

**MINUTES OF THE BOARD OF RULES AND APPEALS**  
**MEETING OF JANUARY 21, 2010**

**Members Present:** William Derrer, **Chairman**  
Thomas Utterback, **Sergeant at Arms**  
J. Robert Barnes  
Juan Dalla Rizza, P.E.  
Mario Espineira, Jr.  
Alfonso Fernandez-Fraga, P.E.  
Carmen Garcia  
Jesus Gomez  
Herbert Gopman  
Richard Horton, **Vice-Chairman**  
John Kurzman  
Gregory Pierce  
Myron Rosner  
Enrique Salvador  
Paul L. Smith  
Edward Woodward

**Members Excused:** Rolando Diaz, P.E.  
Chief Virgilio Fernandez

**Staff Present:** Eduardo Gonzalez, Assistant County Attorney  
Michael Goolsby, Acting Secretary of the Board  
Nelly Nieves, Board Recording Secretary

**Court Reporter:** Tanya Settel, Official Reporting Services, LLC

**The meeting commenced at 1:05 P.M.**

**MINUTES of December 17, 2009**

Mr. Derrer requested a motion to **approve** the minutes of the **December 17, 2009** meeting. A motion was made by John Kurzman to accept the minutes as written. The motion was seconded by Gregory Pierce.

The motion **carried unanimously**.

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

**REGULAR AGENDA:**

**APPEAL # 1: APPEAL OF BUILDING OFFICIAL; City of Sunny Isles Beach; 19200 Collins Avenue; Permit No. B2009-2259; Heritage Park Project; FBC Section 105.3.1; Issuance of a Building Permit; Jeffrey Bercow.**

*A continuance requested in writing by the City of Sunny Isles Beach prior to meeting and the item is deferred to February 18, 2010 Board meeting.*

**TCO/TCC APPEALS:**

**#1 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, North Terminal Development; C/D Shell Frame; MDAD Project 737E/737G; Permit No. 2001111801; Juan C. Arteaga.**

John Thompson was present on behalf of the Miami-Dade Aviation Department.

A motion was made by Edward Woodward to grant the request for extension for 90 days. The motion was seconded by Gregory Pierce.

The motion **carried unanimously**.

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

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**TCO/TCC APPEALS:**

**#2 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, North Terminal Development; D-Connector Finish; MDAD Project 739H(SF); Permit No. 2003026424; Juan C. Arteaga.**

John Thompson was present on behalf of the Miami-Dade Aviation Department.

A motion was made by Gregory Pierce to grant the request for extension for 90 days. The motion was seconded by Richard Horton.

The motion **carried unanimously**.

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

**EMERGENCY AGENDA:**

**TCO/TCC APPEAL:**

**#1 TCO EXTENSION, Unincorporated Dade County; Miami International Airport; C-D Infill Ramp Interior Finish; MDAD Project No. 739G; Permit No. 2003017623; Juan C. Arteaga.**

The Chairman William Derrer asked the panel for a motion to hear the item on the Emergency Agenda.

A motion was made by Richard Horton and seconded to hear the item on the Emergency Agenda.

The motion **carried unanimously**.

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

John Thompson was present on behalf of the Miami-Dade Aviation Department.

A motion was made by Gregory Pierce to grant the request for extension for 90 days. The motion was seconded by Edward Woodward.

The motion **carried unanimously**.

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

**REPORT # 1 – CERTIFICATION SUBCOMMITTEE REPORT and 2010 RE-CERTIFICATION REPORT**

Richard Horton presented the report to the Board on behalf of Subcommittee Chairman Enrique Salvador.

Richard Horton indicated that the following individuals are being recommended for approval for Re-Certification for 2010. **(Per Attached Inspector Tracking System Applicants Yearly Report.)**

A motion was made by Gregory Pierce to accept the 2010 Inspector Tracking Report for Re-Certification of the Building Officials, Plans Examiners and Inspectors. The motion was seconded by Edward Woodward.

The motion **carried unanimously**.

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

Richard Horton stated the following individuals are being recommended for **Rejection** for **Re-Certification** for 2010.

**INSPECTOR:**

**REPRESENTING:**

**DISCIPLINES:**

Coiffman, Bernardo L.

City of Sunny Isles Beach

Building Inspector – Structural

**(“Failure to comply with Continuing Education Requirements”)**

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**REPORT # 1 – CERTIFICATION SUBCOMMITTEE REPORT and 2010 RE-CERTIFICATION REPORT**

<b><u>INSPECTOR:</u></b>	<b><u>REPRESENTING:</u></b>	<b><u>DISCIPLINES:</u></b>
Crews, Joseph W.	City of North Miami Beach	Building Inspector – Structural Inspector – Commercial Roofing Inspector – Residential Roofing Plans Examiner Building
	Town of Cutler Bay	Building Inspector – Structural Inspector – Commercial Roofing Plans Examiner Building
<b>(“Failure to comply with Continuing Education Requirements”)</b>		
Oliver, Sheila S.	City of North Miami	Mechanical Inspector Plans Examiner Mechanical
<b>(“Failure to comply with Continuing Education Requirements”)</b>		
Yocum, David B.	City of Miami Springs	Electrical Inspector Plans Examiner Electrical

Michael Goolsby informed the Board that Ms. Sheila Oliver was present to earn two (2) hours needed to be in compliance with continuing education requirements. A motion was made by Edward Woodward and seconded by Gregory Pierce to **approve Sheila Oliver for Re-certification for 2010.**

The motion **carried unanimously.**

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

A motion was made by Richard Horton to **deny for Re-certification: Bernardo Coiffman, Joseph Crews and David Yocum.** The motion was seconded by Edward Woodward.

The motion **carried unanimously.**

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

Richard Horton stated the following individual are being recommended for **approval for New Certification** for 2010.

<b><u>INSPECTOR:</u></b>	<b><u>REPRESENTING:</u></b>	<b><u>DISCIPLINES:</u></b>
Annese Salvatore D.	Town of Surfside	Building Inspector – Structural Chief Building Inspector Plans Examiner Building
Cronin, John C.	Town of Surfside	Chief Plumbing Inspector Plans Examiner Plumbing Plumbing Inspector
	Village of Virginia Gardens	Chief Plumbing Inspector Plans Examiner Plumbing Plumbing Inspector
Gutkin, Leonard	Town of Surfside	Chief Electrical Inspector Plans Examiner Electrical
Guzman, Enrique I.	Town of Surfside	Electrical Inspector

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**REPORT # 1 – CERTIFICATION SUBCOMMITTEE REPORT and 2010 RE-CERTIFICATION REPORT**

<b><u>INSPECTOR:</u></b>	<b><u>REPRESENTING:</u></b>	<b><u>DISCIPLINES:</u></b>
Hernandez, Jorge M.	Village of Palmetto Bay	Building Inspector – Structural Inspector – Commercial Roofing Inspector – Residential Roofing Plans Examiner Building
Perez, Angel L.	Village of Virginia Gardens	Electrical Inspector Plans Examiner Electrical
Perez, Jan Pierre	Town of Surfside	Chief Mechanical Inspector Mechanical Inspector Plans Examiner Mechanical
Rodriguez, Jorge M.	Town of Surfside	Building Inspector – Structural Plans Examiner Building
Wagoner, Peter R.	City of Coral Gables	Plans Examiner Building

A motion was made by Gregory Pierce to **approve** the **named individuals for New Certification for 2010**. The motion was seconded by Edward Woodward.

The motion **carried unanimously**.

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

Richard Horton stated the following individuals are being recommended for **Rejection** for **New Certification** for 2010.

<b><u>INSPECTOR:</u></b>	<b><u>REPRESENTING:</u></b>	<b><u>DISCIPLINES:</u></b>
Gioia, Paul A.	City of North Bay Village	Building Inspector – Structural

**(Applicant does not possess the required Standard Inspector Certification from the State of Florida DBPR. Mr. Gioia only holds a Building Code Administrator Certification and can only perform inspections in the municipality where certified as a Building Official, according to Florida Statutes 468.603 (1))**

Michael Goolsby explained to the Board the referenced Florida Statute, which is the basis for the denial. Mr. Goolsby further explained that Mr. Gioia is the Building Official for the City of Surfside and, therefore, cannot perform functions outside the city in which he is a Building Official.

A motion was made by Herbert Gopman to **deny Mr. Gioia for New Certification as an inspector for the City of North Bay Village**. The motion was seconded by Richard Horton.

The motion **carried unanimously**.

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

Guzman, Robert A.	City of Sunny Isles Beach	Roofing Inspector – Commercial
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**(Applicant does not demonstrate the minimum experience level of 5 years in the roofing industry as required by the Code of Miami-Dade County, Section 8-21.2(g)(7)).**

A motion was made by Gregory Pierce to **deny** Mr. Guzman for **New Certification**. The motion was seconded by John Kurzman.

The motion **carried unanimously**.

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

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**REPORT # 2 – GREGORY PIERCE – ROOFING SUBCOMMITTEE – HYBRID GREEN ROOF SYSTEM – DANIEL ARGUELLES - ARTEZANOS; 2007 FBC 1512.2.2; APPROVED TEST OF INNOVATIVE PRODUCT**

Mr. Gregory Pierce requested that Jamie Gascon, Chief of Product Control Division, provide an update.

Mr. Jamie Gascon informed the Board that Daniel Arguelles' proposal for the Hybrid Green Roof System, as a Recover Over Existing Asphalt Shingle Roofs and as New Construction, was reviewed at the Subcommittee for all the required test items in order to meet the criteria to be issued a Notice of Acceptance (NOA). Mr. Gascon stated that of the six (6) key items discussed there was one minor adjustment on the fire testing that was deemed necessary. Further, he explained that on the fire testing consisting of a burning brand test, an intermediate flame test and a flame spread test it was determined that only the burning brand portion needs to be performed. Mr. Gascon indicated it was agreed that the laboratory will conduct an evaluation to then determine if further testing was necessary.

A motion was made by Gregory Pierce to accept the adjustment as presented by Mr. Gascon. The motion was seconded by Richard Horton.

The motion **carried unanimously**.

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

The Chairman William Derrer asked Mr. Gascon if the system is tested and approved does it have to come back to the Board or is it automatically issued an NOA.

Mr. Gascon stated that after successful testing it goes through the normal NOA application process. However, he indicated the Board members would receive information on the Notice of Proposed Action format when completed and approval recommendation is given.

Mr. Pierce stated to the Board members that considerable time had been spent clarifying the testing requirements. Mr. Pierce stated, however, should the applicant have a need for another Subcommittee meeting would be fine, but hopefully the issues were clear and this item can move forward through the review process.

The Chairman asked Mr. Arguelles if he wished to say anything.

Daniel Arguelles, President of Artezanos, indicated there was a lot of details to cover and the discussion went into depth providing an understanding on the criteria for the review. He stated the meeting was basically an attempt to remove some repetitive testing he felt was redundant. Mr. Arguelles commented he was satisfied with the results.

The Chairman asked Mr. Arguelles if he had a clear direction going forward.

Mr. Arguelles indicated that he was clear at this point.

**DISCUSSION: ANNUAL ELECTIONS – CHAIRPERSON and VICE-CHAIRPERSON**

A motion was made by Gregory Pierce to nominate William Derrer as Chairman and Richard Horton as Vice-Chairman for the next term. The motion was seconded by Carmen Garcia.

The motion **carried unanimously**.

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

**There being no further business, the meeting adjourned at 1:20 P.M.**

**MINUTES OF THE BOARD OF RULES AND APPEALS**  
**MEETING OF FEBRUARY 18, 2010**

**Members Present:** Richard Horton, **Vice-Chairman**  
Thomas Utterback, **Sergeant at Arms**  
Juan Dalla Rizza, P.E.  
Rolando Diaz, P.E.  
Chief Virgilio Fernandez  
Alfonso Fernandez-Fraga, P.E.  
Herbert Gopman  
John Kurzman  
Gregory Pierce  
Myron Rosner  
Enrique Salvador  
Paul L. Smith  
Edward Woodward

**Members Excused:** William Derrer, **Chairman**  
J. Robert Barnes  
Mario Espineira, Jr.  
Carmen Garcia  
Jesus Gomez

**Staff Present:** Eduardo Gonzalez, Assistant County Attorney  
Michael Goolsby, Acting Secretary of the Board  
Nelly Nieves, Board Recording Secretary

**Court Reporter:** Fernando Subriats, Official Reporting Services, LLC

**The meeting commenced at 1:16 P.M.**

**MINUTES of January 21, 2010**

Mr. Horton requested a motion to **approve** the minutes of the **January 21, 2010** meeting. A motion was made by John Kurzman to accept the minutes as written. The motion was seconded by Tom Utterback.

The motion **carried unanimously**.

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

**REGULAR AGENDA:**

**APPEAL # 1: APPEAL OF BUILDING OFFICIAL; City of Sunny Isles Beach; 19200 Collins Avenue; Permit No. B2009-2259; Heritage Park Project; FBC Section 105.3.1; Issuance of a Building Permit; Jeffrey Bercow.**

*This matter was withdrawn by Appellant prior to the meeting.*

**APPEAL # 2: APPEAL OF BUILDING OFFICIAL: City of Miami Beach; 1121 5<sup>th</sup> Street; Permit No. B0900491; FBC 2001 Sections 704; 303.1; 202 and 504; Wall Separation/Exterior Wall; Robin Bosco.**

*This matter was withdrawn by Appellant prior to the meeting.*

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**TCO/TCC APPEALS:**

**#1 TCO EXTENSION, City of Miami Beach; The Setai; 2001 Collins Avenue; Permit/Certificate No. B0302732/BC005250; B0302733/BC006069; B0302733/BC005296; Monika Entin.**

The Building Official of the City of Miami Beach, Richard McConachie, addressed the Board on this request for TCO extension and indicated that he had signed-off on a recommendation for 90 days. A motion was made by Edward Woodward to grant for 90 days. The motion was seconded by Tom Utterback.

The motion **carried unanimously**.

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

**EMERGENCY AGENDA:**

Vice-Chairman Richard Horton asked the panel for a motion to hear the TCO Appeal items on the Emergency Agenda.

A motion was made by Paul Smith and seconded by Herbert Gopman to hear the items on the Emergency Agenda.

The motion **carried unanimously**.

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

**TCO/TCC APPEALS:**

**#1 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, South Terminal Program; CM @ Risk; MDAD Project No. B313A; Permit No. 2002108242; Juan Gonzalez.**

John Thompson was present on behalf of the Miami-Dade Aviation Department.

A motion was made by Chief Virgilio Fernandez to grant the request for extension for 90 days. The motion was seconded by Alfonso Fernandez-Fraga.

The motion **carried unanimously**.

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

**#2 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, South Terminal Program; CM @ Risk; MDAD Project No. A155A Phase 3; Permit No. 2002109071; Juan Gonzalez.**

Daniel Frankel and Donovan Hall of Parsons-Odebrecht, J.V. were present representing the Contractor for this project.

A motion was made by Chief Virgilio Fernandez to grant the request for extension for 90 days. The motion was seconded by Alfonso Fernandez-Fraga.

The motion **carried unanimously**.

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

**#3 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, South Terminal Program; CM @ Risk; MDAD Project No. A155S Part B; Permit No. 2002109075; Juan Gonzalez.**

Daniel Frankel and Donovan Hall of Parsons-Odebrecht, J.V. were present representing the Contractor for this project.

A motion was made by Chief Virgilio Fernandez to grant the request for extension for 90 days. The motion was seconded by Alfonso Fernandez-Fraga.

The motion **carried unanimously**.

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

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**TCO/TCC APPEALS:**

**#4 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, South Terminal Program; CM @ Risk; MDAD Project No. A155S Part A; Permit No. 2002109076; Juan Gonzalez.**

Daniel Frankel and Donovan Hall of Parsons-Odebrecht, J.V. were present representing the Contractor for this project.

A motion was made by Chief Virgilio Fernandez to grant the request for extension for 90 days. The motion was seconded by Alfonso Fernandez-Fraga.

The motion **carried unanimously**.

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

**#5 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, South Terminal Program; CM @ Risk; MDAD Project No. B312A; Permit No. 2003009007; Juan Gonzalez.**

Daniel Frankel and Donovan Hall of Parsons-Odebrecht, J.V. were present representing the Contractor for this project.

A motion was made by Chief Virgilio Fernandez to grant the request for extension for 90 days. The motion was seconded by Alfonso Fernandez-Fraga.

The motion **carried unanimously**.

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

**REPORT # 1 – CERTIFICATION SUBCOMMITTEE**

Enrique Salvador presented the Certification Report to the panel stating there were no denials this month.

The following individuals were being recommended for **approval** for **Re-Certification** for 2010:

<b><u>INSPECTOR</u></b>	<b><u>REPRESENTING</u></b>	<b><u>DISCIPLINES</u></b>
Oliver, Sheila S.	City of North Miami	Mechanical Inspector Plans Examiner Mechanical
Yocum, David B.	City of Miami Springs	Electrical Inspector Plans Examiner Electrical

The following individuals were being recommended for **approval** for **New Certification** for 2010:

<b><u>INSPECTOR</u></b>	<b><u>REPRESENTING</u></b>	<b><u>DISCIPLINES</u></b>
Annese Richard	Village of Virginia Gardens	Building Inspector – Structural Chief Building Inspector Plans Examiner Building Roofing Inspector (Commercial) Roofing Inspector (Residential)
Cankat, Mustafa	City of Homestead	Plans Examiner Structural
Causley, Michael T.	City of Homestead	Mechanical Inspector Plans Examiner Mechanical Plans Examiner Plumbing Plumbing Inspector

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**REPORT # 1 – CERTIFICATION SUBCOMMITTEE**

The following individuals were being recommended for **approval** for **New Certification** for 2010:

<b><u>INSPECTOR</u></b>	<b><u>REPRESENTING</u></b>	<b><u>DISCIPLINES</u></b>
Cruz, Johnny	City of Sunny Isles Beach	Mechanical Inspector Plans Examiner Mechanical Plans Examiner Mechanical – Res.
Evers, Charles L.	Town of Golden Beach	Building Inspector – Structural Plans Examiner Building Roofing Inspector (Commercial) Roofing Inspector (Residential)
Hernandez, Rafael	Miami Shores Village	Chief Plumbing Inspector Plans Examiner Plumbing
McCann, Richard J.	City of Homestead	Building Inspector – Structural Roofing Inspector (Commercial) Roofing Inspector (Residential)
Merced, Eric	City of Homestead	Chief Electrical Inspector Electrical Inspector Plans Examiner Electrical Plans Examiner Electrical – Res.
Ogden, Michael T.	City of Homestead	Plans Examiner Plumbing Plumbing Inspector
Watkins, Kim R.	City of Homestead	Electrical Inspector Plans Examiner Electrical – Res.

A motion was made by Enrique Salvador to approve those listed on the Report as noted. The motion was seconded by Edward Woodward.

The motion **carried unanimously**.

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

**REPORT # 2 – RAINWATER HARVESTING JOINT SUBCOMMITTEE; PROPOSED RAINWATER HARVESTING GUIDELINES.**

Enrique Salvador Rainwater Harvesting Joint Subcommittee Chairman, informed the Board that the Joint Miami-Dade County and Broward County Subcommittee met and developed some guidelines.

The Chairman asked whether there was any discussion from the panel on the guidelines.

Alfonso Fernandez-Fraga indicated he had reviewed the guidelines and had a few comments. Mr. Fernandez-Fraga stated these guidelines are exclusively related to outdoor collection and outdoor use and, therefore, would like to add under the “Scope”, “the Rainwater Harvesting Guidelines do not apply to any indoor potable use nor any indoor non-potable use”. Additionally, Mr. Fernandez-Fraga stated “the cisterns or storage tanks must be installed outdoors; carports, covered patios and garages are not to be considered outdoors. Further, Mr. Fernandez-Fraga asked that Section 12.1(c) be deleted.

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**REPORT # 2 – RAINWATER HARVESTING JOINT SUBCOMMITTEE; PROPOSED RAINWATER HARVESTING GUIDELINES.**

Mr. Horton and Michael Goolsby, Code Compliance Chief, indicated they agreed with the deletion of Section 12.1(c).

*Mr. Fernandez-Fraga provided his guidelines review notes to Mr. Goolsby to take into consideration.*

Michael Goolsby stated Mr. Fraga's suggestions were very good and he would incorporate the revisions into the guidelines.

**There being no further business, the meeting adjourned at 1:32 P.M.**

**MINUTES OF THE BOARD OF RULES AND APPEALS**  
**MEETING OF MARCH 18, 2010**

**Members Present:** William Derrer, **Chairman**  
Richard Horton, **Vice-Chairman**  
J. Robert Barnes  
Juan Dalla Rizza, P.E.  
Rolando Diaz, P.E.  
Mario Espineira, Jr.  
Alfonso Fernandez-Fraga, P.E.  
Carmen Garcia  
Herbert Gopman  
Jesus Gomez  
John Kurzman  
Myron Rosner  
Enrique Salvador  
Edward Woodward

**Members Excused:** Chief Virgilio Fernandez  
Gregory Pierce  
Paul L. Smith  
Thomas Utterback, **Sergeant at Arms**

**Staff Present:** Eduardo Gonzalez, Assistant County Attorney  
Michael Goolsby, Acting Secretary of the Board  
Nelly Nieves, Board Recording Secretary

**Court Reporter:** Tanya Settel, Official Reporting Services, LLC

**The meeting commenced at 1:12 P.M.**

**MINUTES of FEBRUARY 18, 2010**

Mr. Horton requested a motion to **approve** the minutes of the **February 18, 2010** meeting. A motion was made by John Kurzman to accept the minutes as written. The motion was seconded by Edward Woodward.

The motion **carried unanimously**.

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

**REGULAR AGENDA:**

**PRESENTATION – CENSUS 2010**

Irene Ferradaz-Alfonso, Public Information Officer for the Building Code Compliance Office, informed the Board and the audience in attendance about the importance of filling out the U.S. Census questionnaire consisting of only 10 questions per household member. Ms. Ferradaz-Alfonso stated that there are over \$400 Billion dollars in federal funds eligible for distribution which utilizes the Census data. Additionally, she indicated that the population information from the Census determines how many Congressional and State Representatives are designated for our areas. Ms. Ferradaz-Alfonso encouraged everyone to submit the Census by the deadline date of April 1, 2010 and be counted.

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**REPORT # 1 – CERTIFICATION SUBCOMMITTEE**

Enrique Salvador presented the Certification Report to the Board members as follows:

The following individual is being recommended for **approval** for **Re-Certification** for 2010.

<b><u>INSPECTOR:</u></b>	<b><u>REPRESENTING:</u></b>	<b><u>DISCIPLINES:</u></b>
Ramos, Aurelio J.	Village of Palmetto Bay	Building Inspector – Structural Plans Examiner Building Roofing Inspector (Commercial) Roofing Inspector (Residential)

The following individuals are being recommended for **approval** for **New Certification** for 2010.

<b><u>INSPECTOR:</u></b>	<b><u>REPRESENTING:</u></b>	<b><u>DISCIPLINES:</u></b>
Fernández, Frank	City of Homestead	Building Inspector – Structural
Fernández, Jesus	City of Homestead	Building Inspector – Structural Plans Examiner Building Roofing Inspector (Residential)
Ramos, Aurelio J.	Village of Palmetto Bay	Chief Building Inspector
Rivas, Angel R.	City of Homestead	Building Inspector – Structural Roofing Inspector (Commercial) Roofing Inspector (Residential)

A **motion** was made by Enrique Salvador **to accept those listed for Re-Certification and New Certification**. The motion was seconded by John Kurzman.

The **motion carried unanimously**.

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

The following individual is being recommended for **rejection** for **New Certification** for 2010.

<b><u>INSPECTOR:</u></b>	<b><u>REPRESENTING:</u></b>	<b><u>DISCIPLINES:</u></b>
Frank Fernández	City of Homestead	Roofing Inspector (Residential)

**(Applicant does not meet the experience requirement for Residential Roofing Inspector as per Miami-Dade County Code, Chapter 8, Article 2, Section 8-21.2(h)(aa)-(dd)).**

Mr. Fernandez **did not appear**. A **motion** was made by Enrique Salvador **to deny** Frank Fernandez for New Certification. The motion was seconded by John Kurzman.

The **motion carried unanimously**.

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

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*For the record, Board member Myron Rosner excused himself from the conference room before the discussion of Report # 2.*

**REPORT # 2 – PHILIP AZAN – STATUS OF RE-INSPECTIONS**

Philip Azan, Building Official for the City of North Miami Beach, addressed the Board to report on the status of the properties that had to be re-inspected because they were done by an uncertified building inspector. Mr. Azan stated that of the 595 properties, 497 have been re-inspected with no major issues. He indicated that the inspections were performed by North Miami Beach licensed inspectors and three (3) consulting firms; Pistorino and Alam, M.T. Causely and CAP Government. Mr. Azan stated the reason for his appearance was to get some direction from the Board on how to address those remaining cases wherein the homeowners are not cooperating with the City's request for re-inspection. He informed the members that certified mail communications had been sent to those property owners, but no response was received.

A motion was made by John Kurzman to acknowledge that the City of North Miami Beach is diligent on conducting the re-inspections and their efforts with the remaining property owners; thereby considering the matter closed, with no further action required. The motion was seconded by Richard Horton and went into discussion.

*Discussion took place on the consequences resulting from homeowners not allowing a re-inspection to take place.*

Michael Goolsby, Code Compliance Chief, commented that during the selling process the property violation issue will emerge and will have to be addressed.

Philip Azan stated that the homeowner did not create the problem, however they are trying to encourage correcting the situation before it goes into violation fines and ultimately to the City's Hearing Board.

Assistant County Attorney Eduardo Gonzalez stated that the motion on the table appeared to relieve the City from any further action and he did not believe this was the intent of the Board.

John Kurzman indicated that this was not the intent.

Richard Horton withdrew his second on the motion and the motion died for lack of a second.

After continued discussion and deliberation, a motion was made by John Kurzman to commend the City on their efforts and acknowledging Mr. Azan's report. The motion was seconded by Herbert Gopman.

**The motion carried unanimously.**

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

**There being no further business, the meeting adjourned at 1:40 P.M.**

**MINUTES OF THE BOARD OF RULES AND APPEALS**  
**MEETING OF APRIL 15, 2010**

**Members Present:** William Derrer, **Chairman**  
Richard Horton, **Vice-Chairman**  
Thomas Utterback, **Sergeant at Arms**  
J. Robert Barnes  
Rolando Diaz, P.E.  
Chief Virgilio Fernandez  
Alfonso Fernandez-Fraga, P.E.  
Carmen Garcia  
Jesus Gomez  
John Kurzman  
Paul L. Smith  
Myron Rosner  
Enrique Salvador

**Members Excused:** Juan Dalla Rizza, P.E.  
Mario Espineira, Jr.  
Herbert Gopman  
Edward Woodward

**Member Absent:** Gregory Pierce

**Staff Present:** Eduardo Gonzalez, Assistant County Attorney  
Michael Goolsby, Acting Secretary of the Board  
Nelly Nieves, Board Recording Secretary

**Court Reporter:** Tanya Settel, Official Reporting Services, LLC

**The meeting commenced at 1:10 P.M.**

**MINUTES of MARCH 18, 2010**

Mr. Derrer requested a motion to **approve** the minutes of the **March 18, 2010** meeting. A motion was made by Richard Horton to accept the minutes. The motion was seconded by John Kurzman.

The motion **carried unanimously**.

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

**REGULAR AGENDA:**

**APPEAL # 1: APPEAL OF BUILDING OFFICIAL: Village of Pinecrest; 7211 SW 132 Street; Permit No. P2010-0760; 2007 FBC Section 1515.2.2/ASCE 7-05; Roof Slope; Steven Martin.**

*This item was withdrawn by the Appellant prior to the meeting with correspondence on file.*

**APPEAL # 2: APPEAL OF BUILDING OFFICIAL: City of Miami Beach; Sadigo Court; 334 20<sup>th</sup> Street; 2007 FBC Existing Bldgs 1105/1106; NFPA 912/914 Historic Bldgs; Fire Sprinkler System; Rod Eisenberg.**

Rod Eisenberg, owner of Sadigo Court, addressed the Board stating he is appealing the Building Official's requirement to install a Fire Sprinkler System. Mr. Eisenberg referred to a certified engineer's report provided by Thomas Maxwell, a professional engineer and present at this hearing, indicating that "no life safety hazards exist" in this historic building as per the above-referenced sections of the FBC and NFPA.

Thomas Maxwell introduced himself to the Board as the Engineer of Record and indicated he has certified that this historical building is safe to be used as a hotel with the appropriate safeguards.

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*Continues...*

**APPEAL # 2: APPEAL OF BUILDING OFFICIAL: City of Miami Beach; Sadigo Court; 334 20<sup>th</sup> Street; 2007 FBC Existing Bldgs 1105/1106; NFPA 912/914 Historic Bldgs; Fire Sprinkler System; Rod Eisenberg.**

Richard McConachie, Building Official for the City of Miami Beach, informed the Board that the Engineer's Report had been rejected because it does not provide evidence that the fire alarm system in place is an equivalent level of safety in a building applying for this occupancy change. Mr. McConachie called on Leonel Medrano, Chief Building Inspector for the City of Miami Beach, to provide additional information on subject.

Leonel Medrano indicated that Mr. Eisenberg had submitted an application for a change of occupancy from Apartment R-2 to Hotel R-2 and made a power point presentation on Sadigo Court in support of the Building Official's decision. Mr. Medrano commented that this facility not only does not meet the FBC requirement but the State Fire Marshal has issued a violation, which is now under appeal.

Kevin Carrier, Code Compliance Fire Specialist, stated that the FBC 1106.1 recognizes the fact that alternate systems, methods or devices may be utilized where approved as equivalent by the Building Official. He indicated that there are several options; Prescriptive Based Option; Alternative Base Option or Performance Based Option which the appellant is utilizing. Further, Mr. Carrier stated staff concurs with the Building Official's decision that the appellant's report on the building, as stipulated in 2007 Florida Building Code (Existing) Section 1106, is not in compliance because the submitted report did not show sufficient evidence.

Sonia Machen representing the State Fire Marshal was present and although a separate matter, confirmed the issuance of a violation for lack of a fire sprinkler system. She indicated, however, that this matter was under appeal.

Rhonda Montoya, Attorney for City of Miami Beach, informed the Board that, in consultation with the City's Historic Building Preservation Specialist Thomas Mooney, the records reveal that the Sadigo Court's Historical feature is its Vaulted Lobby Ceiling. Ms. Montoya indicated that the accommodation of fire sprinklers within a historic lobby should not be problematic.

Board member Chief Virgilio Fernandez commented that perhaps the appellant should consider the option of Chapter 13-Point System. He summarized that there are 19 different categories identified by a point value and if enough points can be qualified the appellant may overcome his situation.

After much discussion and deliberation, a motion was made by Rolando Diaz and seconded by Chief Fernandez to deny the appeal.

**The motion carried unanimously.**

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

**TCO/TCC APPEAL**

**# 1 TCO EXTENSION; Unincorporated Miami-Dade County; Miami International Airport; C-D Infill Ramp Interior Finish; MDAD Project No. 739G; Permit No. 2003017623; Juan C. Arteaga.**

John Thompson was present on behalf of the Miami-Dade Aviation Department.

A motion was made by Chief Virgilio Fernandez and seconded by Chief Paul Smith to grant a 90-day TCO Extension. **The motion carried unanimously.**

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

**REPORT # 1 – CERTIFICATION SUBCOMMITTEE for month of April 2010**

Michael Goolsby presented the Certification Report to the Board members as follows:

The following individual is being recommended for **approval** for **Re-Certification** for 2010.

<b><u>INSPECTOR:</u></b>	<b><u>REPRESENTING:</u></b>	<b><u>DISCIPLINES:</u></b>
Crews, Joseph W.	Town of Cutler Bay	Building Inspector – Structural Plans Examiner Building Roofing Inspector (Commercial)

The following individual is being recommended for **approval** for **New Certification** for 2010.

<b><u>INSPECTOR:</u></b>	<b><u>REPRESENTING:</u></b>	<b><u>DISCIPLINES:</u></b>
Bostick, Derek L.	Town of Miami Lakes	Mechanical Inspector

A motion was made by Enrique Salvador and seconded to accept the listed individuals for Re-Certification and New Certification.

The **motion carried unanimously**.

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

**BOARD INFORMATION (NON-AGENDA)**

Michael Goolsby, Code Compliance Chief, informed the Board that the 2010 FBC modification submittal period concluded on April 2 and can be viewed online. Further, he stated these modifications can be reviewed and commented on and/or alternative language presented. He indicated that the High Velocity Zone provisions were being heavily targeted and encouraged members to review these modifications and submit their comments.

**There being no further business, the meeting adjourned at 2:00 P.M.**

**MINUTES OF THE BOARD OF RULES AND APPEALS**  
**MEETING OF MAY 20, 2010**

**Members Present:** Richard Horton, **Vice-Chairman**  
Thomas Utterback, **Sergeant at Arms**  
J. Robert Barnes  
Juan Dalla Rizza, P.E.  
Rolando Diaz, P.E.  
Mario Espineira, Jr.  
Chief Virgilio Fernandez  
Alfonso Fernandez-Fraga, P.E.  
Carmen Garcia  
Jesus Gomez  
Herbert Gopman  
John Kurzman  
Gregory Pierce  
Paul L. Smith  
Enrique Salvador  
Edward Woodward

**Members Excused:** William Derrer, **Chairman**

**Member Absent:** Myron Rosner

**Staff Present:** Eduardo Gonzalez, Assistant County Attorney  
Michael Goolsby, Acting Secretary of the Board  
Nelly Nieves, Board Recording Secretary

**Court Reporter:** Sherrie Podder, Official Reporting Services, LLC

**The meeting commenced at 1:10 P.M.**

**MINUTES of APRIL 15, 2010**

Vice-Chairman Richard Horton stated informed of the following corrections to the minutes: Speaker Sonia Machen was representing the City of Miami Beach Fire Marshall not the State Fire Marshal. Additionally, the Appellant had submitted an application for a change of occupancy from Apartment R-2 to Hotel R-1 not from Apartment R-2 to Hotel R-2. A motion was made by Chief Paul Smith to accept the minutes of the April 15, 2010 as amended. The motion was seconded by Chief Virgilio Fernandez and **carried unanimously**.  
*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**REGULAR AGENDA:**

*Board member Herbert Gopman excused himself from this item and exited the room.*

**APPEAL # 1: APPEAL OF BUILDING OFFICIAL: City of Miami Beach; 6000 Collins Avenue – Terra Project; Permit No. BMS100184: Miami-Dade County Code - Chapter 8 Section 21-10; Herbert Gopman.**

Kent Harrison Robbins representing Mr. Herbert Gopman was present.

Richard McConachie, Building Official for Miami Beach, and Rhonda Montoya-Hasan, First Assistant City Attorney for the City of Miami Beach, were present. Additionally, Ms. Montoya introduced Neisen Kasdin and Augusto Maxwell as Counselors for property interest holders. Ms. Montoya requested to present the City of Miami Beach's Motion To Dismiss and Response to "Appeal" (copy on file).

Attorney Harrison indicated he had just this morning received a copy of this Motion and stated he had subpoena various witnesses of which some were not present.

Assistant County Attorney Eduardo Gonzalez informed the Board that those witnesses had indicated would not be attending for lack of enough notice time. Mr. Gonzalez suggested to the Board that they hear the City's

*Continues...*

**APPEAL # 1: APPEAL OF BUILDING OFFICIAL: City of Miami Beach; 6000 Collins Avenue – Terra Project; Permit No. BMS100184: Miami-Dade County Code - Chapter 8 Section 21-10; Herbert Gopman.**

Motion on their response to the appeal regarding the re-issuance of a building permit as well as their position on the alleged violations per Chapter 8 Section 21-10 as it relates to a jurisdictional issue and the State of Florida Engineering Board.

*The City's Motion to Dismiss was heard and counsel for appellant was given the opportunity to respond.*

Michael Goolsby, Chief Code Compliance Division, informed the Board that the Building Code Compliance Office (BCCO), based on the appellant's complaint, was conducting an investigation into the alleged violations and a report would be forthcoming by the next Board meeting date. Further, he described that, as in prior cases, the Board would determine whether a disciplinary hearing on Building Official was warranted based on the information presented. Mr. Goolsby indicated that Chapter 8 Section 8-21 clearly outlines the process to be followed.

After much discussion and deliberation, a motion was made to table this item pending the report from the Building Code Compliance Office on the complaint following provisions of 8-21 of the Code.

The motion was made by Jesus Gomez and seconded by Tom Utterback.

The **motion carried by a vote of 8-7.**

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

**INTERPRETATION REQUEST # 1**

**BUILDING OFFICIAL; Mariano Fernandez of City of Miami; FBC Section 102.1.1 and 105.3.3 Code Enforcement Actions.**

Mariano Fernandez, Building Official of the City of Miami, addressed the Board stating that there is a proposed ordinance regarding zoning pending before the City of Miami Commission to accept an ordinance wherein any Homeowner may appeal a Building Official's permit.

After much discussion and deliberation, the Board provided clarification as it relates to the jurisdiction of the Board of Rules and Appeals. It stated that the Board of Rules and Appeals has exclusive jurisdiction regarding all appeals and interpretations involving building permits and other matters regulated by the building code, as defined by Section 8-3 of the Code of Miami-Dade County. In making their decision the Board cited sections 8-4(a) and (d), (1) of the Code of Miami-Dade County.

**INTERPRETATION: EMERGENCY AGENDA**

**BUILDING OFFICIAL: City of Miami; Marlin Stadium; 2007 FBC Mechanical; Section 304.1 and 503.1 to 506.3.2; Grease Ducts; Mariano Fernandez.**

Mariano Fernandez, Building Official for the City of Miami, addressed the Board on this item indicated that he is inclined to approve an alternate method/construction material. Building Official further stated that he was looking for Board to ratify his decision.

The Chairman indicated that this decision is under his purview and authority and any objections can come as an appeal before the Board.

After some similar comments from other Board members, matter dismissed without any formal motion.

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*Continues...*

**INTERPRETATION REQUEST# 2**

**Truss Repair and Design; 2007 FBC 2319.17.2.1.2**

Michael Goolsby, Chief Code Compliance Division, addressed the Board on this interpretation relating to the definition of the language reflected in Section 2319.17.2.1.2 where reference is made to “the truss designer (a Florida-delegated engineer)”.

*Board member Rolando Diaz excused himself from this item.*

Mr. Mario Espineira directed the Board to handouts from SBC Association (Structural Building Components) and ANSI/TPI 1-2002 National Design Standard for Metal Plate Connected Wood Truss Construction. providing industry feedback and information on subject item.

Mr. Manuel Menendez was present on subject and addressed the Board on his point of view.

Flavio Gomez representing the Miami-Dade County Building Department stated the Building Official Charles Danger had requested confirmation from the State of Florida Board of Professional Engineers on their understanding of the aforementioned reference. He indicated that the Board of Professional Engineers concurred with the Building Official’s application of the provisions.

After some discussion and deliberation, a motion was made by Robert Barnes and seconded by Alfonso Fernandez-Fraga to accept the SBC (Structural Building Components Association) guidelines as to their interpretation of who is referenced to as truss designer. The SBCA recommendation states in part: “Where truss members have been cut, shifted or altered in any manner to meet construction needs or for any other reason, additional drawings and additional calculations must be prepared, signed and sealed by a registered design professional (a Florida-delegated engineer) consistent with ANSI/TPI 1-2002.

The **motion carried unanimously**.

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

**REPORT # 1 – CERTIFICATION SUBCOMMITTEE for month of May 2010**

Enrique Salvador presented the Certification Report to the Board members as follows:

The following individuals are being recommended for **approval** for **New Certification** for 2010.

<b><u>INSPECTOR:</u></b>	<b><u>REPRESENTING:</u></b>	<b><u>DISCIPLINES:</u></b>
Crews, Joseph W.	City of Aventura	Building Inspector (Structural) Plans Examiner Building Roofing Inspector (Commercial) Roofing Inspector (Residential)
	Village of El Portal	Building Inspector (Structural) Plans Examiner Building Roofing Inspector (Commercial) Roofing Inspector (Residential)
	City of North Bay Village	Building Inspector (Structural) Plans Examiner Building Roofing Inspector (Commercial) Roofing Inspector (Residential)
Granados, Humberto E.	City of Homestead	Electrical Inspector
Merced, Eric	City of Miami Beach	Plans Examiner Electrical
Pousa, Felix J.	City of Aventura	Electrical Inspector Plans Examiner Electrical
	Village of El Portal	Electrical Inspector Plans Examiner Electrical

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**REPORT # 1 – CERTIFICATION SUBCOMMITTEE for month of May 2010**

Sutherland, Wayne A.	City of Miami Beach	Building Inspector (Structural) Plans Examiner Building Plans Examiner Structural
Tarafa, Rene F.	Village of Pinecrest	Building Inspector (Structural) Plans Examiner Building Roofing Inspector (Commercial) Roofing Inspector (Residential)
Viciedo, Adalberto M.	City of Miami Beach	Plans Examiner Structural
Watkins, Kim R.	City of Homestead	Plans Examiner Electrical

A motion was made by Enrique Salvador and seconded by Greg Pierce to accept the listed individuals for New Certification. The **motion carried unanimously**.

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

**There being no further business, the meeting adjourned at 3:40 P.M.**

**MINUTES OF THE BOARD OF RULES AND APPEALS**  
**MEETING OF JULY 22, 2010**

**Members Present:** William Derrer, **Chairman**  
Richard Horton, **Vice-Chairman**  
Thomas Utterback, **Sergeant at Arms**  
J. Robert Barnes  
Juan Dalla Rizza, P.E.  
Herbert Gopman  
John Kurzman  
Gregory Pierce  
Myron Rosner  
Paul L. Smith

**Members Excused:** Rolando Diaz  
Mario Espineira, Jr.  
Chief Virgilio Fernandez  
Alfonso Fernandez-Fraga  
Carmen Garcia  
Jesus Gomez  
Enrique Salvador  
Edward Woodward

**Staff Present:** Eduardo Gonzalez, Assistant County Attorney  
Michael Goolsby, Acting Secretary of the Board  
Nelly Nieves, Board Recording Secretary

**Court Reporter:** Tanya Settel, Apex Reporting Group

**The meeting commenced at 1:00 P.M.**

**MINUTES of JUNE 17, 2010**

Chairman William Derrer requested a motion for approval of the June 17, 2010 meeting minutes. A motion was made by Herbert Gopman to accept the minutes of the June 17, 2010. The motion was seconded by Chief Paul Smith.

The motion **carried unanimously**.

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

**REGULAR AGENDA:**

**APPEAL # 1: APPEAL OF BUILDING OFFICIAL: City of Miami Beach; Breakwater/Edison Hotel Spa; 940 Ocean Drive; Process No. B1002333; Swimming Pool/Bathing Place; 2007 FBC Section 424.1.8.5; Variance Recognition; Robert Fine.**

Attorney Lucia Dougherty and Edward Martos of Greenberg Traurig, P.A., substituting for attorney Robert Fine representing the Edison Hotel, addressed the Board on this appeal. Emzon Shung representing and holding interest in the Edison Hotel was also present.

Ms. Dougherty informed the Board that this appeal has a jurisdictional issue on the application of the subject Code Section. The State of Florida Department of Health has granted a variance for the spa at the Edison Hotel that is over 120 feet and the Building Official is not honoring the variance. She pointed out the Florida Statute which gives the Department of Health the right to enforce sanitation and health issues as they relate to swimming pools. Ms. Dougherty indicated that it was their position that the Statute gives both the Building Official jurisdiction and the Health Department jurisdiction and, therefore, the variance should be recognized and accepted by the Building Official as an equal authority.

Ken Pfeiffer, Pfeiffer Engineering also addressed the Board at the request of Ms. Dougherty to attest to any safety concerns. Additionally, he indicated that the variance is the result of a the two(2) point review process of the Department of Health. Mr. Pfeiffer stated first the advisory Board to the Department of Health reviews and provides

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**APPEAL # 1: APPEAL OF BUILDING OFFICIAL: City of Miami Beach; Breakwater/Edison Hotel Spa; 940 Ocean Drive; Process No. B1002333; Swimming Pool/Bathing Place; 2007 FBC Section 424.1.8.5; Variance Recognition; Robert Fine.**

their recommendation which then is reviewed and considered by the Secretary of the Department of Health who concurs or denies those recommendations.

Richard McConachie, Building Official for the City of Miami Beach, referenced the letter from the Department of Health and read to the Board an excerpt which stated in part "...This variance in no way exempts compliance with other state and local regulations." Mr. McConachie stated that according to Section 424.1.8.5 the requirements is that the deck, 4 foot minimum, shall be around the entire perimeter of the pool except when that pool is less than 120 square feet.

Rhonda Montoya-Hassan, City of Miami Beach Attorney, objected for the record to the testimony from the engineer Ken Pfeiffer as to application process of the Department of Health.

Ms. Dougherty went on to cite other cases wherein the Department of Health has been involved and resulted in favorable results for the applicant.

Ms. Montoya-Hassan commented, in terms of jurisdiction, that this is not the first time local authority has an issue that overlaps with the Department of Health. She stated that the FBC and its reference to this 64E particular provision of the Florida Administrative Code as it relates to Department of Health's jurisdiction does not state that the Department of Health and its process has superior jurisdiction or somehow those rules and regulations are more binding on the Building Official than the FBC provisions.

Edmundo Aldrey, A.I.A., Building Code Compliance Specialist, indicated that the Department of Health is given review rights therefore both entities look at life safety issues.

After much discussion and deliberation, a motion was made by Tom Utterback to deny the appeal. The motion was seconded by Robert Barnes.

The motion **carried by a vote 9-1 with John Kurzman opposing.**

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

**APPEAL # 2: APPEAL OF BUILDING OFFICIAL; City of Coral Gables; 838 Salzedo Street; Permit No. BL-08-12-0563; 2001 FBC Sec 705.1.1.2; 2004 FBC-Chapter 7 Table 704.8; Opening Protectives; Marshall Bellin.**

Marshall Bellin, Architect with the firm of Bellin and Pratt, addressed the Board on this item explaining that the referenced apartment building was permitted in 2001. Further, he stated that under the 2001 FBC window protectives were required for any wall that was within fifteen feet of a property line. However, Mr. Bellin indicated the building was designed in 2004 and re-designed in 2005 at the request of the City of Coral Gables Zoning Administrator. Mr. Bellin stated, subsequently with the 2004 and 2007 Building Code, a new system of addressing openings close to the property lines was put in place which this property qualifies looking at the required percentage of openings and the fact that the building is sprinkled.

Manuel Lopez, Building Official for the City of Coral Gables, stated that the building was designed in 2001, therefore it falls under that Code. Mr. Lopez commented he did not think he could allow the use of one section of the 2004 code in a building designed under the 2001 code although looking at the code changes there is nothing wrong.

Board member Robert Barnes asked Board member Mr. Paul Smith for his thoughts on this case as a Fire Chief.

Mr. Smith stated if the City's Fire Department is not intervening then he would consider that there are no fire safety related issues.

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*Continues...*

Michael Goolsby, Chief Code Compliance Division, indicated that perhaps the manner in which the appeal was submitted, requesting to pick one section of a subsequent code that works against the prior originating code provisions, presents part of the problem. Mr. Goolsby stated that the code change expresses an alternative method which is what the appellant has as his basis for the appeal.

Edward Gonzalez, Assistant County Attorney, indicated that one can't just take different parts of the Code but there are equal alternatives provisions.

A motion was then made by Gregory Pierce to grant the appeal based equal alternative on the change in percentage of openings and the fact that the building has fire sprinkler system. The motion was seconded by John Kurzman.

The motion **carried unanimously**.

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

**APPEAL # 3: APPEAL OF BUILDING OFFICIAL; Unincorporated Dade County; 12040 SW 185 Street; Permit No. 2010-037534; 2007 FBC Section 1515.2.2; Roof Slope; Scott Winokur.**

WITHDRAWN BY APPELLANT

**TCO/TCC APPEALS**

**#1 TCO EXTENSION, Unincorporated Dade County; Miami International Airport, MDAD Project No. 739G; C-D Infill Ramp Interior Finish; Permit No. 2003017623; Juan A. Gonzalez.**

John Thompson was present representing the Miami-Dade Aviation Department.

A motion was made by Gregory Pierce and seconded to grant a 90-day TCO Extension.

The motion **carried unanimously**.

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

**REPORT – CERTIFICATION SUBCOMMITTEE for month of July 2010**

Gregory Pierce indicated that the subcommittee lacked quorum and presented the Certification Report to the Board members as follows:

The following individuals are being recommended for **approval** for **New Certification** for 2010.

**INSPECTOR:**

**REPRESENTING:**

**DISCIPLINES:**

Annese, Richard

City of North Bay Village

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

De Jonge, David A.

City of North Bay Village

Plans Examiner Plumbing  
Plumbing Inspector

Garcia, Luis S.

Miami-Dade County

Chief Plumbing Inspector

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**REPORT – CERTIFICATION SUBCOMMITTEE for month of July 2010**

<b><u>INSPECTOR:</u></b>	<b><u>REPRESENTING:</u></b>	<b><u>DISCIPLINES:</u></b>
Hernandez, Luis B.	City of Homestead	Building Inspector (Structural) Plans Examiner Building Roofing Inspector (Commercial) Roofing Inspector (Residential)
Kruger, Eduardo	City of North Bay Village	Plans Examiner Structural
Llanos, P.E., Leo	Village of Palmetto Bay	Building Official
Morrison, Daniel R.	City of Florida City	Electrical Inspector Plans Examiner Electrical
Ruiz, Robert J.	City of North Bay Village	Chief Electrical Inspector Electrical Inspector Plans Examiner Electrical
Sariego, Jorge L.	City of Florida City City of North Bay Village	Plans Examiner Mechanical Chief Mechanical Inspector Mechanical Inspector Plans Examiner Mechanical
Sutherland, Wayne A.	City of North Bay Village	Building Inspector (Structural) Plans Examiner Structural
Watkins, Kim R.	City of Florida City	Plans Examiner Electrical

A motion was made by Chief Paul Smith and seconded to approve those names listed for new certification.

The motion **carried unanimously**.

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

The following individual is being recommended for **De-Certification** for 2010.

<b><u>INSPECTOR:</u></b>	<b><u>REPRESENTING:</u></b>	<b><u>DISCIPLINES:</u></b>
Vecin, Frank <b>(Has failed to obtain his General Contractor License as required by the Code of Miami-Dade County)</b>	County At Large	Building Inspector (Structural)

*Mr. Frank Vecin was not present. A motion was made by Gregory Pierce to De-Certify Mr. Vecin as recommended. The motion was seconded by John Kurzman.*

The motion **carried unanimously**.

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

***PUBLIC PRESENTATIONS***

*---None---*

**There being no further business, the meeting adjourned at 1:55 P.M.**

**MINUTES OF THE BOARD OF RULES AND APPEALS**  
**MEETING OF SEPTEMBER 23, 2010**

**Members Present:** William Derrer, **Chairman**  
Richard Horton, **Vice-Chairman**  
Thomas Utterback, **Sergeant at Arms**  
J. Robert Barnes  
Rolando Diaz  
Juan Dalla Rizza, P.E.  
Mario Espineira, Jr.  
Chief Virgilio Fernandez  
Alfonso Fernandez-Fraga  
Carmen Garcia  
Jesus Gomez  
Herbert Gopman  
John Kurzman  
Myron Rosner  
Enrique Salvador  
Paul L. Smith  
Edward Woodward

**Members Excused:** Gregory Pierce

**Staff Present:** Eduardo Gonzalez, Assistant County Attorney  
Michael Goolsby, Acting Secretary of the Board  
Nelly Nieves, Board Recording Secretary

**Court Reporter:** Tanya Settel, Apex Reporting Group

**The meeting commenced at 1:09 P.M.**

**MINUTES of JULY 22, 2010**

Chairman William Derrer requested a motion for approval of the July 22, 2010 meeting minutes. A motion was made by John Kurzman to accept the minutes of the July 22, 2010. The motion was seconded by Rolando Diaz.

The motion **carried unanimously**.

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

**REGULAR AGENDA:**

**APPEAL # 1: APPEAL OF BUILDING OFFICIAL: City of Miami Beach;1100 West Properties, LLC d/b/a Mandarin South Beach; FBC Section 105.12: Miami-Dade County Code Sec 8-12(c); Double Permit Fee; David H. Nevel.**

A **continuance** was **requested** by the appellant prior to the meeting **and granted** to the November 18, 2010 Board meeting.

**APPEAL # 2: APPEAL OF BUILDING OFFICIAL: Unincorporated Dade County; 12166 NW 157<sup>th</sup> Street; Non-Residential Farm Bldg; Jose F. Diaz.**

Appeal **withdrawn** by Appellant.

**APPEAL # 3: APPEAL OF BUILDING OFFICIAL; City of Miami; 564 NW 51 Street; County Sec 8-11(f)(ii)(1) and Sec 8-11(f)(iii)(1); 40 Year Certification; Wilkin Caseres.**

Wilkin Caseres addressed the Board on subject appeal indicating he was appealing the Building Official's interpretation of Code Section 8-11(f)(ii)(1). Mr. Caseres stated it is clear single-family residences and duplexes are exempt from the 40 Year Re-Certification process and the Building Official's single folio application is not appropriate.

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**APPEAL # 3: APPEAL OF BUILDING OFFICIAL; City of Miami; 564 NW 51 Street; County Sec 8-11(f)(ii)(1) and Sec 8-11(f)(iii)(1); 40 Year Certification; Wilkin Caseres.**

*The Chairman asked for the Building Official of the City of Miami to present their position however, the Building Official Mariano Fernandez was not present when called.*

The Chairman then asked for Staff to come forward and provide their opinion on this matter.

Kevin Carrier, Code Compliance Specialist, addressed the Board on the requested Staff opinion. He confirmed that single-family residences and duplexes are exempt based on his review. Further, Mr. Carrier indicated that there is no mention in the Code as to multiple structures on a single lot or folio numbers to be included in determining the criteria for re-certification and, therefore; Staff agrees with appellant.

A motion was made by Alfonso Fernandez-Fraga and seconded by Myron Rosner to grant the appeal.

The motion **carried unanimously**.

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

**APPEAL # 4: APPEAL OF BUILDING OFFICIAL; City of North Miami Beach; Jackson North Medical Center; 160 NW 170 Street; 2007FBC Sec 419.3.2.1; Colette Satchell.**

*Board member Myron Rosner recused himself on this appeal and left the room.*

Colette Satchell, Architect and Designer, addressed the Board on behalf of Jackson Memorial Hospital. Ms. Satchell read FBC Section 419.3.2.1 emphasizing “permanently installed toilet fixtures located inside the critical care unit room shall not be permitted.” and “...under cabinet modular units are allowed.” Ms. Satchell informed the Board that they were in the process of renovating 24 intensive-care rooms replacing the existing modular toilet units with like kind that have been reviewed and approved by AHCA (Agency for Health Care Administration).

Building Official Phil Azan for the City of North Miami Beach, stated that the manufacturer specification for the proposed modular fixture indicates that it needs to be anchored to the floor permanently. Mr. Azan stated that, therefore, it was his opinion that it was not in compliance because the existing installation swivels/swings but this replacement fixture is fixed in place and the cabinet opens and uncovers it.

Jorge Gamoneda, Code Compliance Specialist, addressed the Board stating he agrees with the Building Official in that the Florida Building Code clearly states “permanently installed toilet fixtures located inside of the critical –care room shall not be permitted”.

Rolando Diaz indicated that whether the toilet is bolted to the floor or not it is permanently fixed through piping.

Alfonso Fernandez-Fraga stated he agrees with Mr. Diaz commenting on the section which mentions “...cabinet modular units are allowed.”

After some discussion and deliberation, as motion was made by Alfonso Fernandez-Fraga and seconded by Rolando Diaz to grant the appeal.

The motion **carried unanimously**.

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

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**APPEAL # 5: APPEAL OF BUILDING OFFICIAL; Unincorporated Dade County; City Inn; 660 NW 181 Street; Revocation Permit/CO; John Dellagloria.**

Appeal **withdrawn** by Appellant.

**APPEAL # 6: APPEAL OF BUILDING OFFICIAL; Unincorporated Dade County; 16301 NW 129<sup>th</sup> Avenue; Phoenix S & S Inc.; Non-Residential Farm Bldgs; John Lukas.**

Appeal **deferred** by Appellant to the October 21, 2010 Board meeting.

**REPORT – CERTIFICATION SUBCOMMITTEE for month of September 2010**

Certification Report presented to the Board members as follows:

The following individuals are being recommended for **approval** for **New Certification** for 2010.

<b><u>INSPECTOR:</u></b>	<b><u>REPRESENTING:</u></b>	<b><u>DISCIPLINES:</u></b>
Ashraf, Syed M.	City of Sunny Isles Beach	Plans Examiner Structural
Bostick, Derek L	City of South Miami	Mechanical Inspector Plans Examiner Mechanical
Hill, James D.	City of Sunny Isles Beach	Roofing Inspector (Commercial)
Martin, Gilberto A.	Miami-Dade County	Roofing Inspector (Commercial) Roofing Inspector (Residential)
Mendez, Javier	Miami-Dade County	Electrical Inspector
Rubi, Richard	City of Hialeah	Building Official
Silva, Edward	Village of Palmetto Bay	Building Official
Truesdell, James R.	City of Sunny Isles Beach	Plans Examiner Electrical Plans Examiner Electrical (Res.)

A motion was made by John Kurzman and seconded by Chief Virgilio Fernandez to accept those named for new certification.

The motion **carried unanimously**.

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

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The following individuals are being recommended for **rejection** for **New Certification** for 2010.

**INSPECTOR:**

Olazabal, Carmen M.

**REPRESENTING:**

City of Miami Beach

**DISCIPLINES:**

Building Inspector (Structural)  
Plans Examiner Building  
Plans Examiner Structural

**(Applicant does not meet the 5 years practicing as a Florida Register Engineer within the area established in Chapter 8, Section 8-21.2(c) of the Code of Miami-Dade County).**

Rivera, Galeno C.

Miami-Dade County

Roofing Inspector (Commercial)

**(There is no evidence of mandatory five years experience as per Miami-Dade County Code, Chapter 8-21.2(g)(7), Five years experience in the roofing industry and holding a current license from the State of Florida as a registered Architect or Engineer.**

A motion was made by John Kurzman and seconded by Chief Paul Smith to accept those named for rejected for new certification.

The motion **carried unanimously**.

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

***PUBLIC PRESENTATIONS***

*---None---*

**There being no further business, the meeting adjourned at 1:36 P.M.**

**MINUTES OF THE BOARD OF RULES AND APPEALS**  
**MEETING OF OCTOBER 21, 2010**

**Members Present:** Thomas Utterback, **Sergeant at Arms**  
J. Robert Barnes  
Rolando Diaz  
Juan Dalla Rizza, P.E.  
Mario Espineira, Jr.  
Chief Virgilio Fernandez  
Alfonso Fernandez-Fraga  
Carmen Garcia  
Jesus Gomez  
Herbert Gopman  
John Kurzman  
Gregory Pierce  
Myron Rosner  
Enrique Salvador  
Edward Woodward

**Members Excused:** William Derrer, **Chairman**  
Richard Horton, **Vice-Chairman**  
Paul L. Smith

**Staff Present:** Hugo Benitez, Assistant County Attorney  
Michael Goolsby, Acting Secretary of the Board  
Nelly Nieves, Board Recording Secretary

**Court Reporter:** Sherrie Podder, Apex Reporting Group

**The meeting commenced at 1:05 P.M.**

**MINUTES of SEPTEMBER 23, 2010**

Tom Utterback, Acting Chairman, requested a motion for approval of the September 23, 2010 meeting minutes. A motion was made by John Kurzman to accept the minutes of the September 23, 2010. The motion was seconded by Gregory Pierce.

The motion **carried unanimously**.

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

**TCO/TCC APPEALS**

**#1 TCO EXTENSION, Unincorporated Dade County; Miami International Airport; South Terminal Program; MDAD Project No. A155S Part B; Permit No. 2002109075; Juan A. Gonzalez.**

Donovan Hall was present representing the Miami-Dade Aviation Department.

A motion was made by Chief Virgilio Fernandez and seconded by Gregory Pierce to grant a 90-day TCO Extension. The motion **carried unanimously**.

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

**#2 TCO EXTENSION, Unincorporated Dade County; Miami International Airport; South Terminal Program; MDAD Project No. A155S; Permit No. 2002109076; Juan A. Gonzalez.**

Donovan Hall was present representing the Miami-Dade Aviation Department.

A motion was made by John Kurzman and seconded by Gregory Pierce to grant a 90-day TCO Extension. The motion **carried unanimously**.

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

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Continues...

**#3 TCO EXTENSION, Unincorporated Dade County; Miami International Airport; South Terminal Program; MDAD Project No. B313A; Permit No. 2002108242; Juan A. Gonzalez.**

Donovan Hall was present representing the Miami-Dade Aviation Department.

A motion was made by Edward Woodward and seconded by John Kurzman to grant a 90-day TCO Extension. The motion **carried unanimously**.

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

**#4 TCO EXTENSION, Unincorporated Dade County; Miami International Airport; South Terminal Program; MDAD Project No. B312A; Permit No. 2003009007; Juan A. Gonzalez.**

Donovan Hall was present representing the Miami-Dade Aviation Department.

A motion was made by Chief Virgilio Fernandez and seconded by Gregory Pierce to grant a 90-day TCO Extension. The motion **carried unanimously**.

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

**REPORT – CERTIFICATION SUBCOMMITTEE - October 2010**

Michael Goolsby presented the Certification Subcommittee Report to the Board stating the listed individuals are being recommended for **approval** for **New Certification** for **2010**:

<b><u>INSPECTOR:</u></b>	<b><u>REPRESENTING:</u></b>	<b><u>DISCIPLINES:</u></b>
Deso, Jr., David S.	City of Hialeah	Chief Mechanical Inspector
Domingo, Antonio F.	Village of Key Biscayne	Electrical Inspector
Hernandez, Paul	City of Miami	Chief Mechanical Inspector
Hernandez, Robert	City of North Bay Village	Plans Examiner Plumbing Plumbing Inspector
Jimenez, Carlos A.	City of Miami	Plans Examiner Structural
Martinez, Noe	City of North Miami	Roofing Inspector (Commercial) Roofing Inspector (Residential) Plans Examiner Building
Morrison, Daniel R.	City of Miami Gardens	Electrical Inspector Plans Examiner Electrical
Pascual, Alejandro	City of Miami	Building Inspector (Structural)
Rodriguez, Frank D.	City of Miami	Plans Examiner (Structural)
Russell, Roy R.	City of Miami	Plumbing Inspector
Yocum, David B.	City of Hialeah	Electrical Inspector Plans Examiner Electrical

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Continues...

**Certification Subcommittee Report**

A motion was made by Edward Woodward to accept those listed for **New Certification**. The motion was seconded by Gregory Pierce.

The motion **carried unanimously**.

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

Mr. Goolsby stated the following individual is being recommended for **rejection** for **New Certification** for 2010 as noted:

<b><u>INSPECTOR:</u></b>	<b><u>REPRESENTING:</u></b>	<b><u>DISCIPLINES:</u></b>
Domingo, Antonio F.	Village of Key Biscayne	Plans Examiner Electrical

**(A building code administrator, plans examiner, or inspector with a limited certificate must obtain a standard or provisional certificate prior to commencing any new employment or duties requiring certification.)**

A motion was made by John Kurzman to deny Antonio Domingo for New Certification. The motion was seconded by Gregory Pierce.

The motion **carried unanimously**.

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

Further, Mr. Goolsby informed of the following individuals being recommended for **De-Certification** for 2010:

<b><u>INSPECTOR:</u></b>	<b><u>REPRESENTING:</u></b>	<b><u>DISCIPLINES:</u></b>
Fulmer, George A.	City of Hialeah	Building Inspector (Structural) Roofing Inspector (Commercial) Roofing Inspector (Residential)
	City of Miami Springs	Building Inspector (Structural) Roofing Inspector (Commercial) Roofing Inspector (Residential)

A motion was made by John Kurzman to accept the recommendation for **De-Certification** of George Fulmer. The motion was seconded by Gregory Pierce.

The motion **carried unanimously**.

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

**(Provisional Building Inspector License expired on August 29, 2010. Has failed to obtain a Standard Inspector License from the Building Code Administrators and Inspectors Board)**

Militello, Juan J.	City of Sweetwater	Building Inspector (Structural)
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**(Provisional Building Inspector License expired on October 2, 2010. Has failed to obtain a Standard Inspector License from the Building Code Administrators and Inspectors Board))**

A motion was made by John Kurzman to accept the recommendation for **De-Certification** of Juan Militello. The motion was seconded by Gregory Pierce.

The motion **carried unanimously**.

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

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**BOARD INFORMATION – NON-AGENDA**

Michael Goolsby informed the Board members of the adopted merger of the BUILDING CODE COMPLIANCE OFFICE (BCCO) with the BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT (BNCD) effective October 1, 2010. Further he stated the BCCO Staff will officially move to the Miami-Dade Permitting and Information Center on Friday, October 29, 2010, and Board meetings thereafter will be held at that location.

**PUBLIC PRESENTATIONS**

*---None---*

**There being no further business, the meeting adjourned at 1:20 P.M.**

**MINUTES OF THE BOARD OF RULES AND APPEALS**  
**MEETING OF NOVEMBER 18, 2010**

**Members Present:** William Derrer, *Chairman*  
Richard Horton, *Vice-Chairman*  
Thomas Utterback, *Sergeant at Arms*  
J. Robert Barnes  
Rolando Diaz  
Juan Dalla Rizza, P.E.  
Mario Espineira, Jr.  
Alfonso Fernandez-Fraga  
Carmen Garcia  
Jesus Gomez  
Herbert Gopman  
Gregory Pierce  
Myron Rosner  
Enrique Salvador

**Members Excused:** Chief Virgilio Fernández  
Chief Paul L. Smith  
John Kurzman  
Edward Woodward

**Staff Present:** Eduardo Gonzalez, Assistant County Attorney  
Michael Goolsby, Acting Secretary of the Board  
Yvonne D. Bell, Board Recording Secretary

**Court Reporter:** Fernando Subirats, Apex Reporting Group

**The meeting commenced at 1:05 P.M.**

**MINUTES of October 21, 2010**

Mr. Derrer requested a motion for the approval of the **October 21, 2010** meeting minutes. A motion was made by Gregory Pierce to accept the minutes of October 21, 2010. The motion was seconded by Robert Barnes.

The motion **carried unanimously**.

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

**REGULAR AGENDA APPEALS**

**APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Miami Beach, 1100 West Properties, LLC d/b/a Mondarin South Beach; FBC Section 105.12; Miami Dade County Code Section 8-12 (c); Double Permit Fee**

*Mr. Herbert Gopman, Board Member, excused himself from this appeal.*

Mr. David H. Nevel, representing the Appellant, stated that his client was appealing the unlawful assessment of a double permit fee for the Mondrian Hotel located within the City of Miami Beach. He advised the members that a demolition permit was obtained and the City Building Official Mr. Velazquez approved the permit. He indicated that the work cited was minimal and a master permit was issued. He further added that the Building Code states that work may commence up to the first inspection.

Mr. Abraham Galbut was introduced and provided a chronology of events regarding the permitting process. He remarked that the demolition permit was applied for in August 2006, then plans were submitted and in December 2007 the demolition permit was obtained, which went through with the comments/review process. *Prior to further discussion, Mr. Galbut was sworn in by the Court Reporter.* Mr. Galbut indicated that this is a 35 million dollar project and work commenced in June or July of 2006, and every aspect of the construction was performed in contact with the City of Miami Beach Building Department.

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**Appeal No. 1 continues...**

*Mr. Nevel then called Mr. Gioia to the podium for testimony and he was then sworn in by the Court Reporter.*

At this time, Ms. Rhonda Montoya-Hasan inquired about the testimony of Mr. Gioia and questioned whether a Building Official could testify against another City official.

Eduardo Gonzalez, Assistant County Attorney, indicated that Mr. Gioia could provide testimony.

Mr. Gioia indicated that he has over 57 years of experience in construction and the building code allows that “*prior to the first inspection*” certain work could be performed. He further stated that he has been to the Mondrian site and he did witness light work being done, and they should not have been given a double fee. As it pertains to the start time, Mr. Gioia advised that the request and permission is generally in writing, but it could be verbally given. He further added that he did not see any drywall being installed and the work valued no more than sixty to eighty thousand dollars in his estimation.

Mr. Diaz replied that each City has a different ordinance with different regulations and the contractor at the time did not have anything in writing allowing up to the first inspection. Mr. Diaz further commented that the pictures depict tile installed and this usually means that the work is finished.

Mr. Nevel replied that, according to Section 105.12, there is no requirement for written documentation.

Mr. Russell Galbut, Mondrian Project Asset Manager, indicated that he spoke with Tom Velazquez, the then Building Official, who gave them permission to proceed and was aware of the start of work.

Ms. Rhonda Montoya-Hasan, City of Miami Beach Attorney First Assistant, directed the members to photographs of the City’s response depicting work and construction performed at the Mondrian Hotel, all of which were done without a permit. She indicated that the alleged verbal approval was from Andy Villareal, who was not authorized to speak for the Building Official. Ms. Montoya-Hasan informed the members that Mr. Villareal was no longer employed with the City of Miami Beach, but took full responsibility. Ms. Montoya-Hasan stated that there is no evidence from the Building Official that an early start was dictated. She further advised the members that there were three Stop Orders at this location: (1<sup>st</sup>) issued on September 14, 2007 by the Building Department; (2<sup>nd</sup>) September 22, 2007, they were given a one-day compliance order and; (3<sup>rd</sup>) September 25, 2007, where police support was involved. Ms. Montoya-Hasan added that the work ceased at the third stop order, because Mr. Velazquez threatened that the parties would be arrested if work continued.

Ms. Montoya-Hasan also explained that the City code allows for continued fines for substantial stop work orders and written permission would need to be received in order to proceed.

Mr. Richard McConachie, City of Miami Beach Building Official, stated that during the time of this project, he was employed as the Asst. Director of Operations under Mr. Velazquez. He further added that work was performed on all trades. He never visited the site at the time, however was aware that the Building Code Compliance staff visited the site at one point. Mr. McConachie further added that Mr. Velazquez would not allow this work to be done without a permit and first inspection.

*Ms. Montoya-Hasan then called Pete Quintela, City of Miami Beach Chief Mechanical Officer, who was sworn in by the Court Reporter.*

Mr. Quintela remarked that, when he was employed by the Building Code Compliance Office, he accompanied a City of Miami Beach Inspector on his daily inspections. The City Inspector indicated that he was requested to perform a courtesy inspection at the Mondrian project. Mr. Quintela indicated that he observed a completely operable sales office and a furnished model unit. Mr. Quintela advised that he then went to staff at the site and requested permitting documents only to receive a demolition permit.

Mr. Barnes inquired about the courtesy inspection and how many were conducted.

Mr. McConachie remarked that he was not sure about this inspection nor the authorization.

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**Appeal No. 1 continues...**

Mr. Galbut commented that the sales office and the three floors were pre-existing and continued to be occupied because they were never told to vacate or leave these areas, which were already operable. He replied that their Certificate of Occupancy was not terminated.

Mr. Dalla Rizza and Mrs. Carmen Garcia inquired about the courtesy inspection and who would authorize this inspection without a permit.

After much discussion, Mr. Espineira moved to defer this appeal until the appropriate witnesses and Building Officials can testify as to the facts relative to this issue. Mr. Barnes seconded the motion.

Upon further discussion, Mr. Barnes offered to amend the motion to request that all records be made available as well.

Mr. Derrer clarified the motion to defer this appeal until the December meeting and to allow both the appellant and the City of Miami Beach Building Official to provide pertinent witnesses for the next hearing as well as any relevant City documents produced on this matter.

Mr. Derrer then called the question and the motion passed **9 to 2** with **Mr. Salvador** and **Mr. Diaz** being opposed to the motion.

The motion **carried unanimously**.

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

**APPEAL #2: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami-Dade County; Phoenix S & S, Inc.; 16301 NW 129 Avenue; FBC 102.2 (c); Florida Statute 823.14; Non-Residential Farm Buildings**

Eduardo Gonzalez, Assistant County Attorney, informed the members that the appellant's attorney Mr. John Luckas has requested a deferral until the next Board of Rules and Appeals meeting of January 2011, as they pursue a resolution of the matter.

**REGULAR AGENDA - TCO/TCC APPEALS**

**#1 TCO EXTENSION, Unincorporated Dade County; Miami Intermodal Center; 3900 NW 25 Street; GMP#4A – Rental Car Facility; Permit No. 2003039152; Gary L. Donn**

Ricardo Amaro was present representing the Miami Intermodal Center.

A motion was made by Enrique Salvador and seconded by Richard Horton to grant a **90-day** TCO Extension.

The motion **carried unanimously**.

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

**REPORT – CERTIFICATION SUBCOMMITTEE - November 2010**

Enrique Salvador presented the Certification Subcommittee Report to the Board stating the listed individuals are being recommended for **approval** for **New Certification** for **2010**:

<b><u>INSPECTOR:</u></b>	<b><u>REPRESENTING:</u></b>	<b><u>DISCIPLINES:</u></b>
<b>Markoski, Vladimir</b>	Unincorporated Miami-Dade	Chief Mechanical Inspector Chief Plumbing Inspector
<b>Cline, Toby R.</b>	Village of Palmetto Bay	Chief Plumbing Inspector Plans Examiner Plumbing Plumbing Inspector
<b>Fernandez, Eduardo</b>	Unincorporated Miami-Dade	Plans Examiner Building Building Inspector, Structural
<b>Socarras, Serafin E.</b>	Unincorporated Miami-Dade	Building Inspector, Structural

A motion was made by Enrique Salvador and seconded Rolando Diaz to accept the listed individuals for New Certification.

The **motion carried unanimously**.

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

**EMERGENCY AGENDA**

Mr. Derrer requested a motion to accept and hear the Emergency Agenda. Mr. Gomez moved to hear and Mr. Barnes seconded the motion.

The **motion carried unanimously.**

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

**#1 TCO EXTENSION, Unincorporated Dade County; Miami Dade Aviation Department; North Terminal Development Center; Concourse B-C Shell; Permit No. 2004023292; Juan Carlos Arteaga**

John Thompson was present representing the Miami-Dade Aviation Department.

A motion was made by Mr. Salvador and seconded by Mr. Barnes to grant a **90-day** TCO Extension.

The motion **carried unanimously.**

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

**#2 TCO EXTENSION, Unincorporated Dade County; Miami Dade Aviation Department; North Terminal Development Center; B-C Infill Bldg., Shell and Finish; Permit No. 2002079227; Juan Carlos Arteaga**

John Thompson was present representing the Miami-Dade Aviation Department.

A motion was made by Mr. Gomez and seconded by Mr. Barnes to grant a **90-day** TCO Extension.

The motion **carried unanimously.**

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

**PUBLIC PRESENTATIONS**

*---None---*

**There being no further business, the meeting adjourned at 2:17 P.M.**