mr. Barnes seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**There being no further business, the meeting was adjourned at 3:00 P.M.**

# MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 07-21-05

**Attendance:** Richard Horton, CH      Thomas Utterback, VC      Enrique Salvador      Jesus M. Gomez  
Rolando Diaz      Arnold Velazquez      Robert Barnes      William Riley  
Chief Virgil Fernandez      Edward Woodard      Gregory Pierce      John Kurzman  
William Derrer      Alfonso Fernandez-Fraga, P.E.      William Strachan, (Ret. Chief)

**Excused:** Myron Rosner      Justin Manuel      Carmen Garcia

**Staff Present:** Peter Tell, Asst. County Attorney  
Michael Goolsby, Acting Secretary to the Board  
Yvonne Bell, Recording Secretary

**Court Reporter:** Janice Aguirre, Metro Dade Court Reporters

**The meeting commenced at 1:25 P.M.**

## MINUTES OF JUNE 16, 2005

Mr. Horton then requested a motion of the Board to approve the minutes of the **June 16, 2005** meeting.

Mr. Woodward moved to accept the minutes of the last meeting. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton then requested a motion to approve the **Consent Agenda** items.

## CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. 02110241, Fine**

**APPEAL #2: TCO EXTENSION, PERMIT No. B0001902/BCO01044, Baloyra**

**APPEAL #3: TCO EXTENSION, PERMIT No. 2002109075, Gonzalez**

Mr. Woodward moved to approve the Consent Agenda items as announced by Mr. Horton. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

At this time, Mr. Horton took a moment to recognize Chief Virgil Fernandez as the new Chief of the Department for the City of Hollywood.

The members expressed their regards.

## REGULAR AGENDA APPEALS

### APPEAL #1: APPEAL OF BUILDING OFFICIAL: Village of El Portal, 65 N.E. 90 Street, Canvas Awning Requirements

Mr. Horton advised the members that this appeal has been **withdrawn by the appellant** and no longer needed to be heard by the Board.

### APPEAL #2: APPEAL OF BUILDING OFFICIAL: City of Miami, 1800 Club, 1800 Biscayne Blvd., FBC Sec. 412.51 (2), Smoke Control Ventilation

Mr. Horton advised the members that this appeal has been **withdrawn by the appellant** and no longer needed to be heard by the Board.

## REGULAR AGENDA TCO/TCC APPEALS

**APPEAL #1: TCO EXTENSION, PERMIT No. B0000104/BCO04174, Baloyra**

Mrs. Patricia Baloyra informed the members that 25 permits remain open at this time and there is continuous work on the site.

After some discussion, Mr. Salvador moved to grant a 90-day extension. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #2: TCO EXTENSION, PERMIT No. BCO2135/BCO2136/BCO3158, Baloyra**

Mrs. Patricia Baloyra informed the members that there is a bankruptcy hearing next week on this property and an extension is needed to follow through with outstanding items.

After some discussion, Mr. Velazquez moved to grant a 90-day extension. Mr. Barnes seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #3: TCO EXTENSION, PERMIT No. B0103868, Nobles**

Mr. Walter Nobles commented that the extension is needed to finalize minor work in the courtyard.

After some discussion, Mr. Pierce moved to grant a 90-day extension. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #4: TCO EXTENSION, PERMIT No. B0000931, Gredene**

Mrs. Rose Jerez remarked that they are in the process of changing the contractor.

After some discussion, Mr. Pierce moved to grant a 90-day extension from today. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #8: TCO EXTENSION, PERMIT No. B0203562, Nardi**

Mrs. Rose Jerez remarked that they are in the process of changing the contractor on this property as well and working on obtaining finals.

After some discussion, Mr. Salvador moved to grant a 90-day extension from today. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #5: TCO EXTENSION, PERMIT No. 03020193, Tobin**

Mr. Bill Parker stated that the TCO extension is for the first and second floor and they expect to be completed by September 17, 2005.

After some discussion, Mr. Salvador moved to grant a 90-day extension. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #6: TCO EXTENSION, PERMIT No. B0104686, Longone**

A representative for the Spear Building informed the members that drawings are completed and an extension is warranted.

After some discussion, Mr. Salvador moved to grant a 90-day extension. Chief Fernandez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #7: TCO EXTENSION, PERMIT No. B0001111/BCO04169, Sanger**

Mr. Dan Sanger commented that eight permits are pending and an extension is needed to complete this process.

After some discussion, Mr. Diaz moved to grant a 90-day extension. Mr. Barnes seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #9: TCO EXTENSION, PERMIT No. B8800095, Fine**  
**APPEAL #10: TCO EXTENSION, PERMIT No. BCO00146, Fine**

Mr. Cliff Shulman informed the members that construction work has commenced at the site and work is ongoing. He added that the pool deck railings are being worked on and they are moving forward towards compliance.

Mr. Neil Linden, Representative for the Association, concurred with the statements made by Mr. Shulman and proceeded to inform the members that on July 8 the developer did in fact call for an inspection. Mr. Linden then thanked the Board for acting with consistency on this matter and asked that they grant a 60-day extension since there is no meeting in August.

Upon some discussion, Chief Fernandez moved to grant two consecutive 60-day extensions for the above-mentioned permits. Mr. Salvador seconded the motion.

**Motion carried unanimously.**  
*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**REPORT #1**

**Certification Subcommittee for July 2005**

Mr. Salvador announced that the following individuals are being recommended for **approval** for **New-Certification for 2005**. He also mentioned to the members that he would like to add Mr. Robert Ruiz to the New Certification List. Mr. Ruiz has complied with the Board of Rules and Appeals standards and has submitted all outstanding application documents.

<b><u>INSPECTOR:</u></b>	<b><u>REPRESENTING:</u></b>	<b><u>DISCIPLINES:</u></b>
Clarke, Jeanne L.	Miami-Dade County	Plans Examiner Structural
De la Cruz, Rafael A.	City of Miami Beach	Building Inspector (Structural)
Errickson, Spencer P.	Miami-Dade County	Plans Examiner Building
Fuego, Victor R.	City of Doral	Building Inspector (Structural)
Garcia, Heberto A.	City of Hialeah Gardens	Plans Examiner Plumbing
		Plumbing Inspector
Gibson, William W.	City of Miami	Building Inspector (Structural)
Gonzalez, Lissette	Miami-Dade County	Plans Examiner Building
Hall, John T.	City of Hialeah	Chief Electrical Inspector
Lapica, Juan E.	City of Miami	Plans Examiner Structural
		Plans Examiner Building
Merced, Eric	City of Miami Beach	Electrical Inspector
Nanni, Danilo	City of Miami Beach	Building inspector (Structural)
Nisr, Nal A.	Miami-Dade County	Building Inspector (Structural)
Perdigon, Gerardo A.	City of Hialeah	Building Inspector (Structural)
		Roofing Inspector (Residential)
Perez, Freddy E.	City of Miami	Plans Examiner Plumbing
		Plumbing Inspector
Quicuti, Heriberto	City of Miami Gardens	Building Inspector (Structural)
		Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
Roy, Lucien P.	Miami-Dade County	Plumbing Inspector
Saymon, Burt J.	City of Homestead	Chief Mechanical Inspector
		Plans Examiner Mechanical
Travers, John T.	City of Hialeah	Plans Examiner Electrical
Wallace, Robert A.	City of Doral	Mechanical Inspector
		Plans Examiner Mechanical
Wong, Ernest M.	City of Aventura	Chief Mechanical Inspector
	City of Sweetwater	Chief Mechanical Inspector
*Ruiz, Robert J.	Town of Medley	Chief Electrical Inspector

Chief Fernandez moved to **grant New Certification** for the above-mentioned individuals with the addition of Mr. Robert Ruiz. Mr. Diaz seconded the motion.

**Motion carried unanimously.**  
*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Salvador then announced that the following individual is being recommended for **rejection** for **New Certification for 2005**.

**INSPECTOR:**

Ruiz, Robert J.

**REPRESENTING:**

Town of Medley

**DISCIPLINES:**

Chief Electrical Inspector

~~(Need application filled with all additional documents required by BORA)~~

Vazquez, Eduardo

City of Miami

Plans Examiner Structural

**(Applicant does not have P.E. in Structural discipline. Applicant does not have enough experience in structural design of structures. A detailed resume indicating project list, structural design experience and number of months of design experience gained on each project is required.)**

Mr. Jorge Gamoneda, Plumbing, Code Compliance Specialist, stated that Mr. Eduardo Vazquez did not take the exam under the structural discipline.

Mr. Velazquez asked where the exam was taken.

Mr. Gamoneda responded that he has a Florida license.

After some discussion, Chief Fernandez moved to reject Mr. Vazquez. Mr. Derrer seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**EMERGENCY AGENDA**

Mr. Velazquez moved to hear the emergency agenda items. Chief Fernandez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**EMERGENCY CONSENT AGENDA**

**APPEAL #1: TCC EXTENSION, PERMIT No. 03050503, Cate & Shook**

Mr. Fernandez-Fraga moved to grant a 60-day extension. Mr. Barnes seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**EMERGENCY AGENDA APPEAL**

**APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Miami Beach, Bath Club, 5937 Collins Avenue, SFBC Chap. 39 Section 3901 & 3905, Smoke Control System**

Mr. Goolsby explained that the appellant was appealing the decision of the Building Official within the City of Miami Beach regarding the smoke control systems in the lobby area of the Bath Club condominium.

Mr. Michael Larkin informed the members that this is a five-acre parcel with three structures within the City of Miami Beach and the nature of the appeal is whether a mechanical smoke system is required in the lobby. He then provided the Board with a background history of the appeal. Mr. Larkin remarked that in February 2002 the plans were submitted and they were never told of this requirement, already having spent over one million dollars in construction cost.

Mr. Bui Wei, Representative for Bath Club, stated that there are no living quarters in this area and in February 2003 the permit was issued.

Mr. Larkin clarified that the permit was in fact obtained in 2002.

Mrs. Rhonda Montoya-Hasan, Senior Legal Consultant for the City of Miami Beach stated that the actual date of the permit was February 28, 2002.

Mr. Wei continued to say that the stairs are pressurized and the floors above the lobby is protected by smoke evacuation and pressurization and one floor below will remain pressurized. Mr. Wei also added that the lobby consists of mostly glass and there are nine air changers going out and six coming in.

Mr. Horton asked about the doors leading to the towers.

Mr. Wei responded that this hallway is not pressurized, because it is not a living area. He also stressed that the fire command room is near this area.

Mrs. Montoya-Hasan informed the members that the lobby area contains retail space and the plans indicate this as well.

Mr. Hale remarked that there is an area for the sale of magazines and sodas.

Chief Fernandez asked about an early warning system.

Mr. Hale responded that there is not much in the lobby, where there is limited seating.

Mrs. Montoya-Hasan reminded the members that the appeal was submitted under Section 3905.6(c).

Mr. Strachan asked about an exception to this area of the code.

Mr. Hale responded that the mechanical area references the means of egress and proceeded to explain to the members that fires usually start in the bedrooms or living areas.

Mr. Phil Azan, Senior Consultant, City of Miami Beach, stated that the permit was applied for on February 28, 2002. He commented that the Building Official could in fact ask that items be corrected and more importantly, the issue is what is applicable in the code. Mr. Azan went on to add that Chapter 18 of the South Florida Building Code, Section 1802.3 states that buildings exceeding 50 feet in height shall comply to Chapter 39 and clearly this building is not in compliance with this area.

Mr. Pete Quintela, (Mechanical) Code Compliance Specialist, commented that Mr. Azan is correct and proceeded to inform the members that the system in place does not comply with the intent of the code for design. He then showed a PowerPoint presentation of the property, which depicted the lobby entry doors. He further added that the Building Official required that a life safety study test be performed, which concluded that the system does not comply with the code.

Mr. Larkin clarified that the issue was how the smoke control system is being implemented.

Upon much discussion, Chief Fernandez moved to deny the appeal and uphold the decision of the Building Official to require a smoke control system for the lobby area of this high-rise building. Mr. Diaz seconded the motion.

### **Discussion:**

Mr. Fernandez-Fraga commented that this system was approved in other municipalities, but in this matter, plans were presented and tweaked and a couple of years later it was found that a smoke evacuation system is needed. He stated that certain things needed to be projected and if pressurization were in place, they would not be here. He offered several suggestions: they could rely on the new code, install breakable glass or rearrange the exit criteria.

Chief Fernandez offered to withdraw his motion and have the appellant withdraw their appeal in order to meet with the City of Miami Beach to find a solution to this matter.

Mr. Quintela offered guidance during this process as well, in order for them to obtain compliance.

Mr. Nester Vega stated that they would look into the options as suggested by Mr. Fernandez-Fraga.

Mrs. Montoya-Hasan stated that the City of Miami Beach would be open to guidance from Mr. Quintela.

### **Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

*Mr. Gomez stepped out of the room.*

### **REPORT #2**

Mr. Jorge Delgado, Project Manager, informed the members that there is still work in progress and out of the five gates, four have been completed with inspections that were approved. He also added that they received the new fire pump yesterday and it will be installed next week and it remains that they will be completed in August.

The Board acknowledged this report.

## **EMERGENCY AGENDA TCO/TCC APPEAL**

### **APPEAL #1: TCO EXTENSION, PERMIT No. 015007912, Torres**

**Representatives were not present for this appeal.**

Mr. Velazquez moved to grant a 90-day extension, as per the Building Official's recommendation. Mr. Barnes seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

*Mr. Gomez returned to the room.*

## **INFORMATION**

### **MIA North Terminal**

Mr. William Riley informed the members that the subcontractors have been terminated at the North Terminal and asked the help of the Building Code Compliance Office in researching the permits and permit holders. He stated that Turner Construction has been off the job and there are many permits pending and he does not want the qualifier or the permits to be caught in a dilemma. Mr. Riley further stated that the 2005 code is nearing implementation and he would like to see that this issue is addressed.

Mr. Jesus Gomez expressed the same concerns as Mr. Riley on this matter.

### **Ethics Training**

Mr. Pierce then asked about the mandatory Ethics Training that is to be administered during the August recess.

Mr. Goolsby informed the members that they would be notified accordingly of this training date.

**There being no further business, the meeting was adjourned at 2:55 P.M.**

# MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 09-15-05

**Attendance:** Richard Horton, CH      Thomas Utterback, VC      Enrique Salvador      Jesus M. Gomez  
Rolando Diaz      Arnold Velazquez      Robert Barnes      William Riley  
Chief Virgil Fernandez      Edward Woodard      Gregory Pierce      John Kurzman  
William Derrer      Myron Rosner      Carmen Garcia  
Alfonso Fernandez-Fraga, P.E.      William Strachan, (Ret. Chief)

**Excused:** Justin Manuel

**Staff Present:** Maria Arista-Volsky, Asst. County Attorney  
Michael Goolsby, Acting Secretary to the Board  
Yvonne Bell, Recording Secretary

**Court Reporter:** Janice Aguirre, Metro Dade Court Reporters

**The meeting commenced at 1:25 P.M.**

## ANNOUNCEMENTS

Mr. Horton advised the members that board member Myron Rosner would no longer be serving as a member of the Board of Rules and Appeals. He is currently an elected official and cannot serve on the Board while holding this position.

The members wished Mr. Rosner well and thanked him for his service on the Board.

## MINUTES OF JULY 21, 2005

Mr. Horton then requested a motion of the Board to approve the minutes of the **July 21, 2005** meeting.

Mr. Salvador moved to accept the minutes of the last meeting. Mr. Rosner seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton then requested a motion to approve the **Consent Agenda** items.

## CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. 02110241, Martin**

**PERMIT No. 02070411, Martin**

**PERMIT No. 02080461, Martin**

**PERMIT No. 02110055, Martin**

**PERMIT No. 02080537, Martin**

**PERMIT No. 02080132, Martin**

**PERMIT No. 02080523, Martin**

**PERMIT No. 02100579, Martin**

**PERMIT No. 02080540, Martin**

**PERMIT No. 02090236, Martin**

**PERMIT No. 02080093, Martin**

**APPEAL #2: TCC EXTENSION, PERMIT No. 03050503, Cate**

Mr. Pierce moved to approve the Consent Agenda items as announced by Mr. Horton. Mr. Woodward seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## REGULAR AGENDA APPEALS

**APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Miami, Eileen Strul Residence, 145 S.W. 49 Avenue, Product Approval for Roofing Tile**

Mr. Michael Goolsby, Building Code Compliance Office read into the record the appeal item and informed the members that the use of a roofing product for the above-mentioned location was the issue.

Mr. Reese Moody, Senior Technical Services, Eastern Region, bought in a sample of the tile in question and proceeded to state that the company is aware that the tiles were properly marked. He further mentioned that an auditor inspected the tile and confirmed that MonierLifetile approved the tiles. In an abundance of caution, they have offered to provide the homeowner with an affidavit indicating that this product in fact belongs to MonierLifetile.

Mr. Velazquez asked about the manufacturer's quality assurance and whether they have a Notice of Acceptance.

Mr. Goolsby answered that they do have a Notice of Acceptance.

Mr. Pierce asked Mr. Moody how they are identifying their tile.

Mr. Jose Ferras, City of Miami Building Official, informed the members that the homeowner hired a contractor who went through a lawsuit and could not complete the job. During this process, it was noted that the roof tiles were being placed without the label and that MonierLifetile is the distributor. Mr. Ferras affirmed that he could not accept a product that was not properly marked.

Mr. Horton asked was there any reason to doubt that these tiles are not from the same distributor.

Mr. Ferras responded that the point is that neither he nor the homeowner will accept the affidavit from MonierLifetile.

After some discussion, Mr. Pierce moved to grant the appeal and reverse the decision of the Building Official. The Board stipulated that the manufacturer's affidavit of authenticity would be an acceptable alternative for product identification and could be used by the Building Official in lieu of product labeling.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #2: APPEAL OF BUILDING OFFICIAL: Miami Dade County, 19100 S.W. 106 Avenue, #2, FBC Sec. 104.1.2, Required Permits**

Mr. Goolsby read into the record the appeal item and informed them that the appeal is the decision of the Building Official regarding the requirements of a permit for a darkroom for the property located at 19100 S.W. 106 Avenue, #6.

Mr. Denny Wood at the start of his presentation asked that Mr. Thomas Utterback recuse himself from this hearing today.

Mr. Horton asked Mr. Wood on what basis should Mr. Utterback be removed from hearing this appeal.

Mr. Wood responded that Mr. Utterback was involved in a case some time ago and he felt that he might not be impartial.

At this time, Mr. Horton asked for the County Attorney's opinion.

Asst. County Attorney Maria Arista-Volsky responded that no conflict had been identified; therefore, Mr. Utterback can hear and vote on this case.

Consequently, Mr. Horton asked Mr. Wood to proceed with his case.

Mr. Wood began with informing the members that his place of business is located at 19100 S.W. 106 Avenue and next door to his property, there is another building with numerous violations. He indicated that he reported those violations and now the owners and the Building Department have targeted his business.

Mr. Horton asked for clarity on the code Section being applied.

Mr. Wood read into the record the applicable Section and proceeded to explain that the darkroom has a concrete floor with a freestanding wall unit and he is not connected to the electrical power. He continued to add that during the inspection he informed the inspector that the sides of the unit were not attached to anything. Mr. Woods clarified that documents show him to be in Unit 12, which is not his property.

Mr. Flavio Gomez, Unincorporated Miami Dade County, stated that this case was initiated from a referral for violations at this property, which prompted an inspection. It was at this time that numerous violations were witnessed.

Mr. Wood took the opportunity to view the photographs as submitted by Unincorporated Miami Dade County and informed the members that some of the pictures were not his property.

Upon continuing with the testimony, Asst. County Attorney asked the court reporter to mark only the site photographs that were Mr. Wood's property.

Mr. Horton then asked Mr. Wood to identify the photographs that apply to his structure by number.

Mr. Wood responded that photographs one, two and three are of his structure.

Mr. F. Gomez continued with his testimony and commented that the Notice of Violation also issued a violation for installing of the light fixtures. He further mentioned that this is not a temporary structure and permits are warranted for the entire structure.

Mr. Wood further explained that the inspector did not find any nails bolted on any part of the dark room, there is no blockage anywhere and once again, it is not connected or attached to the building.

Mr. Barnes asked whether the structure was similar to a dressing room.

Mr. F. Gomez replied that this is a work area with a ceiling, which needed to be investigated. He also added that there is plumbing installed.

Mr. Wood remarked that there is no plumbing at this site.

Mr. Kurzman asked could he obtain a permit for this structure.

Mr. F. Gomez responded that he can apply for a permit, but he could not speak for the Zoning department.

Mr. Eddie Fernandez, Building Code Compliance Office, stated that staff agreed with the recommendation of the Building Official in requiring that a permit be obtained.

After much discussion, Chief Fernandez moved to deny the appeal and affirmed the decision of the Building Official to require a building permit for the existing interior darkroom at 19100 SW 106 Avenue, Unit #2. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **REGULAR AGENDA TCO/TCC APPEALS**

### **APPEAL #1: TCO EXTENSION, PERMIT No. 1995049753, Mainster**

Mr. Steve Mainster stated that this facility is used to shelter residents of South Dade and the extension is needed to complete the construction of the elevator.

After some discussion, Mr. Kurzman moved to grant a 90-day extension from the date of expiration. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **APPEAL #2: TCO EXTENSION, PERMIT No. 03-5014780, Glasser**

Mr. Sergio Negreira stated that the extension is needed to finalize outstanding items that are preventing the issuance of the final certificate of occupancy.

After some discussion, Mr. Salvador moved to grant a 90-day extension. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **APPEAL #3: TCO EXTENSION, PERMIT No. 2003-033488, Pereira**

Chief Fernandez moved to grant a 90-day extension as recommended by the Building Official. Mr. Woodward seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **APPEAL #4: TCC EXTENSION, PERMIT No. BCC03012**

Mr. Ernesto Garcia was present on behalf of the Rappaport Residence.

After some discussion, Mr. Salvador moved to grant a 60-day extension from today. Mr. Woodward seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #5: TCO EXTENSION, PERMIT No. 05-00736/05-00744**

Mr. Neil Casen, Representative for Ron Bloomberg remarked that they are near completion and the ADA final inspection is scheduled for October 19.

Mr. Jose Ferras, Building Official, City of Miami remarked that there were ADA issues that needed to be resolved.

After some discussion, Mr. Woodward moved to grant a 90-day extension for the above-mentioned permit number. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #6: TCO EXTENSION, PERMIT No. BCO05181, Hornberger**

**APPEAL #7: TCO EXTENSION, PERMIT No. BCO05186, Hornberger**

**APPEAL #8: TCO EXTENSION, PERMIT No. BCO05187, Hornberger**

**Representatives were not present for these appeals.**

After some discussion, Mr. Pierce moved to grant 90-day extensions for the above-mentioned permit numbers. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #9: TCC EXTENSION, PERMIT No. B0205128, Sbroggio**

Mr. Graziano Sbroggio, Vice President, stated that they are unable to obtain a final inspection until the theatre is complete.

After some discussion, Mr. Pierce moved to grant a 60-day extension. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #10: TCO EXTENSION, PERMIT No. 02-5016046, Fine**

**APPEAL #11: TCO EXTENSION, PERMIT No. 01-5010199, Fine**

Mr. Mario Garcia-Serra stated that the extension is needed to complete some remaining items.

Upon discussion, Mr. Salvador moved to grant two 90-day extensions for the above-mentioned permit numbers. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #12: TCO EXTENSION, PERMIT No. B0303717, Whitley**

**APPEAL #13: TCO EXTENSION, PERMIT No. BCO04422, Whitley**

Mrs. Rosie Jerez, Representative for Cafeteria of South Beach, informed the members that the extension is needed due to a change of contractor, architect, structural and mechanical engineers.

Upon discussion, Mr. Salvador moved to grant two 90-day extensions for the above-mentioned permit numbers. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #14: TCO EXTENSION, PERMIT No. B0204327/BCO05003, Meruelo**

**APPEAL #15: TCO EXTENSION, PERMIT No. B0204327/BCO05050, Meruelo**

**APPEAL #16: TCO EXTENSION, PERMIT No. B0204327/BCO05060, Meruelo**

**Representatives were not present for these appeals.**

After some discussion, Mr. Velazquez moved to grant three 90-day extensions for the above-mentioned permit numbers. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #18: TCC EXTENSION, PERMIT No. B0001114/BCC0000048, Sanger**

Mr. Dan Sanger, Senior Project Manager stated that the fire issue is the last item pending and it will be resolved in a couple of days.

After some discussion, Mr. Pierce moved to grant a 60-day extension. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

*Mr. Gomez stepped out of the room.*

**APPEAL #17: TCO EXTENSION, PERMIT No. 1993278779, Delgado**

Mr. Jorge Delgado informed the members that the work was completed in mid August, but there was a postponement to a scheduled meeting for August 26, which was the day that Hurricane Katrina arrived. He explained that during the storm damaged two controls were damaged; prompting the need for a 30-day extension.

After some discussion, Mr. Derrer moved to grant a 90-day extension. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

*Mr. Gomez returned to the room.*

**REPORT #1**

**Certification Subcommittee for September 2005**

Mr. Salvador announced that the following individuals are being recommended for **approval** for **New-Certification for 2005**. He also mentioned that he would like to remove **Osiris Quintana** from the rejection list and add her to the approval for New Certification list. She is in the process of completing her continuing education hours.

Mr. Jorge Gamoneda, (Plumbing), Building Code Compliance Specialist commented that **Manuel Gutierrez** has been removed administratively from the New Certification list for Chief Electrical Inspector, and additionally **Roy Valdes'** Plans Examiner Plumbing certification can also be added to his New Certification for 2005.

**INSPECTOR:**

Alvarez, Benito A.  
Apte, Lina M.  
Blanco, Orlando L.  
Calante, Pelayo

**REPRESENTING:**

City of Miami  
City of Miami  
Town of Golden Beach  
City of Opa Locka

**DISCIPLINES:**

Plumbing Inspector  
Chief Electrical Inspector  
Plans Examiner Structural  
Mechanical Inspector  
Plans Examiner Mechanical  
Plans Examiner Plumbing  
Plumbing Inspector  
Mechanical Inspector  
Plans Examiner Structural  
Electrical Inspector  
Plans Examiner Electrical  
Plans Examiner Plumbing  
Plumbing Inspector  
Plans Examiner Plumbing  
Plumbing Inspector  
Electrical Inspector  
Roofing Inspector (Residential)  
Building Inspector (Structural)  
Building Inspector (Structural)  
Roofing Inspector (Commercial)  
Roofing Inspector (Residential)

De La Fe, Gustavo  
Eisen, Jaime M.  
Guzman, Enrique I.

City of Opa Locka  
Town of Golden Beach  
Village of Pinecrest

Hernandez, Francisco A.

City of Miami

Hernandez, Rafael

City of Coral Gables

Hickey, Thomas J.  
Hill, James D.  
Izquierdo, Gilberto E.  
Lage, Eugenio J.

Miami-Dade County  
City of Sunny Isles Beach  
City of Miami  
Village of Pinecrest

Maqueira, Rolando	City of Opa Locka	Plans Examiner Electrical
Marfisi, David A.	Miami-Dade County	Plans Examiner Electrical (Res.)
McShane, John T.	Miami-Dade County	Roofing Inspector (Commercial)
Naranjo, Ismael	City of Sunny Isles Beach	Roofing Inspector (Residential)
Palacio, Eliezer	City of Doral	Electrical Inspector
Reed III, Edwin W.	City of Miami Springs	Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
		Plans Examiner Building
		Building Inspector (Structural)
		Building Official
		Chief Building Inspector
		Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
		Plans Examiner Building
Rubi, Richard	City of Hialeah	Plans Examiner Building
Quintana, Osiris	City of Opa Locka	Building Inspector (Structural)
		Plans Examiner Building
		Plans Examiner Structural
Saymon, Burt J.	Village of Pinecrest	Chief Mechanical Inspector
		Plans Examiner Mechanical
Tarafa, Rene F.	Village of Pincrest	Building Inspector (Structural)
		Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
		Plans Examiner Building
Thomas, Jack R.	Miami-Dade County	Electrical Inspector
Valdes, Roy	City of Doral	Plumbing Inspector
Valdes-Linares, Manuel	City of North Miami	Building Inspector (Structural)
		Plans Examiner Building
		Plans Examiner Structural
Vazquez, Eduardo	City of North Miami	Building Inspector (Structural)
		Plans Examiner Building
	City of Opa Locka	Building Inspector (Structural)
		Plans Examiner Building
Willis, Henry L.	City of North Miami	Building Inspector (Structural)
		Plans Examiner Building
		Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
Xirinachs, Edgar	City of North Miami Beach	Plans Examiner Plumbing
		Plumbing Inspector

After some discussion, Mr. Kurzman moved to **grant New Certification** for the above-mentioned individuals. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Salvador then announced that the following individual was being recommended for **rejection** for **New Certification** for **2005**.

**INSPECTOR:**

De La Fe, Gustavo

**REPRESENTING:**

City of Opa Locka

**DISCIPLINES:**

Plans Examiner Mechanical

**(Does not hold the necessary license to perform plan review. CMC with one-year experience with the license for residential and 5 years to do commercial plans.)**

Mr. Kurzman moved to reject the above-mentioned as called by Mr. Salvador. Mr. Derrer seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**INTERPRETATION**

**Interpretation of FBC, Section 106.1.3 (2001 Edition) Temporary Certificate of Occupancy – Time Limitations**

Mr. Goolsby informed the members that this interpretation is regarding Temporary Certificate of Occupancy limitations.

Mr. Eddie Fernandez, Building Code Compliance Office, addressed the members and cited the applicable code Section 106.1.3. He stated that this area does not stipulate an extension timeframe. Mr. Fernandez added that it was staff's opinion that the Building Official shall set the time, as he knows the case and the facts behind the extension.

Mr. Horton responded that the issue is how long.

Mr. Gomez clarified that they would hear appeals where the extension was denied.

Mr. Fernandez-Fraga asked about cases that are under the appeal process.

Asst. County Attorney remarked that cases in litigation alone would not necessarily toll permit timeframes; it would have to be considered on a case-by-case basis.

Mr. Ferras stated that the TCO issue is complicated, as some cases need a longer timeframe to comply and if a TCO was granted, then the building was safe. He added that the disputes are between the Fire Marshall and the Building; the homeowner should not be penalized.

Asst. County Attorney remarked that the Board of Rules and Appeals has the jurisdiction to review the Building Official's decision.

After much discussion, Mr. Salvador moved to interpret the Section as allowing the Building Official, using his discretion, to determine on the timeframes applicable, as well as number of extensions granted. Mr. Velazquez seconded the motion.

**Motion carried. (Chief Fernandez was opposed.)**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **EMERGENCY AGENDA**

Mr. Velazquez moved to hear the emergency agenda items. Chief Fernandez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **EMERGENCY AGENDA APPEAL**

#### **APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Miami Beach, Industry Flats Condominium, 1520 Lenox Avenue, FBC 1026.1, Single Means of Egress R-2**

Mr. Goolsby explained that the appellant was appealing the decision of the City of Miami Beach, Building Official regarding the smoke control systems in the lobby area of the ~~Bath Club~~ Condominium.

Industry Flats

Mr. Ronald Singerman, President, Art Construction Co., informed the members that this was a single building with ground floor parking and each unit has a single stairwell. He commented that the building was designed with one fire stairwell and the appeal is based on whether they need two means of egress for this building. Mr. Singerman further commented that legislature has several opinions on this issue; however, the Florida Building Code says that the State Fire Marshall shall adopt all the rules applicable.

Mr. Carrier stated that he could not confirm that sprinklers can be used as an equal alternate. He commented that he agreed with the Building Official, as the Florida Building Code does not accept the sprinklers.

Chief Fernandez responded that in 2001 the code was modified and now required two exits, as this removes the ability to have one stair.

Mr. Carrier responded that the actual date was January 1, 2002.

Chief Fernandez asked that they look into these medications.

Mr. Horton suggested adding an additional means of egress.

Mr. Singerman also added that the local Fire Department approved the drawings.

Mr. Hamid Dolikhani, City of Miami Beach, Building Official, stated that Section 1026.12.1 is clear, as this is a four-story building and they have not made an attempt or analysis for the Fire Marshall or the Building Official. Mr. Dolikhani mentioned that however, if they provide the life safety he would approve it.

Mr. Horton remarked that this is open space.

Mr. Singerman responded that there are four-hours of separation.

Mr. Horton asked what will be the equivalent intend.

Mr. Dolikhani commented that the analysis shows that you can safely exit the building with one stair.

Chief Fernandez added that there are ladders and alarms available as well.

Mr. Singerman replied that this system is already in place.

Mr. Strachan asked did the Fire Marshall accept the plans.

Mr. Dolikhani commented that perhaps they were not aware of these modifications.

Chief Fernandez stated that to his knowledge there was a modification to the code.

After some quick research, Mr. Carrier mentioned that the modification only addressed non-sprinkled buildings.

Upon much discussion, Mr. Salvador moved to grant the appeal and reverse the decision of the Building Official. He added that in accordance with NFPA 101, Life Safety Code Subsection 30.2.4.3 this is an equal alternative with the inclusion of sprinklers, eliminating the requirement of the secondary stairs and meeting all the modifications as stipulated in NFPA 101 30.2.4.3. Mr. Utterback seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

#### **EMERGENCY AGENDA TCO/TCC APPEAL**

**APPEAL #1: TCO EXTENSION, PERMIT No. BC000146, Fine**

**APPEAL #2: TCO EXTENSION, PERMIT No. B8800095, Fine**

Mr. Mario Garcia-Serra informed the members that the Building Official has recommended a 90-day extension. He also acknowledged that the Condominium Association does not object to a time greater than 30 days for the extension.

Mr. Joe Samaha added that the pool railings would be installed tomorrow as many of the inspections were approved to date. He further added that the Fire Department has inspected everything and there are three or four items pending.

After some discussion, Mr. Salvador moved to grant a 30-day extension. Mr. Pierce seconded the motion.

#### **Discussion:**

Mr. Dolikhani informed the Board that the Fire Department has a long list of items that they need to be completed and the contractor may need more than 30-days. He indicated some of these violations are attached to the unit owners, but they are in agreement with the Building Official. Mr. Dolikhani added that if the building is not code compliant the Fire Department will not signoff.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

*Mr. Pierce stepped out of the room.*

#### **DISCUSSION**

#### **Update on MIA North Terminal Contractors/Qualifiers and TCO Status**

Mr. Eddie Fernandez, (Building) Code Compliance Specialist, gave a background history on this issue and gave the floor to Mr. Sergio Negreira to elaborate the circumstances surrounding the MIA North Terminal.

Mr. Sergio Negreira began to explain that Turner Austin was fired in the end of June and a letter was issued to all subcontractors terminating their employment, prompting lawsuits. Mr. Negreira stated that all of the master permits were given to the qualifier, which is Miami Dade County. He went on to add that the permits were about to expire and requested a 180-day extension. He further mentioned that they have until February to close these permits and new contractors will start construction at the beginning of the year.

Mr. Horton asked about the extension of the permits.

Mr. Carl Zimmerman remarked that each permit was extended independently.

Mr. Kurzman asked about the data on each permit.

Mr. Negreira responded that Unincorporated Miami Dade County has the information on the permits. He also offered to appear at the next meeting to update the Board on the status.

Mr. Horton stressed that the Building Code Compliance Office stay on top of this issue.

After some discussion, Chief Fernandez moved to grant two 90-day extensions for permit numbers 2002028727 and 2003026424. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

*Mr. Pierce returned to the meeting.*

## **INFORMATION**

### **Ethics Training**

Mrs. Kathy Charles, Building Code Compliance Office, informed the members that their Ethics Training certificates were available for those that attended the training in August. She informed them that there would be other training meetings on October 11 and 27. Mrs. Charles stressed to those that did not make this meeting that the training needed to be completed prior to February 2006.

Mr. Pierce asked for a list of locations that indicated where these trainings would be held.

Mr. Fernandez-Fraga reminded the members of a question that came out of the ethics training regarding individuals who may have contracts with the County. He asked could they serve on the Board.

Mr. Utterback responded that to his knowledge if you are conducting business with the County, you could still serve on the Board.

**There being no further business, the meeting was adjourned at 2:55 P.M.**

# MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 10-20-05

**Attendance:** Richard Horton, CH      Thomas Utterback, VC      Enrique Salvador      Jesus M. Gomez  
Rolando Diaz      Arnold Velazquez      Robert Barnes      William Riley  
Edward Woodard      John Kurzman      William Derrer      Justin Manuel  
Alfonso Fernandez-Fraga, P.E.      William Strachan, (Ret. Chief)

**Excused:** Chief Virgil Fernandez      Carmen Garcia      Gregory Pierce

**Staff Present:** Michael Goolsby, Acting Secretary to the Board  
Maria Arista-Volsky, Asst. County Attorney  
Yvonne Bell, Recording Secretary

**Court Reporter:** Janice Aguirre, Metro Dade Court Reporters

**The meeting commenced at 1:25 P.M.**

## MINUTES OF SEPTEMBER 15, 2005

Mr. Horton informed the members of an amendment to the minutes and then requested a motion approve the minutes of the **September 15, 2005** meeting.

Mr. Kurzman moved to accept the minutes of the last meeting with the noted correction mentioned by Mr. Horton. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## REGULAR AGENDA APPEALS

### APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of North Miami, Lamonthe Residence, 240 N.W. 129 Street, FBC Section 3401.7.2.6/Section 34.1.8, 50% Rule

Mr. Horton advised the members that this appeal was **withdrawn** per the appellant.

## REGULAR AGENDA TCO/TCC APPEALS

### **APPEAL #1: TCO EXTENSION, PERMIT No. 01031165, Longone**

**Representatives were not present for this appeal.**

After some discussion, Mr. Velazquez moved to grant a 90-day extension from the today. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **APPEAL #2: TCO EXTENSION, PERMIT No. BCO02135/BCO02136/BCO3158, Baloyra**

Mrs. Patricia Baloyra informed the members that she received a list of outstanding items and they are moving forward towards compliance.

After some discussion, Mr. Diaz moved to grant a 90-day extension. Mr. Utterback seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **APPEAL #3: TCO EXTENSION, PERMIT No. BCO4174/B0000104, Baloyra**

Mrs. Patricia Baloyra remarked that her client has closed a number of the permits and at this time, the fire sprinkler permit remains pending.

Mr. Velazquez moved to grant a 90-day extension. Mr. Utterback seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #4: TCO EXTENSION, PERMIT No. BOOO-1902/BCO01044, Baloyra**

Mrs. Patricia Baloyra commented that they property was just sold and they are in the process of transferring the title.

After some discussion, Mr. Diaz moved to grant a 90-day extension. Mr. Salvador seconded the motion.

**Motion carried. ( \_\_\_\_\_ -was opposed.)**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #5: TCO EXTENSION, PERMIT No. B000111/BCO04169, Sanger**

Mr. Dan Sanger stated that they closed five permits, with four remaining. He added that there are fee issues that need to be resolved.

After some discussion, Mr. Velazquez moved to grant a 90-day extension. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

*Mr. Diaz stepped out of the room.*

**APPEAL #6: TCO EXTENSION, PERMIT No. B0505039, Reyes**

Mr. Richard Reyes started that there was a change of contractor and all of the permits are closed, leaving only a final walk through.

After some discussion, Mr. Velazquez moved to grant a 90-day extension. Mr. Utterback seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #7: TCO EXTENSION, PERMIT No. B0204327/BCO05050, Marcelo**

**APPEAL #8: TCO EXTENSION, PERMIT No. B0204327/BCO05060, Marcelo**

**APPEAL #9: TCO EXTENSION, PERMIT No. B0204327/BCO05003, Marcelo**

**APPEAL #10: TCO EXTENSION, PERMIT No. B0204327/BCO05274, Marcelo**

**APPEAL #11: TCO EXTENSION, PERMIT No. B0204327/BCO05086, Marcelo**

Mr. Juan Carlos Campos informed the members that they are trying to finalize the CO and there changes to the design as well.

After some discussion, Mr. Salvador moved to grant five 90-day extensions for the above-mentioned permit numbers. Mr. Utterback seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #12: TCO EXTENSION, PERMIT No. B00696, Pruitt & McDonald**

Mr. Ken Nichols, Project Manager stated that there were some plans revisions and fire issues needed to be resolved as well.

After some discussion, Mr. Darer moved to grant a 90-day extension. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**EMERGENCY AGENDA TCO/TCC APPEAL**

Mr. Kurzman moved to hear the Emergency Agenda items. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #1: TCO EXTENSION, PERMIT No. 01-5007931, Fernandez**

Mr. Raul Fernandez explained to the members that the extension is needed to finish minor interior work.

After some discussion, Mr. Salvador moved to grant a 90-day extension. Mr. Barnes seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #2: TCO EXTENSION, PERMIT No. BCO03257, Piroso**

**Representatives were not present for this appeal.**

Mr. Horton advised the members that this permit has been expired for the past two years.

Mr. Hamid Dolikhani, Building Official City of Miami Beach, apologized to the members for not having the background on this permit.

Mr. Eddie Fernandez stated that they were conducting business without a Certificate of Occupancy.

Mr. Dolikhani commented that they might have received a Notice of Violation; he would have to research this area of concern further.

After some discussion, Mr. Diaz moved to grant a 30-day extension from today. Mr. Barnes seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #3: TCO EXTENSION, PERMIT No. BCO000146, Fine**

Mr. Robert Fine informed the members that they have since met with the Fire Marshall and the Building Official and proceeded to remind the members that they could not just enter these homes, as they have now issued a Notice of Violation to the homeowner. He further mentioned that the building issues are completed, the railings surrounding the swimming pool are near completion and the only item pending now is the fire sprinklers. It was at this time; Mr. Fine requested a 30-day extension to finalize the remaining items.

Mr. Julio Caveyo, Representative for the Association stated that they had no objections to another extension.

After some discussion, Mr. Utterback moved to grant a 30-day extension. Mr. Kurzman seconded the motion.

**Discussion:**

Mr. Dolikhani mentioned to the members that they were on course, but the engineer of record to signoff on the permit card needed to be provided to the City.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #4: TCO EXTENSION, PERMIT No. 2002109075, Gonzalez**

Mr. John Thompson explained that the extension is needed install temporary offices to continue the project.

After some discussion, Mr. Derrer moved to grant a 90-day extension from November 2<sup>nd</sup>. Mr. Utterback seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #5: TCO EXTENSION, PERMIT No. B01003868, Degnan**

Mr. Walter Nobles and Mr. Mike Degnan informed the members that this is a multi-phase project nearing completion. They added that they were granted by the City of Miami Beach.

Mr. Velazquez pointed out that there is a list of attached permits with different permit numbers and asked that they clarify these findings.

Mr. Nobles clarified that the first line of the list is the master permit with the dates that indicate the repayment of the extension fee.

After some discussion, Mr. Salvador moved to grant a 90-day extension. Mr. Woodward seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **INTERPRETATION**

### **FBC Section 11-5.2/11-4.32.4, Exterior Cafeteria Counters**

Mr. Goolsby read into the record that this interpretation involves the Florida Building Code Chapter 11, Section 11-5.2 as supplemented by Section 11-4.32.4.

Mr. Rene Fraga, (ADA) Building Code Specialist, informed the members that this interpretation applies to café shops and proceeded to ask the members do they consider this area for the sale of the product or for consuming food. He stated that the maximum is 36 inches from the floor and he checked with ADA who indicated that there have not been any complaints in 34 years.

Mr. Goolsby asked the members if they felt that the intent of the counter is for consumption or for the sale of the goods.

Mr. Utterback asked what warranted this interpretation.

Mr. Goolsby remarked that this stemmed from a Building Official's requesting an interpretation on this issue.

After some discussion, Mr. Derrer moved to accept staff's opinion that this applies to areas less than 60 inches. Mr. Salvador seconded the motion.

**(Motion died.)**

### **Discussion:**

Mr. Kurzman stated that the ADA area has to be twice the size of the patron's area.

Mr. Goolsby remarked that a portion of the main counter must apply to ADA standards.

Mr. Utterback asked for additional information on this interpretation.

Mr. Goolsby commented that this informal request for an interpretation warranted research on whether a counter less than 60 inches is intended for consumption or for the sale of the goods.

Mr. Barnes expressed his concerns and stated that there are other areas in the code that state otherwise.

Mr. R. Fraga stated that they must comply with the code.

Mr. Derrer stated that this does not apply to the whole building.

Mr. Kurzman stated that the intent is that they want a portion of the bar to be ADA accessible.

Mr. Fernandez-Fraga stressed again that the code is silent, as there are other areas where this concern is addressed.

Mr. Barnes suggested that more research should be conducted.

At this time, Mr. Horton asked the Building Code Compliance staff to provide additional information on this issue.

After further discussion, Mr. Utterback moved to send this item to subcommittee for further discussion and for BCCO staff to research this area of concern further in detail. Mr. Kurzman seconded the motion.

**Motion carried. (Mr. Salvador was opposed.)**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **REPORT #2**

### **Monthly Status Report – MIA Concourse “H”, Unincorporated Miami Dade County**

Mr. Juan Gonzalez remarked that the work is completed, but due to Hurricane Katrina, there was a leak on the roof and two panels are destroyed.

Mr. Utterback asked about the target completion date and then proceeded to commend them for their efforts in keeping on track to obtain compliance.

### **REPORT #3**

#### **Status Report – MIA Concourse “A”, Unincorporated Miami Dade County**

Mr. Sergio Negreira, Aviation Project Manager informed the members that all of the master permits were transferred to Dade County and have since been extended for six months. He then clarified that none of the projects were transferred to Turner and no contractor can work under these permits. Mr. Negreira further informed them that Turner has filed a lawsuit.

Mr. William Riley proceeded to inform Mr. Negreira that he was receiving many calls from contractors stating that their contracts were cancelled. He expressed his concerns and stated that these contractors needed some relief and notice indicating that they are no longer on the job, but their name remains on the permit.

Mr. Negreira states that he did not authorize this course of action.

Mr. Riley then requested a letter from Mr. Negreira

Mr. Negreira remarked that this issue is between the contractor and the Building Official, not Aviation.

Mr. Dolikhani stated that every subcontractor needed to present a signed affidavit that the subcontractor is not on the job.

Mr. Diaz remarked that the subcontractor must be held accountable; this is not the responsibility of the County. The permit holder is responsible to remove their name from the project.

Mr. Eddie Fernandez clarified that the extension of the permits and commented that Unincorporated Miami Dade County has not extended any of these permits

Mr. Horton commented that there needed to be proof that all of the subcontractors were notified, preferably via certified mail.

Mr. Jorge Gamoneda, (Plumbing) Code Compliance Specialist stressed to the members that no one could conduct work under their permit.

Mr. Negreira commented that contracts have not been reassigned.

Mr. Horton replied that if some of the contractors are owed monies, then they should be repaid by Turner.

Mr. Juan Gonzalez stated that they are resolving the claims from the contractors and subcontractors, but they do know that they were terminated.

Mr. Kurzman mentioned that that no one could work under his or her permit.

Mr. Juan Gonzalez informed the members that this area is a secured site and no one can gain access.

Mr. Riley remarked that he would inform the contractors involved that they need to go to the Building Department to try to resolve this problem.

After much discussion, Mr. Horton requested that the Unincorporated Miami Dade County, Building Department be present at the next Board of Rules and Appeals meeting to explain their process.

### **REPORT #1**

#### **Certification Subcommittee for October 2005**

Mr. Salvador announced that the following individuals are being recommended for **approval** for **New-Certification for 2005**.

#### **INSPECTOR:**

Alvarez, Jorge  
Blanco, Orlando L.  
Bleasdel, Dexter C.  
Boylan, Brian D.

#### **REPRESENTING:**

Village of Pinecrest  
City of Doral  
Miami-Dade County  
Village of Pinecrest

#### **DISCIPLINES:**

Chief Building Inspector  
Plans Examiner Structural  
Building Inspector (Structural)  
Electrical Inspector  
Plans Examiner Electrical

Brina, Antonio A.	City of Doral	Building Inspector (Structural) Roofing Inspector (Residential)
Calante, Pelayo	City of North Miami	Plans Examiner Plumbing Plumbing Inspector
Causley, Michael T.	Town of Miami Lakes	Mechanical Inspector Plans Examiner Mechanical Plans Examiner Plumbing Plumbing Inspector
Eisen, Jaime M.	City of Sunny Isles Beach	Plans Examiner Structural
Fried, Michael D.	Town of Miami Lakes	Plans Examiner Structural
Garcia, Armando J.	Miami-Dade County	Electrical Inspector
Guillen, Omar P.	City of Doral	Mechanical Inspector
Hernandez, Robert	Town of Miami Lakes	Chief Plumbing Inspector Plans Examiner Plumbing Plumbing Inspector
Lombroia, Thomas R.	City of Homestead	Building Inspector (Structural) Roofing Inspector (Commercial) Roofing Inspector (Residential)
Maqueira, Rolando	City of North Miami	Plans Examiner Electrical
Naumann, Carlos A.	City of North Miami	Building Inspector (Structural) Plans Examiner Building Roofing Inspector (Commercial)
Ogden, Michael T.	Town of Miami Lakes	Plans Examiner Plumbing Plumbing Inspector
Perez, Jan Pierre	City of Aventura	Chief Mechanical Inspector
Poirier Jr., Raymond J.	Town of Miami Lakes	Chief Electrical Inspector Electrical Inspector Plans Examiner Electrical
Quintana, Osiris	City of North Miami	Plans Examiner Structural
Regula, Ronald	Town of Miami Lakes	Chief Mechanical Inspector Mechanical Inspector Plans Examiner Mechanical
Rodriguez, Jesus R.	City of Miami Gardens	Roofing Inspector (Commercial) Roofing Inspector (Residential)
Rodriguez, Jorge M.	City of North Bay Village	Plans Examiner Building
Saez, Jose A.	Town of Miami Lakes	Mechanical Inspector
Sanchez, Jose C.	City of Miami	Chief Electrical Inspector
Wilson, Michael	Village of Pinecrest	Building Inspector (Structural) Roofing Inspector (Residential)

After some discussion, Mr. Velazquez moved to **grant New Certification** for the above-mentioned individuals. Mr. Barnes seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Salvador then announced that the following individual was being recommended for **rejection** for **New Certification** for **2005**.

<b><u>INSPECTOR:</u></b>	<b><u>REPRESENTING:</u></b>	<b><u>DISCIPLINES:</u></b>
De La Fe, Gustavo <b>(Does not possess a Provisional Plans Examiner License).</b>	City of Opa Locka	Plans Examiner Mechanical

Mr. Salvador then announced that the following individuals were being recommended for **rejection** for **De-Certification** for **2005**.

<b><u>INSPECTOR:</u></b>	<b><u>REPRESENTING:</u></b>	<b><u>DISCIPLINES:</u></b>
Bostick, Derek L. <b>(Have not obtained a Provisional Mechanical Inspector License)</b>	City of Homestead	Plans Examiner Mechanical
De La Fe, Gustavo <b>(Does not possess a Provisional Building Inspector License)</b>	City of North Miami	Mechanical Inspector

**(Provisional Building Inspector License expire on September 25, 2005)**

Mr. Jorge Gamoneda, (Plumbing), Building Code Compliance Specialist commented that **Gustavo De La Fe** failed to update his provisional license. He then mentioned that **Wade Hill** obtained a provisional license and **Derek Bostick** had 90-days to obtain his provisional license.

After some discussion, Mr. Salvador moved to reject the above-mentioned individuals for New Certification and De-Certification. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**There being no further business, the meeting was adjourned at 2:25 P.M.**