MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 01-19-2006

Attendance: Thomas Utterback, VC  Jesus M. Gomez  Rolando Diaz  Robert Barnes  
Gregory Pierce  William Derrer  Carmen Garcia  Alfonso Fernandez-Fraga  

Excused: Richard Horton, CH  William Riley  John Kurzman  Justin Manuel  
Enrique Salvador  

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 DECEMBER 19, 2005  

Mr. Utterback asked for a motion to approve the minutes of the December 19, 2005 BORA meeting.  

Mr. Derrer then 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 APPEAL  

APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Coral Gables, 1407 Cadiz Avenue, NEC 2002 Sec. 230.24(B)(1), Drip Loop Clearance, Permit #05110083  

Mr. Utterback informed the members that this appeal was withdrawn and referred them to the appellant’s letter.  

REGULAR AGENDA TCO/TCC APPEALS  

APPEAL #1: TCO EXTENSION, PERMIT No. B0103868, Degnan  

Mr. Mike Degnan was present for this item.  

Mr. Diaz moved to grant a 90-day extension. Mr. Derrer seconded the motion.  
Motion carried unanimously.  
(For a verbatim version of the aforementioned item, refer to the transcript.)  

APPEAL #2: TCO EXTENSION, PERMIT No. 1995-049753, Mainster  

No one was present for this appeal.  

Mr. Diaz moved to grant a 30-day extension. Mr. Woodward seconded the motion.  
Motion carried unanimously.  
(For a verbatim version of the aforementioned item, refer to the transcript.)  

APPEAL #3: TCO EXTENSION, PERMIT No. B0001111/BCO04169, Sanger  

Mr. Dan Sanger was present for this item.  

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. 2002109075, Gonzalez

Mr. John Thompson was present for this item.

Chief Fernandez moved to grant a 90-day extension. Mr. Derrer seconded the motion.
Motion carried unanimously.
(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #5: TCO EXTENSION, PERMIT No. BCO4174/B0000104, Baylora

Mr. Diaz 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 #6: TCO EXTENSION, PERMIT No. BCO02135/BCO2136/BCO3158, Baylora

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.)

EMERGENCY AGENDA TCO/TCC APPEALS

APPEAL #1: TCO EXTENSION, PERMIT No. 03020193, Tobin

Mrs. Linda Johnson was present for this item.

Mr. Diaz 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.)

APPEAL #2: TCO EXTENSION, PERMIT, No. 01-5010199, Fine

Mr. Patrick Range was present on behalf of Mr. Fine.

Mr. Pierce moved to grant a 90-day extension from today. Mr. Daiz seconded the motion.
Motion carried unanimously.
(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #3: TCO EXTENSION, PERMIT No. 02-5016046, Fine

Mr. Patrick Range was present on behalf of Mr. Fine.

Mr. Pierce moved to grant a 90-day extension from today. Mr. Derrer seconded the motion.
Motion carried unanimously.
(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #5: TCO EXTENSION, PERMIT No. 2005044373, Arteaga

Mr. Utterback brought to the members’ attention that Mr. Danger has indicated that this would be the last extension recommendation for this site.

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 #6: TCO EXTENSION, PERMIT No. BCO02135/BCO2136/BCO3158, Baylora

Chief Fernandez 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.)
DISCUSSION: Establishment of Residential Inspector Category

Mr. Goolsby informed the members that this is discussion on the establishment of a Building Inspector (Residential) Category, which currently does not exist. He explained to the Board that they were seeking the establishment of this category specifically for the inspection of one and two family dwellings and townhouses up to three-stories in height. Mr. Goolsby suggested appropriate licensure criteria and added that the amount of experience necessary for certification would have to be determined by the Board.

Mr. Pierce asked what structures this category of inspector would be certified to inspect.

Mr. Goolsby commented that the inspector would be restricted to residential homes and townhomes.

Mr. Fernandez-Fraga asked if there are other counties with similar requests and why one-year experience as opposed to the five years.

Mr. Goolsby stated that you would have to have the contractor’s license with one-year experience and Dade County is requesting this alone.

Mr. Flavio Gomez, Unincorporated Miami Dade County stated that he was attending the meeting for Mr. Danger, who supports this ordinance. He began to explain that they are experiencing an overload in all of the disciplines and they have been trying to expand the pool of qualified inspectors.

Mr. Diaz expressed that his concerns are in the area of residential structures with three stories; he felt that the individual should be well versed in reinforced concrete snaps, sheer panels and dealing with structural slabs. He expressed further that he has no problem with them inspecting residential two-story structures, but anything more is cause for concern.

Mr. F. Gomez responded that the experience criterion is very important, but essentially in-house training will be beneficial as well. He went on to add that he is not inclined to providing a specific timeframe for the field experience.

Mr. Jesus Gomez asked whether they are talking about experience beyond the experience for the license.

Mr. Goolsby responded that you already have four years experience to obtain the contractors license, so one additional year would be sufficient. Mr. Goolsby summarized that the required contractor license would be a State Building or a Miami-Dade County Sub-General Building Contractors License.

After much discussion, Mr. Velazquez moved to establish the Building Inspector (Residential) Category and accept staff’s recommendation requiring a general contractor’s license with one year of experience under the license. Mr. Gomez seconded the motion.

Motion carried unanimously.

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

REGULAR AGENDA REPORTS

REPORT #1

Certification Subcommittee Report for January 2006

Mr. Jorge Gamoneda informed the members that the following individuals are being recommended for approval for Re-Certification for 2006. He directed the members to the Inspector Tracking System Applicants Year Report.

Mr. Gamoneda asked that Mr. David Figueredo, Mr. Francisco Hernandez, Mr. Roy Valdes, Mr. Eduardo Vazquez, Mr. Pelayo Calante, Mr. Rolando Maqueira and Mr. Miguel Gutierrez be added to the Re-Certification list for 2006.

After some discussion, Chief Fernandez moved to accept the Re-Certification list for 2006 with the additions mentioned by Mr. Gamoneda.

Motion carried unanimously.

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

Mr. Gamoneda further indicated the following individuals are being recommended for denial for Re-Certification for 2006.

<table>
<thead>
<tr>
<th>INSPECTOR:</th>
<th>REPRESENTING:</th>
<th>DISCIPLINES:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alvarez, Elio</td>
<td>Miami Gardens</td>
<td>Electrical Inspector</td>
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<td></td>
<td></td>
<td>Plans Examiner Electrical</td>
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<td></td>
<td></td>
<td>Electrical Inspector</td>
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<td></td>
<td>Town of Miami Lakes</td>
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</table>
Mr. Diaz inquired about the status of the code certified personnel for the Village of Palmetto Bay.

Mr. Gamoneda responded that Mr. Orlando Blanco did not meet the deadline, but clarified that all of the individuals on the list remain working at this time, even though there are some repeat offenders.

Mr. Diaz then inquired about Mr. Pedro DuQuesne, Miami Beach Building Inspector Structural, and asked who is going to certify these buildings from the 10 stories and above.

Mr. Goolsby commented that Mr. DuQuesne is conducting mandatory inspections.

Mr. Gamoneda replied that the Building Code Compliance Office (BCCO) does not monitor the Threshold Inspector.

After some discussion, Chief Fernandez moved to reject the individuals listed, but asked about explaining ways for them to make up these hours. Mr. Gomez seconded the motion.
Discussion:

Mr. Goolsby stated as a matter of information that BCCO conducted more than 200 hours of continuing education in 2005 and this is done in order for individuals to obtain their required hours.

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

Mr. Gamoneda then announced that the following individuals are being recommended for approval for New Certification for 2006.

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<tr>
<th>INSPECTOR:</th>
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<th>DISCIPLINES:</th>
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</thead>
<tbody>
<tr>
<td>Acosta, Fred</td>
<td>City of Miami</td>
<td>Plumbing Inspector</td>
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<td>Agbenohevi, Emmanuel K.</td>
<td>City of Doral</td>
<td>Building Inspector</td>
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<td></td>
<td></td>
<td>Roofing Inspector (Structural)</td>
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<td></td>
<td></td>
<td>Plans Examiner Building</td>
</tr>
<tr>
<td>Arronte, Ramon L.</td>
<td>City of Sweetwater</td>
<td>Building Official</td>
</tr>
<tr>
<td>Barrios, Ardiel</td>
<td>City of Hialeah Gardens</td>
<td>Roofing Inspector (Residential)</td>
</tr>
<tr>
<td>Benitez, Reinaldo A.</td>
<td>City of Miami</td>
<td>Chief Electrical Inspector</td>
</tr>
<tr>
<td>Fernandez, Amat S.</td>
<td>City of Opa Locka</td>
<td>Electrical Inspector</td>
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<td></td>
<td></td>
<td>Plans Examiner Electrical</td>
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<tr>
<td></td>
<td></td>
<td>Plans Examiner Electrical (Res)</td>
</tr>
<tr>
<td>Guerra, Roberto D.</td>
<td>City of Hialeah</td>
<td>Building Inspector (Structural)</td>
</tr>
<tr>
<td>Hall, John T.</td>
<td>City of North Miami</td>
<td>Roofing Inspector (Residential)</td>
</tr>
<tr>
<td>Howard, Andy G.</td>
<td>City of North Bay Village</td>
<td>Electrical Inspector</td>
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<tr>
<td></td>
<td></td>
<td>Plans Examiner Electrical</td>
</tr>
<tr>
<td>Mantilla, Evelio</td>
<td>City of Doral</td>
<td>Building Inspector (Structural)</td>
</tr>
<tr>
<td>Naumann, Carlos A.</td>
<td>Village of El Portal</td>
<td>Roofing Inspector (Residential)</td>
</tr>
<tr>
<td>Salas, Armando</td>
<td>City of Sunny Isles Beach</td>
<td>Plans Examiner Building</td>
</tr>
<tr>
<td>Sanchez, Eduardo M.</td>
<td>City of Miami</td>
<td>Building Inspector (Structural)</td>
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<tr>
<td></td>
<td></td>
<td>Plans Examiner Building</td>
</tr>
<tr>
<td>Wong, Ernesto G.</td>
<td>City of Miami Beach</td>
<td>Building Inspector (Structural)</td>
</tr>
</tbody>
</table>

After some discussion, Chief Fernandez moved to accept the above individuals for New Certification. Mr. Velazquez seconded the motion.

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

Mr. Gamoneda further mentioned that the following individual is being recommended for rejection for New Certification for 2006.

<table>
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<tr>
<th>INSPECTOR:</th>
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<tbody>
<tr>
<td>DuQuesne, Pedro J.</td>
<td>City of Miami Beach</td>
<td>Building Inspector (Structural)</td>
</tr>
</tbody>
</table>

(Applicant is missing 10 hours of Continuing Education for the year 2005)

After some discussion, Diaz moved to reject Mr. DuQuesne for New Certification. Mr. Woodward seconded the motion.

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

Mr. Gamoneda remarked that the following individuals are being recommended for De-Certification for 2006.

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<tbody>
<tr>
<td>Bleasdell, Dexter C.</td>
<td>Miami-Dade County</td>
<td>Building Inspector (Structural)</td>
</tr>
</tbody>
</table>

(Has not obtained his Provisional Inspector’s License from the Department of Business and Professional Regulation, nor does he posses a Standard Inspector License.)

| Lombroia, Thomas R. | City of Homestead | Building Inspector (Structural) |
|                     |                  | Roofing Inspector (Commercial) |
Roofing Inspector (Residential)
Plans Examiner Electrical

(Has not obtained his Provisional Building Inspector’s License from the Department of Business and Professional Regulation, nor does he possess a Standard Plans Examiner License.)

After some discussion, Mr. Velazquez moved to De-Certify the above individuals. Mr. Diaz seconded the motion.

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

**REPORT #2**

**Monthly Status Report/MIA Concourse “H”, Miami Dade County**

Mr. Jorge Delgado explained that there were originally eleven items on the punch list and to-date there is only one item pending. The Aviation Department hopes to have everything completed by the end of the week.

The Board accepted the report accordingly.

**INFORMATION #1**

Mr. Gamoneda returned to the podium and advised the members that there was an individual attending the meeting today that is in need of one more hour in order to comply with the continuing education requirement. Seeming that the meeting is moving quickly today and will be concluding earlier than usual, the individual will be short one-hour. He asked for suggestions on how this individual could obtain compliance.

Mr. Pierce moved to give the individual the one-hour credit. Mr. Diaz seconded the motion.

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

**INFORMATION #2**

Mrs. Kathy Charles, Building Code Compliance Office, updated the members on the status of the ordinance on Board of Rules and Appeals Board Membership. She stated that it was approved to be heard at the next Board of County Commission meeting on February 7th.

Mr. Utterback requested further clarification on this issue.

Mrs. Charles clarified that initially the ordinance included the provision of “an elected official or past elected official”, as qualified for the Dade of League of Cities Board appointment. However, she stated that a change was made to strike “the past elected official” language.

There being no further business, the meeting was adjourned at 2:09 P.M.
MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 02-16-2006

Attendance: Thomas Utterback, VC  Jesus M. Gomez  Robert Barnes  Enrique Salvador
William Derrer  Carmen Garcia  Alfonso Fernandez-Fraga  John Kurzman
William Riley

Excused: Richard Horton, CH  Justin Manuel  Gregory Pierce  Rolando Diaz

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 1:14 P.M.

MINUTES OF JANUARY 19, 2006

Mr. Utterback asked for a motion to approve the minutes of the January 19, 2006 BORA meeting.

Mr. Goolsby informed the members that there was a clarification to the motion on discussion item Establishment of Residential Inspector Category on Page 3. After receiving confirmation from Mr. Velazquez as the maker of the motion, the motion should read “accept staff’s recommendation with one year under the license.”

Mr. Woodward moved to accept the minutes of the last meeting with the modification as mentioned by Mr. Goolsby. Chief Fernandez seconded the motion.

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

REGULAR AGENDA APPEAL

APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Hialeah, 501 Palm Avenue, Re-Roofing Permit Issuance

Mr. Goolsby informed the members that the Building Official’s issue of licensure is resolved and the roofing permit will not be denied to Mr. Nilo Hernandez based on licensure.

Mr. Juan Gutierrez, Building Official of the City of Hialeah, and Lorena Bravo, Asst. City Attorney, confirmed that the licensure issue is resolved and once the paperwork is submitted properly, the permit would be granted.

Mr. Nilo Hernandez asked for a written letter reaffirming the statements of Mr. Gutierrez.

Mr. Kurzman suggested that a copy of the minutes or transcripts would suffice since the Board would not be hearing the appeal.

APPEAL #2: APPEAL OF BUILDING OFFICIAL: City of Miami, 3299 Bird Avenue, NOA Roofing Slope, Permit #05-5024826

Mr. Utterback informed the members that this appeal was withdrawn and referred them to the appellant’s letter.

REGULAR AGENDA TCO/TCC APPEALS

APPEAL #1: TCO EXTENSION, PERMIT No. 2005048050, Arteaga

Mrs. Rebecca Figueroa was present for this item.

Chief Fernandez 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. 03010299, Ellis

Mr. Enrique Shore was present for this item.

Mr. Utterback brought to the members’ attention that the permit expired on January 19, 2006.

Mr. Woodward moved to grant a 90-day extension. Mr. Derrer seconded the motion. 
Motion carried unanimously. 
(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #3: TCO EXTENSION, PERMIT No. BCO05186, Hornberger

Mr. Andrew Frey was present for this item.

Mr. Derrer 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 #4: TCO EXTENSION, PERMIT No. BCO5181, Hornberger

Mr. Andrew Frey was present for this item.

Mr. Derrer 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 #5: TCO EXTENSION, PERMIT No. BCO5187, Hornberger

Mr. Andrew Frey was present for this item.

Chief Fernandez moved to grant a 90-day extension. Mr. Derrer seconded the motion. 
Motion carried unanimously. 
(For a verbatim version of the aforementioned item, refer to the transcript.)

REGULAR AGENDA REPORTS

REPORT #1

Certification Subcommittee Report for February 2006

Mr. Gamoneda stated that the following individuals are being recommended for approval for Re-Certification for 2006.

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<td>Town of Miami Lakes</td>
<td>Electrical Inspector</td>
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<tr>
<td>Bassing, Thomas J.</td>
<td>Town of Miami Lakes</td>
<td>Plans Examiner Electrical</td>
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<tr>
<td>Menendez, Tomas F.</td>
<td>City of Miami Springs</td>
<td>Plans Examiner Electrical</td>
</tr>
<tr>
<td>Perez, Jan Pierre</td>
<td>Town of Miami Lakes</td>
<td>Plans Examiner Mechanical</td>
</tr>
<tr>
<td>Rivas, Angel R.</td>
<td>Town of Miami Lakes</td>
<td>Plans Examiner Building</td>
</tr>
<tr>
<td>Belmont, Anthony J.</td>
<td>Village of Palmetto Bay</td>
<td>Plans Examiner Electrical</td>
</tr>
<tr>
<td>Collins, James T.</td>
<td>Village of Palmetto Bay</td>
<td>Plans Examiner Plumbing</td>
</tr>
</tbody>
</table>

Mr. Gamoneda then announced that the following individuals are being recommended for approval for New Certification for 2006.

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<tr>
<td>Belmont, Anthony J.</td>
<td>Village of Palmetto Bay</td>
<td>Electrical Inspector</td>
</tr>
<tr>
<td>Collins, James T.</td>
<td>Village of Palmetto Bay</td>
<td>Plans Examiner Electrical</td>
</tr>
<tr>
<td>Bassing, Thomas J.</td>
<td>Town of Miami Lakes</td>
<td>Plans Examiner Plumbing</td>
</tr>
</tbody>
</table>
Mr. Gamoneda further mentioned that the following individual is being recommended for rejection for New Certification for 2006.

Upon the completion of the Certification Report, Mr. Derrer moved to accept the report as reported by Mr. Gamoneda. Chief Fernandez seconded the motion.  
**Motion carried unanimously.**  
*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**REPORT #2**

**Monthly Status Report/MIA Concourse “H”, Miami Dade County**

Mr. Jorge Delgado was pleased to inform the members that the project is completed and they have received a Certificate of Occupancy.

The Board accepted the report accordingly.

**DISCUSSION #1: FBC – Mechanical Section 206**

Mr. Fernandez-Fraga summarized that the requested discussion deals with air handler units. He remarked that he would like to address FBC 606.2.3, which requires duct smoke detectors to be installed at each story downstream of supply risers 15,000 CFM and greater. He noted that NFPA 90A does not require this. Additionally, both FBC 606 and NFPA 90A require duct smoke detectors to be installed in supply air systems having a capacity greater than 2000 CFM. Mr. Fernandez-Fraga concluded that the conflict is in the event that signals are received from more than one smoke zone, the system shall continue operation in the mode determined by the first signal received.

Mr. Pete Quintela, (Mechanical) Code Compliance Specialist remarked that there is lack of uniformity within the cities and proceeded to read from the Florida Mechanical Code, Chapter 15, which adopts NFPA 92A, 2002 Edition. He continued to cite that this area specifies, “a smoke detector shall be provided in the air supply to the pressurized stairwell and on the detection of smoke, the supply fan should be stopped.” Mr. Quintela then informed Mr. Fernandez-Fraga that in his letter he references NFPA 90A; however it is not the applicable code when it deals with smoke. He further added that the code is clear that a smoke detector is required and a smoke detector, upon activation shall shut off in its respective manner.
Mr. Fernandez-Fraga commented that he believes there remains a discrepancy in these areas.

Chief Fernandez expressed his concerns and stated that he does not believe there is a conflict; he thinks that the Board maybe preempting a problem with the smoke detector that does not exist.

After much discussion, Mr. Fernandez-Fraga moved that in order to provide uniformity on the application of NFPA 92-A, 2002, 3.4.4.1. the Board accepts staffs opinion regarding the function of fans used for the pressurized stairwells and agreed that on detection of smoke, the supply fan(s) should be stopped. Chief Fernandez seconded the motion. 

**Motion carried unanimously.**

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

**DISCUSSION #2: Repair/Replacement of Glazing and Windows**

Mr. Clay Parker, Building Official of the City of Sunny Isles, informed the members that this discussion topic is indirectly related to an appeal on the agenda today.

Mr. Goolsby clarified the issue and suggested that future discussions could be heard at the Subcommittee level, since this is a broad area of concern. He explained that the key areas to be addressed would be the replacement of glazing and the replacement of windows and doors.

Mr. Utterback agreed that a Subcommittee would be appropriate and suggested that Broward County Board of Rules and Appeals be invited to attend and serve in a joint effort. He then began to identify possible Board members as Mr. Velazquez, Mr. Barnes, Mr. Kurzman, Mr. Derrer, Mr. Horton and himself.

Mr. Rusty Carroll, Broward County Board of Rules and Appeals staff, advised Mr. Utterback that Broward members would be glad to participate.

Mr. Parker advised the members that they were trying to help the community and this is why it is so important to come up with some direction on the matter. He wanted the members to understand that Hurricane Wilma and Hurricane Katrina damage differed drastically.

Mr. Hans Ottinot, City Attorney of Sunny Isles, asked of the Board for a prompt resolution to the problem.

Mr. Utterback remarked that some resolution would come through the appeal item to be heard later on this afternoon for that particular case. He then requested everyone’s involvement at the Subcommittee level. Mr. Utterback reiterated the enormity of the problem to be addressed and indicated that there are notice requirements, but the Subcommittee will be scheduled as soon as possible.

**DISCUSSION #3: Chairperson and Vice Chairperson Election**

The voting for Chairperson and Vice Chairperson was deferred to next month.

Chief Fernandez moved to hear the Emergency Agenda. Mr. Derrer seconded the motion.

**Motion carried unanimously.**

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

**EMERGENCY AGENDA TCO/TCC APPEALS**

**APPEAL #1: TCO EXTENSION, PERMIT No. BCO04422/BCO04042, Piscone**

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 #2: TCO EXTENSION, PERMIT, No. BCO05452, Siegel**

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 #3: TCO EXTENSION, PERMIT No. 045002886, Bloomberg**
Mr. Salvador moved to grant a 90-day extension. Mr. Derrer 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 Sunny Isles Beach, Oceania III Condominium, 16486 Collins Avenue, Repair or Alteration of Glass**

Mr. Clay Parker, Building Official, City of Sunny Isles referred to Section 201.2, which refers to repairs; not glass replacement. He proceeded to mention Chapter 24 – Glazing as the area where they differ in opinion. Mr. Parker wanted to clarify that he did not require them to add shutters; this was a suggestion of the Association. He stated that given the industry standards, shutters would not help in this area. Mr. Parker indicated that he required that the replacement glass meet the current code requirements.

Mr. Robert Burr, Attorney for the Condominium Association, stated that they applied for a permit on January 11, 2006 to install the new glass. Mr. Burr informed the Board that Hurricane season is fast approaching and they would like the members to authorize that the glass be replaced with the original glass.

Mr. Goolsby commended Mr. Parker and Mr. Mitrani on how they are trying to resolve this issue, but suggested the appeal has to be addressed in a logical order. He then proceeded to read Staff’s opinion dated February 9, 2006 and clarified that the key point is the determination as whether the action is a repair or alteration.

Mr. Kurzman stated that the County and Cities main function is to provide safety for their citizens.

Mr. Utterback stressed that in his opinion the issuance may ultimately need to be resolved at the committee level, but he would like to have the Building Official’s that are present speak briefly on this issue.

Mr. Jose Ferras, Building Official, City of Miami went to the board to illustrate the circumstances in his city; he also mentioned that he concurred with Mr. Goolsby’s opinion.

Mr. Paul Gioia, Building Official, City of North Bay Village, stated that he disagreed with Mr. Ferras and in his opinion, single-family homes are more protected than high-rise structures, which should have to be held to more stringent guidelines.

Mr. Mariano Fernandez, Building Official, City of Aventura remarked that he agreed with Staff’s opinion as well.

Mr. Steve Pazilla, Chief Building Inspector, City of North Miami Beach stated that he agrees with the City of Miami also.

Mr. Hamid Dolikhani, City of Miami Beach stated that he agreed with the City of Miami, but Mr. Gioia has a point as well.

Mr. Rusty Carroll, Broward County Representative, stated that in Broward County staff advises Building Officials on how to proceed, sometimes taking into count the Engineer’s report first. In addition, he also agrees with Staff’s opinion.

Mr. Joseph Patterson informed the members that Mr. Parker suggested that they obtain an engineer’s report, but only 25 of the 165 units have a problem. He added that they would like to be able to replace the glass.

Mr. Vincent Cipriano, Glass Engineer, advised the members that he owned a glass manufacturing plant. He mentioned that the major repair would be changing the frames, additionally; the glass should be changed as originally designed. Mr. Cipriano further mentioned that high-rise structures should not be considered in the same mind frame as single-family homes.

Mr. Utterback requested that Mr. Cipriano attend the Subcommittee meeting to provide input.

Mr. John Pistorino remarked that there lies an issue of responsibility and proceeded to provide several scenarios. He then mentioned that in his opinion, if he were replacing 30% of the glass, then he would replace the entire window and frame. Mr. Pistorino further added that the Code does not allow you to test the metal and the glass, there has to be alternate testing for stress.

Mr. Utterback also requested that Mr. Pistorino attend the Subcommittee.

Mr. Douglas Mercado responded that he agreed with Mr. Pistorino and he has experienced that the application changes from city to city.

After much discussion, Mr. Salvador moved to grant the appeal. Chief Fernandez seconded the motion.
Discussion:

Mr. Kurzman stressed again that the City and the Counties have to proceed on the side of safety and most of the failure during these storms were due to impact.

Upon further discussion, Mr. Fernandez-Fraga suggested a friendly amendment restating that they grant the appeal and accept the replacement of glazing within an existing frame as a repair. In addition, the appellant may proceed in accordance with Building Code Compliance Staff’s opinion as presented to the Board.

Mr. Salvador accepted the amendment.

Chief Fernandez seconded the motion with the amendment.

Motion carried. (Mrs. Garcia, Mr. Utterback, Mr. Kurzman, Mr. Barnes and Mr. Riley were opposed.)

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

There being no further business, the meeting was adjourned at 3:05 P.M.
MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 03-16-2006

Attendance:  Thomas Utterback, VC    Richard Horton, CH    Jesus M. Gomez    Robert Barnes
           William Derrer    John Kurzman    Edward Woodard    William Riley
           Rolando Diaz    Alfonso Fernandez-Fraga

Excused:  Carmen Garcia    Justin Manuel    Arnold Velazquez    Gregory Pierce
           Chief Virgil Fernandez    Enrique Salvador    William Strachan, (Ret. Chief)

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 1:14 P.M.

MINUTES OF FEBRUARY 16, 2006

The acceptance of the minutes for the February 16, 2006 meeting did not take place. The minutes will be placed on the April 20 meeting agenda for approval.

REGULAR AGENDA TCO/TCC APPEALS

APPEAL #1: TCO EXTENSION, PERMIT No. B0103868, Degnan
APPEAL #2: TCO EXTENSION, PERMIT No. 203017623, Arteaga
APPEAL #3: TCO EXTENSION, PERMIT No. BCO000146, Fine
APPEAL #4: TCO EXTENSION, PERMIT No. 35014515, Rodriguez
APPEAL #5: TCO EXTENSION, PERMIT No. BCO4174/B0000104, Besu

Mr. Woodward moved to grant 90-day extensions for Appeal Nos. 1 – 5 on the regular agenda. Mr. Barnes seconded the motion.
Motion carried unanimously.
(For a verbatim version of the aforementioned item, refer to the transcript.)

INTERPRETATION #2: FBC Section 424 – Potable Water Requirements for Swimming Pool Piping

Mr. Jorge Gamoneda, Plumbing, Code Compliance Specialist stated that the Building Code Compliance Office is seeking an interpretation to the Florida Building Code, Section 424 (Potable Water Requirements for Swimming Pool Piping). He explained to the members that this section requires that all plastic pipe used in the recirculation system shall be marked with the manufacturers name, and the piping should meet the standards for potable water. Mr. Gamoneda went on to add that it is Staff’s opinion that even though swimming pool water is not intended for drinking, it does come in contact with certain parts of the body, therefore, the water should be deemed potable.

Mr. Fernandez-Fraga remarked that in his opinion the 10ft separation would be a problem. He expressed that he does not see an objectionable result from having a sealed swimming pool.

Mr. Gamoneda stated that a breakage would cause the pipe to be contaminated and your eyes can be affected as well.

Mr. Fernandez-Fraga responded that contamination products would help in this area.

Mr. Diaz stated that the pool is also treated with chemicals.

After some discussion, Mr. Fernandez-Fraga moved that in regards to Section 424 of the Florida Building Code, Potable Water Requirements and Swimming Pool Piping, the water is not potable. Mr. Derrer seconded the motion.
Motion carried unanimously.
(For a verbatim version of the aforementioned item, refer to the transcript.)

INTERPRETATION #1: Unsafe Structures – Miami Dade County Code Chapter 8 – Historical Coral Rock House – 900 Collins Avenue, City of Miami Beach

Asst. County Attorney, Maria Arista-Volsky informed the members that Building Code Compliance staff prepared an interpretation on this matter directing members to Section 8-5 of the Miami Dade County Code as it relates to Unsafe Structures. She explained that the
jurisdiction on this matter lies with the Circuit Court Division and her position is that the City of Miami Beach should seek guidance from that venue.

Mr. Tom Velazquez, Building Official, City of Miami Beach stated that this is a complex issue and proceeded to read from Staff’s opinion. Mr. Velazquez then requested that he be given the opportunity to review these documents and sort through this case appropriately.

Mrs. Rhonda Montoya-Hasan, City of Miami Beach Attorney, remarked that they are only seeking guidance on the responsibilities of the Building Official; they are not contesting the Unsafe Structures Board Order.

Mr. Velazquez reiterated that he felt comfortable with staff’s opinion.

Mr. Stanley Price, Representative for the Owner, noted for the record that they are in agreement with the Asst. County Attorney’s opinion that the Board of Rules and Appeals does not have jurisdiction over this matter. In addition, the 120-day expansion, which the Circuit Court gave to the City of Miami Beach, expired today.

Mr. Barnes moved to accept County Attorney’s direction on jurisdiction and staff’s opinion that was provided to the Building Official. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

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

### REGULAR AGENDA REPORTS

#### REPORT #1: Certification Subcommittee Report for March 2006

Mr. Gamoneda stated that the following individuals are being recommended for approval for **New Certification** for **2006**.

<table>
<thead>
<tr>
<th>INSPECTOR:</th>
<th>REPRESENTING:</th>
<th>DISCIPLINES:</th>
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<tbody>
<tr>
<td>Alonso, Ulises</td>
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<td>Roofing Inspector (Residential)</td>
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<td>Alva, Abraham C.</td>
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<td>Electrical Inspector</td>
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<td>Alvarez, Angel M.</td>
<td>Town of Miami Lakes</td>
<td>Building Inspector (Structural)</td>
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<td>Anglin, Willie C.</td>
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<td>Lapica, Juan E.</td>
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<td>Plans Examiner Building</td>
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<td></td>
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<td>Plans Examiner Structural</td>
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</table>

Mr. Gamoneda further mentioned that the following individual is being recommended for rejection for **New Certification** for **2006**.

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<th>DISCIPLINES:</th>
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<tbody>
<tr>
<td>Alonso, Ulises</td>
<td>Miami-Dade County</td>
<td>Roofing Inspector (Commercial)</td>
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</tbody>
</table>

*(Mr. Alonso does not meet the experience requirement for commercial roofing inspector as per Miami-Dade County Code, Chapter 8, Article 2, Section 8-21.2(4)(c)(3)(aa)(2).*
Upon completion of the Certification Report, Mr. Kurzman moved to accept the report as reported by Mr. Gamoneda. Mr. Derrer seconded the motion.

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

**REPORT #2: Joint Subcommittee Report on Glass and Glazing**

Mr. Utterback briefed the Board members of the outcome of the Subcommittee discussion on glass and glazing replacement. He directed them to the minutes of the subcommittee meeting and further informed them that the discussion would continue on April 4 and they would be notified accordingly.

Mr. Horton then requested that staff assist in assuring that the appropriate language is addressed and the correct code references are identified during complex motions.

**DISCUSSION #1: Chairperson and Vice Chairperson Election**

Mr. Horton opened the floor for nominations for Chairperson and Vice-Chairperson for the Board of Rules and Appeals.

Mr. Riley then nominated Mr. Horton for Chairperson and Mr. Diaz nominated Mr. Utterback for Vice-Chairperson.

Mr. Kurzman seconded the motion.

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

**Discussion:**

The Asst. County Attorney explained to the members that she reviewed the terms of the Chairperson and Vice-Chairperson for the Board of Rules and Appeals. She then directed them to Section 8-4, Subsection (C) 2 of the Miami Dade County Code, which states, “The Chairman of the Board of Rules and Appeals shall not serve for more than three one year terms.”

Mr. Kurzman asked the Asst. County Attorney what if the other members feel that they cannot fully obligate themselves to this position nor have the experience to serve properly as Chairperson for the Board, what will happen then.

Asst. County Attorney, Maria Arista-Volsky remarked that this question is speculative, since this determination has not been reached.

Mr. Riley asked the Attorney does this mean that the vote taken earlier invalid.

The Asst. County Attorney stated it was to her understanding that the motion was made for establishment of the slate, not a vote on the slate.

Mr. Riley stated that he did not make a motion for a slate; he moved to appoint Mr. Horton as the Chairperson.

The Asst. County Attorney reiterated that the code is clear as to the terms of Chairmanship and it is clear in stating that there shall be no more than three one-year terms in this position and they cannot override what is written in the code.

At this time, Mr. Riley suggested that they take a little recess to muster over the information that they just received from the Asst. County Attorney.

**The Board took recess from 2:05 P.M. to 2:20 P.M.**

Upon returning from recess, Mr. Diaz moved to accept the Asst. County Attorney’ s interpretation and withdrew the previous motions to nominate Mr. Horton for Chairperson and Mr. Utterback for Vice-Chairperson. Mr. Riley seconded the motion.

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

Mr. Riley then moved to nominate Mr. Derrer for Chairperson. Mr. Gomez seconded the motion. Mr. Diaz then nominated Mr. Horton for Vice-Chairperson. Mr. Fernandez-Fraga seconded the motion.

**Motion carried unanimously.**
(For a verbatim version of the aforementioned item, refer to the transcript.)
Mr. Fernandez-Fraga remarked that there is a need for a procedural monitor, maybe a Sergeant of Arms or Parliamentarian. He then nominated Mr. Utterback for this position. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

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

**NON-AGENDA ITEM #1: Corporate Signs**

Mr. Horton informed the members that this item that was originally presented to the Probable Cause and Formal hearing panel. He further added that the owner of Corporate Signs is present to inquire about the revocation of his permitting privileges.

Mr. James Zuniga explained to the Board that notification was sent to him, but the qualifying agent missed the meeting due to a misunderstanding of the date of the hearing. Mr. Zuniga further explained that he thought the meeting was February 20 and upon this mishap, he made a call to Mr. Vuelta. He then began to explain that there are actually 17 permits, and to-date eight permits are closed due to them no longer being in existence and the remaining permits are being taken care of.

Mr. Utterback gave a brief overview to the members that are not on this committee as to how the Probable Cause and Formal Hearing proceedings are conducted.

Mr. Riley questioned that maybe they should wait until Mr. Vuelta is present to hear this item, since he is the one that oversees the enforcement.

Mrs. Kathy Charles, Building Code Compliance Office, went to the podium and explained that notification was sent to the address of record, but he did not receive the notice at his forwarding address until after the hearing. However, service was attempted on behalf of the Building Code Compliance Office. Mrs. Charles further explained that service is obtained once the post office stamps the certified mail slip that they received these items to deliver; they then return this slip to the department for record purposes.

Mr. Horton explained to Mr. Zuniga that the Miami Dade County Building Department brought this case to the Probable Cause hearing and even with him missing the hearing; he still should have tried to contact someone earlier about these circumstances.

Mr. Fernandez-Fraga asked Mrs. Charles about the notification requirements.

Asst. County Attorney further reiterated the statement of Mrs. Charles and commented that sometimes the green card is not returned to the Office in time for the hearing and at this point proof of service is satisfactory through the return of the certified mail receipt.

Mr. Barnes commented that in his view Mr. Zuniga was served and notified on this matter.

After some discussion, Mr. Gomez remarked that there was some neglect on Mr. Zuniga’s behalf, but the fact remains that these permits have to be closed. He indicated that the Board’s focus was on obtaining compliance. Mr. Gomez moved not to alter the guilty finding, but reinstate his permitting privileges for 60 days in order for him to close out these permits based on the progress indicated. Mr. Diaz seconded the motion.

**Discussion:**

Mr. Horton stated that Mr. Zuniga should first pay the administrative fees, prior to reinstating his permitting privileges.

Mr. Gomez accepted this amendment and incorporated it into his 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 2:40 P.M.
MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 04-20-2006

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

Excused: William Derrer, CH Justin Manuel Arnold Velazquez

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 1:20 P.M.

MINUTES OF FEBRUARY 16 AND MARCH 16, 2006

Mr. Horton requested a motion to approve the minutes of the February 16 and March 16, 2006 board meetings.

Mr. Pierce moved to accept the minutes of the February and March meetings. Mr. Woodward 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. 02-5023506/03-5008830, Caborrocas

Mr. David Caborrocas, Executive, Vice-President explained to the members that they have an agreement with Water and Sewer Administration (WASA) to install a new 12” water line. Mr. Caborrocas further remarked that they are working with the Fire Marshall, who has inspected everything as well.

Chief Virgil Fernandez provided further explanation on this issue and informed the members that the agreement was for them to tap into the six-inch water main.

Mr. Jose Ferras, City of Miami, Building Official requested that the Board grant a 30-day extension to allow the Fire Marshall to be able to attend the next hearing and provide the specifics behind these circumstances.

Mr. Caborrocas remarked that a three-month extension would assure that everything is taken care of.

For discussion purposes, Mr. Utterback granted a 30-day extension. Mr. Salvador seconded the motion.

Discussion:

Chief Fernandez informed the members that at the present moment, the building is in a safe condition, but the initial extension was granted with the condition that they would tap into the six-inch water main.

Mr. Kurzman asked about the protection elements in place at this location in the event of a fire.

Chief Fernandez replied that the Water and Sewer Administration replied that they would have to use salt water, but there is adequate protection in place. Chief Fernandez concluded that the well was approved; it is the salt water that cannot be used.

Motion carried unanimously.

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

APPEAL #2: TCO EXTENSION, PERMIT No. B0300241, Digulimio

Mr. Monty Taylor, Representative for Scott Digulimio, was present at the hearing.

After some discussion, Mr. Kurzman 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 #3: TCO EXTENSION, PERMIT No. B0300240, Digulimio

Mr. Monty Taylor, Representative for Scott Digulimio, was present at the hearing.

After some discussion, Mr. Barnes 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.)

APPEAL #4: TCO EXTENSION, PERMIT No. B0001111/BCO04169, Sanger

Mr. Dan Sanger was present and stated that another test and balance of the mechanical system (air only) was requested, therefore, additional time is needed.

After some discussion, Mr. Utterback moved to grant a 60-day extension for the above-mentioned permit number. 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. B00696, Siffin

Mr. Mark Siffin was present and informed the members that he was working with the Planning Department, who requested that they change to the flat bar design.

Upon discussion, Mr. Barnes 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. Kurzman informed the Chairman that he needed to recuse himself from the next appeal and left the room.

Mr. Pierce left the room.

APPEAL #6: TCO EXTENSION, PERMIT No. B0000103, Miles

Mr. Joseph Miles informed the members that the TCO request is secondary to the Notice of Violation (NOV) issue, which he was advised by BCCO staff that this too would be addressed today as well.

Asst. County Attorney advised the members that the only item before them today was the request for an extension of the TCO.

Mr. Miles commented that the TCO expired in July of 2005 and requested 90-days.

After some discussion, Mr. Salvador moved to grant a 60-day extension. Chief Fernandez seconded the motion. **Motion carried unanimously.**

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

Mr. Kurzman and Mr. Pierce returned to the meeting.

APPEAL #7: TCO EXTENSION, PERMIT No. 2003-076955, Arteaga

Mr. Mark Damico, Representative for Juan Arteaga, advised the members that the extension is for the Admirals Club Project. The extension is due to a temporary egress entry at the second floor lobby.

Mr. Utterback 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.)

REGULAR AGENDA APPEAL

APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Aventura, Bonavista Condominium, 3375 N. Country Club Drive, Permit #04-00000931, FBC 2004 High Velocity Code, Re-Installation of Roll-up Shades
Mr. Steve Young, Special Engineer of the project, stated that this project is an 18-story, 150-unit condominium that is currently going through concrete restoration. He advised the members that the project was permitted in 2004 and on May 23, 2005, the City of Aventura wrote them a letter indicating that they were to cease the re-installation of the sunshades. Mr. Young further explained that the sunshades are made of aluminum and should have been installed prior to May.

Mr. Horton directed the members to Staff’s opinion, which indicate that these sunshades became large missile debris, creating a dangerous condition to the units itself and to the nearby structures.

Mr. Mariano Fernandez, Building Official, City of Aventura, remarked that they did let homeowners install these sunshades, but now the City Manager is not allowing them to continue to install these products, due to safety hazards.

A Homeowner Association board member was present and remarked that many homeowners’ are adding the sunshades to avoid the sun and rain. She went on to add that they are in the process of sending letters to the homeowner’s instructing them that they must secure their sunshade in the event of a storm.

Mr. Fernandez responded that his goal is to assure that everyone is safe.

After some discussion, Mr. Riley moved to grant the appeal and allow the homeowner to continue to install the non-structural sunshades. Mr. Gomez seconded the motion.

Motion carried. (Mrs. Garcia, Mr. Diaz, Salvador and Chief Fernandez were opposed.)

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

APPEAL #2: APPEAL OF BUILDING OFFICIAL: City of Coral Gables, 1545 Trevino Avenue, Installation of Recirculating Pool Piping on Top of the Septic Tank/Drain Field

Mr. Michael Garcia informed the members that he has had an open hole since September of 2005 and the City of Coral Gables has yet to cite the contractor.

Mr. Gerardo Urgelles, City of Coral Gables commented that this case also involved the Department of Health Inspection; he began to explain that when the plans were approved the septic tank was shown at a specific location.

Mr. Jorge Gamoneda stated that the plans illustrate that the piping is outside of the area and mentioned to the members that this area of concern was addressed at the Plumbing Chiefs meeting in March. Mr. Gamoneda informed them that they felt that “swimming pool piping is considered potable.”

Mr. Diaz expressed his concerns and stated that he believed this was a contractual issue between the homeowner and the contractor.

Mr. Garcia remarked that he would like to have the pipes removed.

Mr. Urgelles informed the Board that the inspection was approved by the City of Coral Gables with them not being aware that the septic tank was there. He added that the homeowner now has to address the drain field, but the pipe over the septic tank has to be removed before a final inspection is conducted.

Mr. Garcia asked the members if the water in fact is potable.

Mr. Utterback responded that the Board rendered a decision previously that the pool water is not deemed potable.

After much discussion, Mr. Horton moved to uphold the Building Official’s that the pool water is not potable and his recommendation that the installation of the recirculating pool piping on top of the septic tank must be relocated. Mr. Kurzman seconded the motion.

Motion carried unanimously.

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

REGULAR AGENDA REPORTS

REPORT #1: Certification Subcommittee Report for April 2006

Mr. Salvador stated that the following individuals are being recommended for approval for New Certification for 2006.

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<thead>
<tr>
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<td>Blanco, Linda S.</td>
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<td>Rousseau, Jose M.</td>
<td>Miami-Dade County</td>
<td>Roofing Inspector (Residential)</td>
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<td>Sariego, Jorge L.</td>
<td>City of North Miami</td>
<td>Mechanical Inspector</td>
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<td>Suleman, Christopher</td>
<td>Miami-Dade County</td>
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<td>Torre, Gerardo L.</td>
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<td>Roofing Inspector (Residential)</td>
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<td>Valderrama, Freddy</td>
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<td>Roofing Inspector (Residential)</td>
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<tr>
<td>Valle, Juan C.</td>
<td>Miami-Dade County</td>
<td>Roofing Inspector (Residential)</td>
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<td>Vega, Orlando</td>
<td>Miami-Dade County</td>
<td>Roofing Inspector (Residential)</td>
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<tr>
<td>Viciedo, Adalberto M.</td>
<td>City of Aventura</td>
<td>Plans Examiner Structural</td>
</tr>
<tr>
<td>Viñas, Tony G.</td>
<td>Miami-Dade County</td>
<td>Roofing Inspector (Residential)</td>
</tr>
</tbody>
</table>

Mr. Gamoneda informed the members that Mr. Dexter Bleasdell, Mr. Luis Hernandez and Mr. Juan Valle are to be removed from the New Certification list for Roofing Inspector (Residential).

Upon review of the New Certification list for 2006, Mr. Gomez moved to accept the list with the amendment as mentioned by Mr. Gamoneda. Mr. Barnes seconded the motion.

Motion carried unanimously.

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

Mr. Salvador further mentioned that the following individual was being recommended for rejection for New Certification for 2006, was being removed from the rejection list. The Certification Subcommittee is taking into consideration his exam, which was taken in 2004.

INSPECTOR: Deso, Jr. David  REPRESENTING: City of Hialeah  DISCIPLINES: Plans Examiner Mechanical Res. (Mr. Deso does not have the required one-year experience under his CMC license as required for Residential Plans Examiner.)

Mr. Gomez then moved to grant Mr. Deso New Certification and Mr. Woodward seconded the motion.

Motion carried unanimously.

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

DISCUSSION #1: Hip and Ridge Roof Tile Installation

Mr. Kenny Everett, Unincorporated Miami Dade County, addressed the members if they could provide a specific direction on the hip and ridge roof tile installation. He explained that many roofs will be installed now prior to Hurricane Season and there needed to be some interim remedy in place to address some deficiencies.

Mr. Pierce advised the members that he has done some research and it looks like they do not have a choice in this matter, since the options are available in the current code. He explained that the intent is to comply with the wind load requirements.
Mr. Goolsby responded that BCCO has submitted changes to the Florida Building Commission to eliminate Option A of 3.10 Hip and Ridge Installation guidelines. He went on to inform them that it would be addressed at the May Florida Building Commission meeting and if it passes it would be implemented in November.

Mr. Utterback commented that he understands this will be addressed, but felt that something needed to be done immediately.

Mr. Mark Zehnal, Building Code Compliance Office suggested to the members that perhaps they could recommend to the Building Official’s that roof contractors use one of the other options that are available, until the elimination of Option A becomes law.

Mr. Goolsby offered a suggestion that the Board could recommend to Building Officials that mortar set hip and ridge caps be testing in accordance with TAS 106 until Option A is removed from the Code.

Upon discussion, Mr. Utterback moved to send this item to the Roofing Subcommittee, as well as the appropriate industry affiliate. Also, prior to these meetings staff is to prepare a draft for discussion on this area of concern. Mr. Diaz seconded the motion. Motion carried unanimously.

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

REPORT #2: Joint Subcommittee Report on Glass and Glazing

Mr. Horton reminded the members that this was an area of discussion where the Building Official needed clarity on how to address these glass and glazing issues.

Mr. Goolsby informed the members that the Broward Board of Rules and Appeals Board would be meeting tonight and language will be presented to them accordingly.

Mr. Horton then asked if there was any discussion on the motions as written.

Mr. Ferras asked about the 25% rule, as FEMA sets the standards in this area.

Mr. Goolsby responded that any threshold percentage would require a code change.

Mr. Diaz informed the members that he felt that they have gone as far as they can and yet remain compliant with the code.

Mr. Horton expressed the need to have a regular Building Subcommittee on these issues and to address other items that need code changes or modifications.

Mr. Goolsby concurred with Mr. Horton on establishing an ongoing Subcommittee to address these areas of concern.

After some discussion, Mr. Diaz moved to accept the minutes of the Joint Subcommittee with the interpretation language as modified by Staff. Mr. Utterback seconded the motion. Motion carried unanimously.

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

REPORT #3: 2004-2005 Biannual Board Report

Mr. Horton opened the floor for discussion on the Bi-annual Board Report for 2004-2005. He pointed out to the members that the Commissioners have requested a Board mission statement, which has been provided by the Building Code Compliance Office.

Mr. Gomez inquired about the membership terms, as he has noticed from the Members List that a number of the members seated on the Board are serving under expired terms.

Mrs. Kathy Charles, Building Code Compliance Office, clarified that the County Attorney’s Office has determined that the advisory Board members, in fact, can continue on the Board until they are replaced or reappointed for continuity sake. Therefore, the pending reappointments would not prevent the members from sitting on the Board.

Upon some discussion, Mr. Kurzman moved to accept the Biannual Report for 2004-2005 with the typographical corrections indicated. Mr. Utterback seconded the motion. Motion carried unanimously.

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

INFORMATION:
Mr. William Strachan announced to the members that he would be resigning from the Board of Rules and Appeals. He informed them that next month would be his last meeting. He thanked them for the many memories as a member of the Board of Rules and Appeals. The members wished him well and congratulated him on his retirement from the Board.

There being no further business, the meeting was adjourned at 3:21 P.M.
MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 05-18-2006

Attendance:  William Derrer, CH  Richard Horton, VC  Jesus M. Gomez  Robert Barnes
John Kurzman  Rolando Diaz  Chief Virgil Fernandez  Enrique Salvador
William Strachan, (Ret. Chief)  Alfonso Fernandez-Fraga  Justin Manuel

Excused:  Thomas Utterback  Arnold Velazquez  Carmen Garcia  Gregory Pierce
Edward Woodard William Riley

Staff Present:  Maria Arista-Volsky, Asst. County Attorney  Herminio F. Gonzalez, Secretary to the Board
Yvonne Bell, Recording Secretary

Court Reporter: Janice Aguirre, Metro Dade Court Reporters

The meeting commenced at 1:12 P.M.

MINUTES OF APRIL 20, 2006

Mr. Derrer requested a motion to approve the minutes of the April 20, 2006 board meeting.

Mr. Diaz moved to accept the minutes of the April meeting. Mr. Kurzman seconded the motion.

Motion carried unanimously.

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

REGULAR AGENDA APPEAL

APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Miami Beach, The Continuum, 100 South Pointe Drive, Permit #B0000103, Stop Work Order/Notice of Violation

Mr. Derrer informed the members that the attorney has requested that this appeal be deferred; a letter referencing this request was made available to the members.

REGULAR AGENDA TCO/TCC APPEALS

APPEAL #1: TCO EXTENSION, PERMIT No. 03020193, Tobin

Mrs. Linda Johnson was present on behalf of Roger Tobin.

After some discussion, Mr. Kurzman 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. 2002109075, Gonzalez

Mr. John Thompson was present on behalf of Mr. Juan Gonzalez.

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

Motion carried unanimously.

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

APPEAL #3: TCO EXTENSION, PERMIT No. BCO2135/BCO2136/BCO3158

Mrs. Suzanne Besu was present and requested a 90-day extension for New Florida Properties.

Mr. Richard McConahie, City of Miami Beach stated that the Building Official is limiting the timeframe to 30-days on all TCO extensions. He added that the Building Official wants the developer and the contractor to explain exactly what they needed to obtain compliance.

After some discussion, Mr. Diaz moved to grant a 30-day extension from June 5th. Mr. Kurzman seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)
Mr. Diaz rescued himself from the next item and left the room.

APPEAL #4: TCO EXTENSION, PERMIT No. B0505039/B9902057, Reyes

Mr. Gino Falsetto advised the members that there were some deficiencies within the building, but they are working on them. He then asked the members for a 90-day extension to take care of about eight pending items at this site.

Mr. Herminio Gonzalez brought to the members’ attention that the TCO had been expired since February 23, 2006. Therefore, two TCO extensions needed to be granted to bring them up to date.

After some discussion, Mr. Salvador moved to grant a 30-day extension from February 23. Chief Fernandez seconded the motion.

**Motion carried unanimously.**

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

Chief Fernandez then moved to grant a 30-day extension from today. Chief Fernandez seconded the motion.

**Motion carried unanimously.**

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

Mr. Diaz returned to the room.

APPEAL #5: TCO EXTENSION, PERMIT No. BCO05186, Hornberger

Mr. Andrew Frey explained to the Board that they are working on addressing some items with the Historic Preservation Board; however, they would be receiving the final signoff from the Planning Department today. He then requested a 30-day extension for the Victor Hotel.

Upon discussion, Mr. Horton moved to grant a 30-day extension from the date of expiration. Mr. Kurzman 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

Upon discussion, Mr. Horton moved to grant a 30-day extension from the date of expiration. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

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

APPEAL #7: TCO EXTENSION, PERMIT No. BCO05187, Hornberger

Upon discussion, Mr. Horton moved to grant a 30-day extension from the date of expiration. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

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

**REGULAR AGENDA REPORTS**

**REPORT #1: Certification Subcommittee Report for May 2006**

Mr. Salvador stated that the following individuals are being recommended for approval for New Certification for 2006.

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<th>INSPECTOR</th>
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<th>DISCIPLINES</th>
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<td>De Zayas, Eduardo</td>
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<td>Plans Examiner Structural</td>
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<td>Jaffe, Richard L.</td>
<td>Miami-Dade County</td>
<td>Mechanical Inspector</td>
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<td>Maltby, Wesley C.</td>
<td>City of Florida City</td>
<td>Building Official</td>
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<td>Quintana, Osiris</td>
<td>City of Miami</td>
<td>Chief Building Inspector</td>
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<td>Rodriguez, Jesus R.</td>
<td>City of Miami</td>
<td>Building Inspector (Structural)</td>
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<td>Schad, Michael A.</td>
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<td>Roofing Inspector (Residential)</td>
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<td>Building Inspector (Structural)</td>
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Upon discussion, Mr. Salvador moved to accept the list. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*
DISCUSSION: Safety of Construction Cranes

Mr. Derrer informed the members that he wanted to discuss the Safety of Construction Cranes and the recent incident, where workers lost their lives. He commented that Commissioner Audrey Edmondson has scheduled a meeting on May 24 at 10:00 A.M. to address this area of concern.

Mr. Kurzman responded that he would like to know what the failure was and perhaps review the Engineer’s Report.

Mr. Horton informed the members that he was also invited to this meeting as well. He stated that in his opinion the threshold inspector should responsible for inspecting this area. Mr. Horton further mentioned that however some companies do maintain their equipment.

Chief Fernandez asked the members exactly what would they be enforcing.

Mr. Derrer responded that at the moment, there is nothing in the Code that regulates cranes, but the Committee consists of a group of professionals put together to make a recommendation. He further added that he could not make the meeting, but would like representation from the Board of Rules and Appeals.

Mr. Herminio Gonzalez reminded the members that they are charged with trying to establish uniformity within the jurisdictions. He mentioned to the members that Staff has done some research on this area and perhaps they should hear from them.

Mr. Iqbal Shaikh, Building Code Compliance Office informed the members that he did not know the specifics behind the incident that Mr. Kurzman is speaking of, but in his opinion these cranes are under designed.

Mr. Ferras informed the members that he has done a lot of research on cranes, which are self-regulated because it is a piece of equipment. He also found through his research that only three companies in the country inspect them.

Mr. Fernandez-Fraga suggested that perhaps they should look into how Carnival equipment is regulated.

Mr. Ferras further informed the members that OSHA only reviews the reports; they do not climb the cranes to inspect them.

Mr. Derrer remarked that the Code is silent and stressed once again that these concerns will be addressed at the meeting on May 24.

Chief Fernandez asked about the type of expertise needed to inspect this equipment.

Mr. Ferras responded that he does not think his inspectors can do this inspection, as this is a very specialized area.

Mr. Horton commented that they would have to hire a special inspector.

Chief Fernandez expressed the need for industry to be involved in these meetings as well.

After some discussion, Mr. Derrer suggested that this area of concern be addressed at the Building Subcommittee meeting prior to the next Board of Rules and Appeals hearing. He further advised Mr. Ferras that he would like to review the forensic report on the incident within his jurisdiction.

PRESENTATION: Retiring of Chief William Strachan

Mr. Horton asked that Chief Strachan come to the podium to receive a plaque in his name for his recognized membership to the Board of Rules and Appeals. He thanked him for all of his dedication and time to the Board.

At this time, Jennifer Messemer, Public Information Officer, took pictures of Chief Strachan with the Board members.

INFORMATION #1: Happy Birthday to Mr. John Kurzman

Mr. Derrer took the opportunity to wish Mr. Kurzman a Happy Birthday.

The members recognized him and wished him many more.
INFORMATION #2: Review of Standing Subcommittees

Mr. Derrer informed the members that he would like to address some of the Standing Subcommittees of the Board of Rules and Appeals and place individuals in the areas that needed additional members. He proceeded with the Certification Subcommittee and asked for additional members to this meeting. Mr. Diaz and Mr. Kurzman stated that they would attend these meetings.

Mr. Derrer then visited the Formal Hearing meeting. Mr. Kurzman was added to this subcommittee, he informed the members that he is out of town a lot, but he would try to attend as many meetings as possible.

NON-AGENDA ITEM: City of Miami, 717 N.E. 27 Street

Mr. Jose Ferras, Building Official, City of Miami informed the members that the above-mentioned item was to be added to the agenda for today’s hearing. He explained that they received a 30-day extension at the last hearing, but he had requested that this item be revisited to allow the Fire Marshall to attend the hearing and provide the specifics behind this case.

After some discussion, Chief Fernandez moved to grant a 30-day extension. Mr. Salvador 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 2:09 P.M.
MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 06-15-2006

Attendance:  William Derrer, CH  Richard Horton, VC  Thomas Utterback  Jesus M. Gomez
Robert Barnes  John Kurzman  Rolando Diaz  Chief Virgil Fernandez
Enrique Salvador  William Riley  Alfonso Fernandez-Fraga  Carmen Garcia

Excused:  Arnold Velazquez  Gregory Pierce  Edward Woodard  Justin Manuel

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

Court Reporter: Janice Aguirre, Metro Dade Court Reporters

The meeting commenced at 1:20 P.M.

MINUTES OF MAY 18, 2006

The acceptance of the minutes for the May 18, 2006 meeting did not take place.  
(The minutes will be placed on the July 20 meeting agenda for approval.)

ANNOUCEMENT

Prior to starting the meeting, Mr. Derrer informed the members that Michael Goolsby was awarded the Building Official of the Year by the South Florida Building Officials Association.

REGULAR AGENDA APPEAL

Mr. Kurzman recused himself from hearing the following appeal.

APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Miami Beach, The Continuum, 100 South Pointe Drive, Permit #B0000103, Stop Work Order/Notice of Violation

Mr. David Haber, Representative of the Unit Owners, informed the Board that the current unit owners bought these properties two and a half years ago and currently the structure is on its fourth contractor. He informed the members that previous extensions were requested by the developer, not the Association, who took over in December of 2003.

Mr. Haber further indicated that they would like the Board to rescind the Notice of Violation (NOV) to the owner and request that the developer finish the job.

Mrs. Rhonda Montoya-Hasan, Senior City Attorney, advised the members that the City issued a Notice of Violation to the owner in February 2006. She explained that the TCO has been expired since July 2005 and there has not been any fees paid for permits and extensions. Mrs. Montoya-Hasan further added that the master permit remains active until October 2006 and a roofing permit was also issued. She indicated that the Association took control in late 2003, early 2004.

Mr. Fernandez-Fraga asked what exactly needed to be completed.

Mrs. Montoya-Hasan responded that there is a punch list of items, but it is minimal.

Mr. Goolsby stated that the Board could not determine the issue of ownership. He indicated that the Building Official could issue a Notice of Violation to the owner of the property. Mr. Goolsby added that more importantly, this issue may need to be resolved as a civil matter.

Asst. County Attorney Maria Arista-Volsky asked the City Attorney whether they were in litigation at this time. She then asked what relieved the developer from responsibility.

Mrs. Montoya-Hasan stated that the City is not in litigation with any of the parties and reiterated that Notice of Violations are sent to the owner of the property, which can be done under the Florida Building Code.

After further discussion, Mr. Riley moved to modify the Building Official’s decision issuing a Notice of Violation (NOV) to the Continuum on South Beach Condo Association for an expired Temporary Certificate of Occupancy. In doing so, the Board ruled that the NOV should be issued to the Condominium Association and the Building Developer. Chief Fernandez seconded the motion.
EMERGENCY AGENDA

DISCUSSION #1 – Status of TCO Extension/717 N.E. 27 Street

Mr. Ferras gave a background history of the extension for the above-mentioned property.

Mr. David Cabarrocas informed the members that they are in agreement with the Fire Marshall and requested a 90-day extension to resolve the matter.

Chief Fernandez moved to grant an emergency TCO extension for 30-days for them to submit the paperwork for the next meeting to request an extension. Mr. Salvador seconded the motion.

Mr. Horton suggested that at the next hearing, a layout plan for compliance is readily available for the members.

Motion carried unanimously.

REGULAR AGENDA APPEAL

APPEAL #2: APPEAL OF BUILDING OFFICIAL: City of Miami, Platinum Condominium, 480 N.E. 30 Street, FBC 1012.1.2, Requirements for Governing of Exterior Door

Mr. Julio Diaz informed the members that the issue is regarding a swimming pool deck, where there is an outside stair and inside fire stair and this is where the question of the doors arises.

Mr. Diaz further remarked that it would be acceptable to them, if there was a door that met these requirements.

Mr. Jose Ferras, Building Official City of Miami informed the members that this appeal was denied due to the Notice of Acceptance requirements. He went on to add that the Fire Marshall requested that the doors swing in the direction of travel. Mr. Ferras further added that he was informed that there are 25 commercial doors available.

Mr. Jaime Gascon, Chief, Product Control Division informed the members that there are some devices that are panic resistance and additional locks or shutter protection may need to be used.

After some discussion, Mr. Fernandez-Fraga moved to grant the appeal. He further added that the approval is subject to the Fire Departments approval and a product approved door that swings in the direction of travel. Mr. Utterback seconded the motion.

Upon further discussion, Mr. Diaz withdrew his appeal to work with the Building Official on this issue.

REGULAR AGENDA TCO/TCC APPEALS

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

Mr. Cliff Schulman requested a 30-day extension for the final stages of Sunset Harbour.

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

Motion carried unanimously.

APPEAL #2: TCO EXTENSION, PERMIT No. 02-50160046, Fine

Mr. Patrick Range requested an extension and advised the members that there are some minor repairs to be completed.
After some discussion, Mr. Salvador moved to grant a 90-day extension. Mr. Riley seconded the motion. **Motion carried unanimously.**

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

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

Mr. Patrick Range requested an extension and advised the members that there are some minor repairs to be completed.

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

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

**APPEAL #4: TCO EXTENSION, PERMIT No. 2003017623, Arteaga**

Representation for this TCO request was not present at the hearing.

After some discussion, Chief Fernandez 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: TCO EXTENSION, PERMIT No. 03030130, Muhina and Fernandez-Rodriguez**

Mr. Eduardo Muhina was present at the hearing for this item.

Upon discussion, Mr. Horton 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.)*

**REGULAR AGENDA REPORTS**

**REPORT #1: Certification Subcommittee Report for June 2006**

Mr. Salvador stated that the following individuals are being recommended for approval for New Certification for 2006.

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<tr>
<td>Berry, John T.</td>
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<td>Building Inspector (Structural)</td>
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<td>Bistolfi, Juan A.</td>
<td>City of Miami Beach</td>
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<td>Cabrera, Suramy</td>
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<td>Plans Examiner Structural</td>
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<td>Flingos Jr., Thomas P.</td>
<td>City of South Miami</td>
<td>Chief Electrical Inspector</td>
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<td>Fucini, Peter R.</td>
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<td>Jones, Lloyd N.</td>
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<td>Electrical Inspector</td>
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<td>Rodriguez, Raul V.</td>
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<td>Plans Examiner Plumbing</td>
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<td>Village of Palmetto Bay</td>
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<td>Rubi, Richard</td>
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<td>Plans Examiner Mechanical</td>
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Mr. Jorge Gamoneda, Building Code Compliance Office, informed the members that a correction for Erick Medina needed to be made to remove him from the City of Hialeah of which he has resigned.

Upon some discussion, Chief Fernandez moved to recommend those listed for New Certification, with the correction as mentioned by Mr. Gamoneda. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

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

Mr. Salvador stated that the following individuals are being recommended for approval for De-Certification for 2006.

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<th>INSPECTOR</th>
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<th>DISCIPLINES:</th>
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<tr>
<td>Cline, Wiley R.</td>
<td>City of Homestead</td>
<td>Plumbing Inspector</td>
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<tr>
<td>(Has not obtained his Standard Inspector License from the Department of Business and Professional Regulation, and his Provisional Plumbing Inspector License PPI319 expired on June 9, 2006).</td>
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| Martin, John F. | City of Homestead         | Officer Electrical                     |
| (Has not obtained his Standard Inspector or Standard Plans Examiner Licenses from the Department of Business and Professional Regulation, his Provisional Commercial Electrical Inspector License PCE334 will expire on June 10, 2006 and his Provisional Electrical Plans Examiner PEP221 will expire on June 15, 2006). |

Upon some discussion, Chief Fernandez moved to recommend the De-Certification for those listed above. Mr. Gomez seconded the motion.

**Motion carried unanimously.**

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

**EMERGENCY AGENDA CONT...**

**TCO/TCC APPEALS**

**APPEAL #1: TCO EXTENSION, PERMIT No. BCO2135/BCO3158, Besu**

Mr. Bob de la Fuente was present on behalf of New Florida Properties and requested an extension.

After some discussion, Mr. Salvador moved to grant a 30-day extension. Chief Fernandez seconded the motion.

**Motion carried unanimously.**

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

**REGULAR AGENDA CONT...**

**DISCUSSION #1: Shingle Recover Guidelines**

Mr. Goolsby informed the members that in anticipation of the Hurricane season, there is a need to review the Shingle Recover Guidelines. He added that the guidelines are to produce uniformity and represent some basic information that could be used throughout the County.

Mr. Kurzman commented that he has no objection to these guidelines, but they need to take into consideration the wind load increase.

Mr. Goolsby responded that this issue is addressed during the permitting process.

Upon some discussion, Mr. Kurzman moved to accept the guidelines. Mr. Utterback seconded the motion.

**Motion carried unanimously.**

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

**DISCUSSION #2: Expired Swimming Pool Permits**

Mr. Derrer gave a background history of this issue and proceeded to explain that this came about from the Probable Cause Panel and Formal Hearing. He informed the members that once the case is sent to the Panel to address, only the contractor is notified of the hearing. Mr. Derrer asked the members for guidance on how to assure that the homeowner is made aware of these hearings and once the contractor has been found guilty, assure that compliance is obtained.
Mr. Gomez commented that the main concern was life safety and he feels that the Notice of Violation should be sent to both the homeowner and the contractor.

Mr. Kurzman asked the Asst. County Attorney whether a fine to the homeowner and the contractor could be issued.

Asst. County Attorney Maria Arista Volsky indicated that they do not have the authority to issue a fine to the homeowner.

Mr. Eddie Fernandez, Building Code Compliance Office (Building), commented that the pool barrier has to be installed at the time of the final inspection. He further informed the members that the barrier must also be in place before the pool is filled with water.

Mr. Horton stated that they should also be made to show proof of a contract for the installation of a barrier.

Mr. Gomez clarified that they would like to assure that the homeowner is notified of the life safety issue at their premises.

Asst. County Attorney stated that the Board could only send notification; however, they cannot enforce that the homeowner attend the hearing.

Mr. Barnes suggested doing away with of the affidavit relieving the contractor of securing the pool.

Upon much discussion, Mr. Derrer suggested to defer this discussion to the September meeting and to send notice to all Building Official’s and the appropriate industry.

**DISCUSSION #3: BORA Standing Subcommittees**

Mr. Derrer asked that the members look at the Standing Subcommittees list and decide whether they want to continue on a particular subcommittee or be removed.

Mr. Gomez stated that he could be added to the Roofing Subcommittee, replacing Mr. Derrer.

**INFORMATION #1: Asst. County Attorney Maria Arista-Volsky**

Asst. County Attorney Maria Arista Volsky provided the members with a courtesy reminder that the Financial Disclosure filing deadline is July 1st.

Mr. Derrer urged the members to take care of this matter.

**There being no further business, the meeting was adjourned at 2:55 P.M.**
MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 07-20-2006

Attendance: William Derrer, CH
John Kurzman
William Riley
Richard Horton, VC
Rolando Diaz
Carmen Garcia
Thomas Utterback
Chief Virgil Fernandez
Robert Barnes
Enrique Salvador
Alfonso Fernandez-Fraga

Excused: Arnold Velazquez
Gregory Pierce
Edward Woodard
Justin Manuel
Jesus M. Gomez

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

Court Reporter: Janice Aguirre, Metro Dade Court Reporters

The meeting commenced at 1:13 P.M.

MINUTES OF MAY 18, 2006 and JUNE 15, 2006

Mr. Derrer requested a motion to approve the minutes of the May 18 and June 15, 2006 meetings.

Chief Fernandez moved to accept the minutes for the May and June meetings. Mr. Horton seconded the motion.

Motion carried unanimously.

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

Mr. Riley moved to hear the Emergency Agenda Discussion item. Mr. Salvador seconded the motion.

Motion carried unanimously.

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

EMERGENCY AGENDA

APPEAL #1: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, Blue Lakes Mobile Home Park, 9801 – 10001 West Flagler Street, FBC 2004 Chapter 1, Sec. 111.3, Intent to Disconnect Power

Mr. Ray Taseff, Representative for Mobile Homeowners, started by mentioning that a lawsuit has been filed in Circuit Court regarding the disconnect of power to the Blue Lakes Mobile Home Park. Mr. Taseff stressed to the members that there is neither imminent danger nor a threat to life and safety at this site.

Mr. Utterback asked Mr. Taseff for the circumstances surrounding this appeal.

Mr. Taseff began by commenting, that approximately around the end of March, each resident was cited for electrical problems within their mobile home. In turn, this prompted the Owner of the property to issue notices to the residents informing them that they must move off the premises. Mr. Taseff further remarked that the Building Department has indicated that on June 30, they will disconnect the power to these structures.

Asst. County Attorney, Maria Arista-Volsky reminded the Board of their powers, which is to affirm, modify, or reverse the Building Official’s recommendation.

Mr. Taseff stated that they have filed an injunction and this issue is going to be heard on Monday in the Courts. However, at this time they are contesting the disconnection of power at these residents.

Mr. Ron Szep, Unincorporated Miami Dade County Building Department, commented that the Department issued Notice of Violations in March of this year, citing a number of violations to these structures. Mr. Szep stressed that this is an immediate hazard and danger. In addition, this property did not receive permits or inspections. Mr. Szep further added that they have granted some extensions for those owners who are in the process of complying.

Mr. Derrer directed the members to the Section of the code providing the Building Official with the authority to disconnect the power.

Mrs. Garcia inquired about how many units were in this hazardous condition.

Mr. Taseff responded that they represent 80 residents and 20 of them have received extensions until July.
Mr. Kurzman expressed his concerns and discontent with the photographs that were submitted by the County, detailing life and safety issues at these residences.

Mr. Salvador wanted to hear the Building Official’s stance once again.

Mr. Szep reiterated that around the end of June some residents will be in non-compliance, but those who have complied will receive restoration of power at their residence.

Assistant County Attorney Daniel Frastai stressed that not everyone’s power is being turn-off and some residents have received extensions. He provided a background history as well, detailing that the Building Department has issued several notices since the end of March, giving them ample time to remedy this problem. Mr. Frastai further stressed that there is electrical activity going into these mobile homes.

Upon much discussion, Mr. Utterback moved to affirm the decision of the Building Official to disconnect utility services to this structure in order to eliminate an immediate hazard to life or property. Chief Fernandez seconded the motion.

Discussion:

Mr. Salvador asked about the building violation at this site.

Mr. Stu Bazerman, Unincorporated Miami Dade County Building Department, stated that the residents are being told that they have to hire a licensed electrical contractor to re-wire correctly.

Mr. Taseff commented that homeowners who have hired contractors still have their power turned off.

Mr. Goolsby cited Section 8-5 of the Miami Dade County Code stating that “any work done without a permit is considered unsafe”.

Mobile home resident Vivian Acevedo remarked that she has lived in her mobile home for 25 years and she is trying to comply with the Notice of Violation. She further informed the members that many elderly people live at this location.

Mr. Antonio Esposito, through a translator, stated that he is a 20 year resident and he was cited for a violation in 2002. He added that he has complied with everything requested, only to receive new violations.

Mr. Freddy Valdarrama, Unincorporated Miami Dade County, commented that he cited everyone that had a violation at their property.

Mr. Eduardo Fernandez, Building Code Compliance Specialist (Building), explained that the Building Official does have the authority to disconnect the power.

Motion carried unanimously.

The Board took recess at 2:13 P.M. and reconvened at 2:19 P.M.

REGULAR AGENDA APPEAL

APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Aventura, Flamenco Condominium, 3701 N. Country Club Drive, Sunshades Removal & Reinstallation, Permit #0300000955

Mr. David Silverstein, Flamenco Condominium Association President, provided a background of this issue and informed the members that on April 26, 2006, a resident inquired about the installation of new sunshades. Mr. Silverstein added that currently 300 sunshades have been reinstalled. He further added that the installation contract is through November 28, 2008, but he was told by the Building Official to seek Board of Rules and Appeals guidance.

Mr. Eduardo Fernandez, Code Compliance Specialist (Building), remarked that Staff is in agreement with the Building Official and the Florida Building Code does not have a clear direction or specific requirement on how to deal with this type of condition.

Mr. Silverstein remarked that they would be installing the original sunshades for the remaining 75 units.

After some discussion, Mr. Fernandez-Fraga moved to grant the appeal and in doing so, allow the appellant to proceed with the removal and installation of the non-structural sunshades. 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: Town of Miami Lakes, Courtyards at Miami Lakes, 6431 Coe Pen Road, FBC 2004 Chap 15, Sec. 1519.11, NOA Roofing Application, Permit #R2006-1526

Mr. Ronald Werowinski commented that he was informed that he was installing the wrong roof system and at this moment, he has 48 men and two cranes ready to start. He further added that the Notice of Acceptance (NOA) was originally accepted.

Mr. Eliezer Palacio, Town of Miami Lakes Building Official, informed the members that he is seeking a clarification for this issue, however on the Notice of Acceptance it states that it is an optional requirement.

Mr. Kurzman asked for clarification on the word “optional”, as it pertains to this area of concern.

Mr. Mark Zehnal, Building Code Compliance Specialist (Roofing), stated that the Florida Building Code takes precedence over an NOA when they are in conflict and the manufacturers published literature or instructions are subordinate to the NOA, which is a tested system or component.

Mr. Goolsby remarked that the procedural order is the Code and then the Notice of Acceptance.

Mr. Zehnal further added that the option is in place for a steel deck, but in this case, the wrong Notice of Acceptance was used.

Mr. Orlando Blanco, P.E., explained the history behind this case and proceeded to explain that the lightweight concrete system was installed under the concrete deck NOA and the vapor barrier was an option, which is under alternative methods. He added that these concerns were addressed with staff of the Building Code Compliance Office Product Control Division.

Mr. Goolsby informed the Board that the Building Official has the authority to grant equal alternatives. He went on to add that the insulation requested could be subject to moisture.

Mr. Salvador commented that they have already completed two buildings using this insulation.

Mr. Robert Ganues, Sarnafil Inc., commented that in 2001, these permits were issued and the contractor used the NOA supplied by the Product Control Division. He continued to add that everything about the vapor barrier is optional and during the installation of this product, they were at the site. As for the failure of this insulation, he has not seen that they guarantee this.

Upon much discussion, Mr. Riley moved that the Florida Building Code and the required Notice of Acceptance work together in addressing a constantly changing building environment. Therefore, the Florida Building Code takes precedent over a Notice of Acceptance. Mr. Salvador seconded the motion.

Discussion:

Mr. Eliezer Palacio remained firm in his stance that the code is not clear in this area.

Mr. Jaime Gascon, Product Control Division, informed the members that the code and product approval work collectively. He proceeded to explain that when a NOA is issued the test data is also included.

Motion carried. (Mr. Kurzman was opposed.)

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

REGULAR AGENDA TCO/TCC APPEALS

APPEAL #1: TCO EXTENSION, PERMIT No. B0001111/BC004169, Sanger

Mr. Dan Sanger informed the members that the TCO does not expire until August, but they need additional time to complete the repairs.

After some discussion, Chief Fernandez moved to grant a 60-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. 02-5023506/03-5008830, Cabarrocas
Mr. David Cabarrocas informed the members that the contract with the Water and Sewer Administration has been updated and they are now ready to proceed.

After some discussion, Chief Fernandez 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. Fernandez-Fraga recused himself from the following appeal.

APPEAL #3: TCO EXTENSION, PERMIT No. 03020193, Tobin

Mrs. Linda Johnson was present at hearing on behalf of Roger Tobin.

After some discussion, Mr. Salvador moved to grant a 90-day extension. Mr. Chief Fernandez seconded the motion. **Motion carried unanimously.**  
(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #4: TCO EXTENSION, PERMIT No. BCO2135/BCO2136/BCO3158

Mr. Bob de la Fuente was present on behalf of Suzanne Besu.

After some discussion, Mr. Utterback moved to grant a 60-day extension. Chief Fernandez seconded the motion. **Motion carried unanimously.**  
(For a verbatim version of the aforementioned item, refer to the transcript.)

Chief Fernandez moved to hear the Emergency Agenda. Mr. Salvador seconded the motion. **Motion carried unanimously.**  
(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Diaz recused himself from the following appeal.

EMERGENCY AGENDA TCO/TCC APPEALS

APPEAL #1: TCO EXTENSION, PERMIT No. BCO05452, Reyes

After some discussion, Mr. Utterback moved to grant a 60-day extension. Mr. Salvador seconded the motion. **Motion carried unanimously.**  
(For a verbatim version of the aforementioned item, refer to the transcript.)

COUNTY ATTORNEY REPORT: Stipulated Agreement, One Stop Remodeling and Building Corporation, Vic George, Qualifier

Asst. County Attorney, Maria Arista-Volsky advised the members that an agreement has been made with One Stop Remodeling and Building Corporation. She then provided a background history for the above-mentioned company and proceeded to ask that they consider a motion to execute this agreement.

Chief Fernandez moved to accept the stipulated agreement as submitted by the County Attorney. Mr. Salvador seconded the motion. **Motion carried unanimously.**  
(For a verbatim version of the aforementioned item, refer to the transcript.)

REGULAR AGENDA REPORTS

REPORT #1: Certification Subcommittee Report for July 2006

Mr. Salvador stated that the following individuals are being recommended for approval for New Certification for 2006.

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<td>Miami-Dade County</td>
<td>Electrical Inspector</td>
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</table>
Upon some discussion, Mr. Kurzman moved to recommend those listed for New Certification. Chief Fernandez seconded the motion. **Motion carried unanimously.**  
*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Salvador stated that the following individuals are being recommended for **approval** for **Rejection** for 2006.

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<tr>
<th>INSPECTOR:</th>
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<td>Carmenates, Aurelio J.</td>
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</tbody>
</table>

(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).(1).)

(Applicant’s Provisional application was denied by the Department of Business and Professional Regulation).

(Does not comply with Chapter 8 requirements for Plans Examiner, 5 years of field experience under masters license).

Upon some discussion, Mr. Kurzman moved to **Reject** Mr. Aurelio Carmenates. Chief Fernandez seconded the motion. **Motion carried unanimously.**  
*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Upon some discussion, Mr. Utterback moved to **Reject** Mr. Jose Cespedes. Chief Fernandez seconded the motion. **Motion carried unanimously.**  
*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Upon some discussion, Mr. Kurzman moved to **Reject** Mr. Eric Merced. Mr. Horton seconded the motion. **Motion carried unanimously.**  
*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**NON-AGENDA ITEM – TCO Request for Palm Court at 23rd Street, Ltd.**

**APPEAL #1: TCO EXTENSION, PERMIT No. B9700865, Bloomberg**

Mr. Mel Gonzalez was present on behalf of Palm Court at 23rd Street.

After some discussion, Chief Fernandez moved to grant a 60-day extension. Mr. Utterback 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 3:22 P.M.
MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 10-19-2006

Attendance: Richard Horton, VC Thomas Utterback John Kurzman Rolando Diaz
Chief Virgil Fernandez Enrique Salvador Edward Woodard Alfonso Fernandez-Fraga
Robert Barnes Jesus M. Gomez

Excused: William Derrer, CH William Riley Arnold Velazquez
Justin Manuel Carmen Garcia Gregory Pierce

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

Court Reporter: Janice Aguirre, Metro Dade Court Reporters

The meeting commenced at 1:15 P.M.

MINUTES OF SEPTEMBER 21, 2006

Mr. Horton requested a motion to approve the minutes of the September 21, 2006 meetings.

Mr. Salvador then moved to accept the minutes for the September 21, 2006 meeting. Mr. Diaz seconded the motion.

Motion carried unanimously.

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

REGULAR AGENDA APPEAL

APPEAL #1: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 9725 N.W. 117 Avenue, Chapter 11, Florida Building Code, Accessibility

Mr. Robert Fine, Representative for the Developer, commented that they are appealing the Building Official’s decision to require the installation of sidewalks under Chapter 11 of the Florida Building Code at this location. He presented the members with an exhibit depicting the property and referenced Florida Statutes and administrative law outlining the justification of why a sidewalk is not needed.

Mr. Jose Gonzalez, provided additional background on the nature of their appeal commenting that this property consisted of 640 acres. He indicated that the commercial park was platted and Public Works never required sidewalks, primarily due to this area being designated for industrial use.

Mr. Fine asked that the members to reverse the Building Official’s recommendation, in the fact that a sidewalk is not required for this location.

Assistant County Attorney Maria Arista-Volsky inquired about existing buildings in the area and asked if they have sidewalks.

Mr. Gonzalez responded that there is one sidewalk that goes to nowhere, with half-section lined roads, but none that continue.

Mr. Utterback asked about the sidewalk access to the strip mall.

Mr. Gonzalez replied that they are not platted at this time.

Mr. Flavio Gomez, Unincorporated Miami Dade County, Building Department, informed the members that the applicant presented drawings that were reviewed and they want now what amounts to a revision to the permit that was already issued. Mr. Gomez proceeded to cite Section 11.4.3.2.1 of the Florida Building Code and expressed to the members that the Building Official feels that at least one accessible route is needed.

At this time, Mr. Utterback moved to deny the appeal. Mr. Woodward seconded the motion.

Discussion on the motion:

Mr. Rene Fraga, Building Code Compliance Specialist, commented that an accessible route is always required, but in this circumstance where the route goes to nowhere, it is not practical to request the sidewalk.
Ms. Maria Arista-Volsky asked Mr. Fine could a disabled person visit this area.

Mr. Fine replied that everything is code compliant.

Mr. Horton then called a question on Mr. Utterback’s motion to deny the appeal.

**Motion died.**

Mr. Diaz then moved to grant the appeal and modify the Building Officials’ decision. In doing so, the Board directed that the accessible route to the public street or sidewalk is not necessary at this time. However, a covenant will be attached to the property requiring the Developer to install such accessible route in the event that a sidewalk is ever placed along NW 117th Avenue, adjacent to the subject building. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

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

**REGULAR AGENDA NOA QUALITY ASSURANCE APPEAL**

**NOA APPEAL #1: NOA #03-0916.02, Glasslam Safety – Plus I, Use of Alternate Laminate/Resin**

Mr. Daniel K. Bean, Representative for Reichold, Inc, presented the members handouts and commented that they are appealing the recall of the product Safety Plus I. He added that they object because Safety Plus I is safe and does not pose a threat to the public and they stand behind this product. Mr. Bean went on to add that this case has been in litigation since 2002 for a breach of contract. In addition, he indicated the product was tested and passed.

Mr. Kurzman asked about the process of hearing appeals that are in litigation.

Ms. Arista-Volsky informed the members that the litigation process of the two parties involved is not a matter for the Board to determine.

Mr. Bean replied that the Florida Building Code does not authorize the Building Code Compliance Office to issue a recall, but more importantly, there are no Florida Statutes that authorize a recall as well. He mentioned again that Safety Plus I has never had any failures and discoloration does not mean that the window will fail to perform. Mr. Bean provided a background history of the facts behind this issue and commented that if the Board affirms the recall then Glasslam failed on their Notice of Acceptance.

Mr. John Heplin, Representative for Glasslam commented that this is the second lawsuit with Reichold and the jury did find Reichold liable. He informed the members that he has not reviewed what Mr. Bean has presented to the members today, but he wants them to know that this documentation does not mean that everything is fine. Mr. Heplin further commented that these windows have not gone through rigorous testing; nothing has been thrown against the windows to see if they would break.

Mr. Kurzman asked if they knew in fact if the windows were subjected to impact testing.

Mr. Heplin responded that he did not know whether the impact testing was extensive. He continued to mention that they tested a piece of glass from a building several years ago, and the window failed the test.

Ms. Maria Arista-Volsky asked why they did not seek product approval to change the resin the second time.

Mr. Heplin replied that the resin served as glue and they felt that it would not change the strength of the product.

Mr. Jaime Gascon, Product Control Division Chief, proceeded to read staff’s opinion into the record and provide the Board with a brief background history on this issue from the perspective of product approval. He advised them that Glasslam and Reichold are in fact in litigation at this time. However, Glasslam has not filed any revisions to-date to their Notice of Acceptance and the current existing Notice of Acceptance does not incorporate this resin.

After much discussion, Mr. Kurzman moved uphold Staff’s opinion that evidence showing that the substitute product already installed performs to the requirements in Chapter 26 of the Florida Building Code and conforms with the plastics checklist as issued by the Product Control Division by filing a revision application within the next six (6) months. Mr. Utterback 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. 2002109075, Gonzalez

The representative for this TCO appeal informed the members that they are in the process of relocating the tenants and they are scheduled to open on February 19, 2007.

Mr. Kurzman 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. 2003076955, Arteaga

Mr. Juan Carlos Arteaga informed the members that all of the issues were addressed as it pertains to the Admiral’s Club Project. He added that there are now enough exists from the concourse level.

Chief Fernandez 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. 2003083413, Mayan

Mr. Horton announced that this TCO extension has been withdrawn and will not be addressed today.

REGULAR AGENDA REPORTS

REPORT #1: Certification Subcommittee Report for October 2006

Mr. Salvador stated that the following individuals are being recommended for approval for New Certification for 2006.

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<th>INSPECTOR:</th>
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<tr>
<td>Alvarez, Angel M.</td>
<td>City of Miami Springs</td>
<td>Building Inspector (Structural)</td>
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<td>Alvarez, Reiner</td>
<td>Village of Palmetto Bay</td>
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Mr. Jorge Gamonededa, Building Code Compliance Specialist, informed the members that Mr. Peter Wagoner is being added for Inspector Residential (Roofing) and Craig Stevens for Electrical Inspector and Plans Examiner Electrical are to be added to the New Certification list.

Upon some discussion, Mr. Diaz moved to recommend those listed for New Certification. Chief Fernandez seconded the motion. 
Motion carried unanimously. 
(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Salvador then stated that the following individuals are being recommended for Rejection for New Certification for 2006.
Mr. Gamoneda further advised the members that Mr. Peter Wagoner is being rejected for Roofing Inspector (Commercial).

Upon some discussion, Mr. Salvador moved to reject those listed above for New Certification. Chief Fernandez seconded the motion. Motion carried unanimously.

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

EMERGENCY AGENDA

BOARD INFORMATION: Charles Danger, Unincorporated Miami Dade County, Carbon Monoxide Detectors

Mr. Howard Schoendorf, Unincorporated Miami Dade County, requested the Board’s help on carbon monoxide detection. He referred to several recent accidents that have occurred and they feel that a local amendment must be in place.

Mr. Goolsby explained that technical amendments have to be justifiable. However, there may be other avenues to address this concern.

Mrs. Maria Martes addressed the members and informed them that one of the families affected was hers, where her mother, sister, brother in-law, and two nephews died. She expressed concern that the average person does not know the ramifications of carbon monoxide and what it can do. Mrs. Martes further expressed that she believes the liability lies with the developer.

Mr. Diaz expressed his concerns and agreed with Mrs. Martes, he encouraged her to with the Building Code Compliance Office.

Mr. Salvador recommended that this would also apply to gas heaters as well.

Mr. Pete Quintela, Building Code Compliance Office, remarked that approximately 200 people every year succumb to carbon monoxide poisoning. He commented that this area of concern is being looked into more closely, but he wanted to advise everyone that the carbon monoxide detectors could result a false sense of security. He commented in view of the fact that carbon monoxide is colorless and tasteless, its nature presents a special problem in detection.

Upon some discussion, Mr. Utterback asked that the Building Code Compliance Office to send a letter on behalf of the Board of Rules and Appeals indicating their endorsement and support regarding this issue. Chief Fernandez 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 3:13 P.M.
MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF NOVEMBER 16, 2006

Members Present: Robert Barnes, Richard Horton, Vice Chairman
William Derrer, Chairman John Kurzman
Rolando Diaz Enrique Salvador
Chief Virgil Fernandez Thomas Utterback, Sergeant at Arms
Alfonso Fernandez-Fraga Edward Woodward
Jesus M. Gomez

Members Excused: Carmen Garcia
Gregory Pierce

Staff Present: Herminio F. Gonzalez, P.E., Secretary to the Board
Maria Arista-Volsky, Assistant County Attorney
Yvonne Bell, Board Recording Secretary
Nelly Nieves, Board Recording Secretary

Court Reporter: Lorena Ramos - Metro Dade Court Reporters

The meeting commenced at 1:17 P.M.

The Chairman, Mr. William Derrer, asked the members of the Board to identify themselves and state the discipline and Commissioner appointment they serve under.

Mr. Derrer then brought to the members’ attention the copy of the memorial service program for Board member Arnold M. Velazquez. He then asked the panel and audience to observe a moment of silence in memory of Mr. Velazquez.

MINUTES OF THE MEETING OF OCTOBER 19, 2006

Mr. Derrer requested a motion to approve the minutes of the October 19, 2006 meeting. Enrique Salvador then moved to accept the minutes for the October 19, 2006 meeting. Chief Virgil Fernandez seconded the motion. The 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. BCO05452, Reyes

Appellant representation for this TCO request was not present at the hearing.

Mr. Richard McConahie, City of Miami Beach, advised the Board that they recommended a 60-day extension. Additionally, he informed the members that the permit did expire in September of 2006, however, the railings are in the process of being repaired and a building permit has been obtained.

A motion was then made by Mr. Kurzman to grant a 60-day extension from this date. The motion was seconded by Mr. Utterback and carried unanimously.

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

APPEAL #2: TCO EXTENSION, PERMIT No. 030201993, Tobin

Linda Johnson was present on behalf of St. Thomas Episcopal Church.

A motion was made by Mr. Kurzman to accept the Building Official’s recommendation for a 90-day extension. Mr. Kurzman included as a part of his motion an effective date for the extension beginning today. The motion was seconded by Mr. Salvador and carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)
REPORT #1: Certification Subcommittee Report for November 2006

Mr. Salvador stated that the following individuals are being recommended for approval for New Certification for 2006.

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<tr>
<td>De Jonge, David A.</td>
<td>Town of Cutler Bay</td>
<td>Mechanical Inspector</td>
</tr>
<tr>
<td>De Zayas, Eduardo</td>
<td>Town of Cutler Bay</td>
<td>Plans Examiner Structural</td>
</tr>
<tr>
<td>Desharnais, George W.</td>
<td>Village of El Portal</td>
<td>Building Inspector (Structural)</td>
</tr>
<tr>
<td>Figueroa, Andres B.</td>
<td>Village of Pinecrest</td>
<td>Plans Examiner Building</td>
</tr>
<tr>
<td>Garcia, Armando J.</td>
<td>City of South Miami</td>
<td>Roofing Inspector (Commercial)</td>
</tr>
<tr>
<td>Kriger, Eduardo</td>
<td>City of Coral Gables</td>
<td>Roofing Inspector (Commercial)</td>
</tr>
<tr>
<td>Martin, Gilberto A.</td>
<td>Miami-Dade County</td>
<td>Plans Examiner Electrical</td>
</tr>
<tr>
<td>Mastrosimone, Philip W.</td>
<td>Town of Cutler Bay</td>
<td>Plans Examiner Structural</td>
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<td></td>
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<td>Plans Examiner Building</td>
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<td></td>
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<td>Plans Examiner Plumbing</td>
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<td>Roofing Inspector (Residential)</td>
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<td></td>
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<td>Roofing Inspector (Commercial)</td>
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<td>Plans Examiner Electrical</td>
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<td>Plans Examiner Structural</td>
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<td>Plans Examiner Building</td>
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<td></td>
<td></td>
<td>Plans Examiner Plumbing</td>
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<tr>
<td></td>
<td></td>
<td>Plumbing Inspector</td>
</tr>
</tbody>
</table>
After consideration, Mr. Salvador moved to grant New Certification for the above-mentioned individuals, with the exception of George W. Desharnis, who has been withdrawn from the list. Mr. Kurzman seconded the motion and the motion **carried unanimously**.

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

Mr. Salvador stated that the following individuals are being recommended for **Rejection** for **New Certification** for 2006.

<table>
<thead>
<tr>
<th>INSPECTOR:</th>
<th>REPRESENTING:</th>
<th>DISCIPLINES:</th>
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</thead>
<tbody>
<tr>
<td>Alvarez, Reiner</td>
<td>Town of Cutler Bay</td>
<td>Plans Examiner Mechanical</td>
</tr>
<tr>
<td>(Mr. Alvarez must hold a Standard Plans Examiner License in order to review plans).</td>
<td></td>
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</tr>
<tr>
<td>Fonseca, Francisco O.</td>
<td>Miami-Dade County</td>
<td>Building Inspector (Structural)</td>
</tr>
<tr>
<td>(Applicant needs to provide a copy of Provisional License Application).</td>
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</tr>
</tbody>
</table>

After consideration, Mr. Salvador made a motion to reject those individual listed as submitted by Staff. The motion was seconded by Chief Virgil Fernandez and the motion **carried unanimously**.

*(For a verbatim version of the aforementioned item, refer to the transcript.)*
BOARD OF RULES AND APPEALS  
Minutes of the Meeting of November 16, 2006

(Continued…)

Mr. Salvador stated that the following individual is being recommended for **De-Certification** for **New Certification** for 2006.

**INSPECTOR:**  
Ratner, Thomas E  
City of Miami Beach  
(State of Florida suspended his Inspector License)

**REPRESENTING:**  
City of Miami Beach

**DISCIPLINES:**  
Electrical Inspector

After consideration, Mr. Salvador made a motion for decertification of Mr. Ratner as an Electrical Inspector. The motion was seconded by Mr. Utterback and the motion **carried unanimously**.

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


Mr. Pete Quintela, Building Code Compliance Office Mechanical Specialist, addressed the members and advised them that the Building Code Compliance Office submitted two code proposals related to detectors for Residential Group R1, R2 and R3. He advised them the Florida Building Commission Technical Advisory Committee will review these provisions at upcoming meetings.

Mr. Herminio Gonzalez, Building Code Compliance Office Director, inquired about detectors installed in the bedroom.

Mr. Quintela responded that maybe one detector would be required inside the bedroom, but there is a second proposal for one outside of the bedroom that would be hardwired with battery backup.

Mr. Utterback asked about the normal operational life span for these carbon monoxide detectors.

Mr. Quintela replied four years is the typical operational life span for the equipment.

Mr. Harold Schoendorf, Unincorporated Miami Dade County Mechanical Division Director, reiterated the need for these provisions regarding carbon monoxide detection and advised the members of the types of related inspections performed by Unincorporated Miami Dade County. Mr. Schoendorf also submitted a U.S. Consumer Product Safety Commission reference to the members, which incorporates provisions on carbon monoxide detectors.

**Non-Agenda Item: Illegally licensed Contractors**

Mr. Herminio F. Gonzalez updated the members on the status of the plea sessions for the illegally licensed contractors. He advised them that most of the individuals are pleading “not guilty” and will be set for formal hearings. Mr. Gonzalez indicated that the State Attorney’s Office would also be pursuing these cases. With respect to related permit activity, Mr. Gonzalez commented that 80% of the permits have now been transferred or closed.

Mr. Derrer inquired about the trust fund for the homeowners.

Mr. Gonzalez replied that the a proposal was drafted to go before the Board of County Commissioners (BCC), but the County Attorney would need to review prior to submitting the ordinance to the Commission.

There being no further business, the meeting was adjourned at 1:40 P.M.
MINUTES OF THE BOARD OF RULES AND APPEALS
MEETING OF DECEMBER 14, 2006

Members Present:  Alfonso Fernandez-Fraga       Edward Woodward
                  Jesus M. Gomez             Carmen Garcia
                  Robert Barnes             Richard Horton, Vice Chairman
                  Rolando Diaz              Enrique Salvador
                  Thomas Utterback, Sergeant at Arms
                  William Derrer, Chairman   John Kurzman

Members Excused:  Gregory Pierce
                 Chief Virgil Fernandez

Staff Present:  Herminio F. Gonzalez, P.E., Secretary to the Board
                Maria Arista-Volsky, Assistant County Attorney
                Yvonne Bell, Board Recording Secretary
                Nelly Nieves, Board Recording Secretary

Court Reporter: Lorena Ramos - Metro Dade Court Reporters

The meeting commenced at 1:07 P.M.

The Chairman, Mr. William Derrer, took the opportunity to welcome back Mr. Myron Rosner to the board and to introduce new Board Member Juan Dalla Rizza. Mr. Derrer then advised the members that there are four (4) vacancies remaining.

Mr. Richard Horton also presented a plaque on behalf of the Board members and the Building Code Compliance Office in memory of Board Member Arnold Velazquez who recently passed away. Mr. Horton read the inscription on the plaque to those present, praising Mr. Velazquez’ service to the Community and the Board of Rules and Appeals.

MINUTES OF THE MEETING OF NOVEMBER 16, 2006

Mr. Derrer then requested a motion to approve the minutes of the November 16, 2006 meeting. Mr. Rolando Diaz then moved to accept the minutes for the last meeting. The motion was seconded by Mr. Enrique Salvador and 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. 01-5010199, Fine

A motion was made by Mr. Enrique Salvador to grant a 90-day extension. The motion was seconded by Mr. Rolando Diaz and carried unanimously.

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

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

A motion was made by Mr. John Kurzman to grant a 90-day extension. The motion was seconded by Mr. Enrique Salvador and carried unanimously.

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

APPEAL #3: TCO EXTENSION, PERMIT No. 2003017623, Arteaga

A motion was made by Mr. Richard Horton to grant a 90-day extension. The motion was seconded by Mr. Rolando Diaz and carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)
REPORT #1: Certification Subcommittee Report for December 2006

Mr. Salvador stated that the following individuals are being recommended for approval for New Certification for 2006.

<table>
<thead>
<tr>
<th>INSPECTOR:</th>
<th>REPRESENTING:</th>
<th>DISCIPLINES:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allen, Jimmie</td>
<td>City of Miami Gardens</td>
<td>Plans Examiner Building</td>
</tr>
<tr>
<td>Annese, Richard</td>
<td>City of Miami Gardens</td>
<td>Roofing Inspector (Commercial)</td>
</tr>
<tr>
<td>Bender, Donald H.</td>
<td>City of Aventura</td>
<td>Plumbing Inspector</td>
</tr>
<tr>
<td>Brina, Antonio A.</td>
<td>City of Doral</td>
<td>Plans Examiner Building</td>
</tr>
<tr>
<td>Crucet, Evaristo R.</td>
<td>City of Doral</td>
<td>Electrical Inspector</td>
</tr>
<tr>
<td>Dieguez, Ernesto</td>
<td>Miami-Dade County</td>
<td>Plans Examiner Electrical</td>
</tr>
<tr>
<td>Fonseca, Francisco O.</td>
<td>Miami-Dade County</td>
<td>Building Inspector (Structural)</td>
</tr>
<tr>
<td>Garcia, Heberto A.</td>
<td>City of Opa Locka</td>
<td>Chief Plumbing Inspector</td>
</tr>
<tr>
<td>Garcia, Jorge E.</td>
<td>City of Miami</td>
<td>Plans Examiner Structural</td>
</tr>
<tr>
<td>Gutierrez, Jorge A.</td>
<td>City of Opa Locka</td>
<td>Plans Examiner Plumbing</td>
</tr>
<tr>
<td>Hernandez, Luis B.</td>
<td>Town of Miami Lakes</td>
<td>Roofing Inspector</td>
</tr>
<tr>
<td>Mantilla, Evelio</td>
<td>City of Miami Gardens</td>
<td>Roofing Inspector (Residential)</td>
</tr>
<tr>
<td>Martinez, Camilo</td>
<td>Miami-Dade County</td>
<td>Plans Examiner Mechanical</td>
</tr>
<tr>
<td>Medrano, Leonel A.</td>
<td>City of Miami Beach</td>
<td>Chief Building Inspector</td>
</tr>
<tr>
<td>Michelson, M. Donald</td>
<td>City of Hialeah Gardens</td>
<td>Electrical Inspector</td>
</tr>
<tr>
<td>Navia, P.E., Jesus</td>
<td>City of Miami Gardens</td>
<td>Chief Building Inspector</td>
</tr>
<tr>
<td>Palacios, Jose</td>
<td>City of Miami Springs</td>
<td>Plans Examiner Plumbing</td>
</tr>
<tr>
<td>Regula, Ronald</td>
<td>City of Homestead</td>
<td>Chief Mechanical Inspector</td>
</tr>
<tr>
<td>Saymon, Burt J.</td>
<td>Town of Cutler Bay</td>
<td>Mechanical Inspector</td>
</tr>
<tr>
<td>Silva, John M.</td>
<td>Miami-Dade County</td>
<td>Plans Examiner Mechanical</td>
</tr>
<tr>
<td>Way Jr., Richard</td>
<td>City of Miami</td>
<td>Building Insp. Structural (Res.)</td>
</tr>
</tbody>
</table>

After consideration, Mr. Diaz moved to grant New Certification for the above-mentioned individuals. The motion was seconded by Mr. Horton and carried unanimously.

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

Mr. Salvador stated that the following individuals are being recommended for Rejection for New Certification for 2006.

<table>
<thead>
<tr>
<th>INSPECTOR:</th>
<th>REPRESENTING:</th>
<th>DISCIPLINES:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canales, Eduardo</td>
<td>City of Miami</td>
<td>Chief Electrical Inspector</td>
</tr>
<tr>
<td>(The City already have a Chief Electrical Inspector)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rousseau, Jose M.</td>
<td>City of Miami Gardens</td>
<td>Roofing Inspector (Commercial)</td>
</tr>
<tr>
<td>(Mr. Rousseau does not possess the requisite 5 years experience in the roofing industry as required by Section 8-21.2(dd) of the Code of Miami-Dade County).</td>
<td></td>
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</tr>
</tbody>
</table>

After consideration, Mr. Diaz made a motion to reject those individuals listed above. The motion was seconded by Mr. Woodward and carried unanimously.

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

At this time, Mr. Salvador informed the members that he had a question about the Continuing Education hours required for the year. He commented that 12-hours are required from the Building Code Compliance Office and the remaining four may be from another approved course provider. Mr. Salvador explained that the Code states that the individual must be present and therefore, the question is whether an on-line course complies with this requirement.

Mr. Jorge Gamoneda, (Plumbing) Code Compliance Specialist, commented that the code is clear as it pertains to this area of concern.

Mr. Herminio F. Gonzalez, Building Code Compliance Office, Director, outlined the additional State requirements. He proceeded to explain that a total of 16 hours must be taken, with 12 of them from the Building Code Compliance Office.

Asst. County Attorney, Maria Arista-Volsky remarked that many organizations allow on-line courses, as long as the individual provides their license number and proof of completion.

After some discussion, Mr. Utterback moved to allow the use of online courses. The motion was seconded by Mr. Derrer and carried. Mr. Diaz was opposed.

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

Mr. Gonzalez stressed to the members that this motion only applies to the additional four hours required by the Building Code Compliance Office.

REPORT #2: 2007 Board Meeting and Formal Hearing Dates

Mr. Gonzalez brought to the Board’s attention the meeting dates for 2007.

The members accepted the meeting dates for 2007.

EMERGENCY AGENDA

Mr. Kurzman moved to hear the Emergency Agenda. The motion was seconded by Mr. Diaz and carried unanimously.

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

Mr. Enrique Salvador left the room and recused himself from this appeal.

APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Sunny Isles, Plastic Pipe Hangers, Florida Building Code

Mr. Rod Davis, Douglas Orr Plumbing, Inc., submitted documents to the members outlining the nature of his appeal. He commented that the hangers in question are made of the same material as the “pipe insulator” and does have the UL approved listing. Mr. Davis expressed that they would like to utilize these hangers in plenum areas and use the product in question as an alternate.

Mr. Clay Parker, City of Sunny Isles, Building Official was present and commented that his staff would provide background information on this product.

Mr. David Didona, City of Sunny Isles, Chief Mechanical Inspector remarked that the hanger must be identified and just the name on the product is not good enough. He explained that the product that they are using is not marked and has no testing information listed. Mr. Didona further remarked that, at this time, 17 floors have the product installed.

Mr. Diaz inquired about them leaving the product in the existing 17 floors and, in the interim, provide data indicating that the product complies with appropriate testing.

Mr. Parker responded that there is a product available with the proper rating and it could be installed.
After further discussion about alternative methods, Mr. Davis withdrew his appeal from the Board of Rules and Appeals.

Mr. Salvador returned to the meeting.

**EMERGENCY AGENDA TCO/TCC APPEALS**

**APPEAL #1: TCO EXTENSION, PERMIT No. 2003033488, Perez**

After some discussion, Mr. Derrer informed the members that two extensions needed to be granted to bring this TCO up to date.

Mr. Diaz moved to grant an extension from April 2006 until today. The motion was seconded by Mr. Kurzman and carried unanimously.

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

Mr. Diaz then moved to grant a 90-day extension. The motion was seconded by Mr. Kurzman and carried unanimously.

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

**APPEAL #2: TCO EXTENSION, PERMIT No. BCO2135, BCO2136 and BCO3158, Besu**

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

Motion carried unanimously.

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

**APPEAL #3: TCO EXTENSION, PERMIT No. B09700865, Bloomberg**

After some discussion, Mr. Derrer informed the members that two extensions needed to be granted to bring this TCO up to date.

Mr. Diaz moved to grant an extension from September 2006 until today. The motion was seconded by Mr. Kurzman and carried unanimously.

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

Mr. Diaz then moved to grant a 60-day extension from today. The motion was seconded by Mr. Kurzman and carried unanimously.

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

**INFORMATION**

Asst. County Attorney Maria Arista-Volsky advised the members that she would no longer be the assigned County Attorney for the Board of Rules of Appeals. She remarked that her increased workload on Children’s Trust issues would not permit her to sit as counsel for the Board. However, she mentioned that her replacement Erica Zaron would be fully briefed about the Board. Mrs. Arista-Volsky then thanked everyone for their professionalism.

*There being no further business, the meeting was adjourned at 1:52 P.M.*