



**BROWARD COUNTY**  
**BOARD OF RULES AND APPEALS**

955 S. FEDERAL HIGHWAY, SUITE 401, FORT LAUDERDALE FLORIDA, 33316  
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**BOARD OF RULES AND APPEALS**  
**Thursday, August 15, 2005**

**MINUTES**

**CALL TO ORDER**

A published meeting of the Board of Rules and Appeals was called to order by its Chairman, Mr. Kozich at 7:00 p.m.

**ROLL CALL**

Present

A. Kozich  
S. Feller  
W. Flett  
S. Giles  
A. Korelishn  
D. Lavrich (arrived at 7:08 pm)  
P. London  
B. Madge  
J. Somers  
B. Van Kirk  
G. Waldrep  
H. Zibman  
D. Zimmer

Excused

None

The presence of a quorum was announced.

**APPROVAL OF MINUTES -**

**Mr. Feller MOVED the motion to approve the April 14, 2005 Board meeting minutes. This motion was duly seconded by Mr. Korelishn. THE MOTION PASSED UNANIMOUSLY.**

**CONSENT AGENDA**

**1. Certifications**

**Broward County**

Julio Briceno, Assistant Building  
Official  
Mohammad R. Mohammadi,  
Mechanical Inspector  
Jose Luis Menendez,  
Mechanical Plans Examiner  
Thomas Sidoti, Assistant  
Building Official  
David Tringo, Assistant  
Building Official

Thomas Sidoti, Chief Structural  
Inspector  
Joseph Fahey, Structural Plans  
Examiner  
Andrew Grady, Fire Inspector  
William Boss, Fire Plans  
Examiner

**Coral Springs**

Arthur S. Wiesel, Plumbing  
Inspector

Stanley Celenski, Building  
Inspector  
Beth Walker, Fire Inspector  
**Dania Beach**  
Kenneth S. Brown, Fire Code  
Official  
**Deerfield Beach**  
George Bishai, Structural  
Inspector  
**Davie**

Thomas A. Morin, Structural  
Inspector  
Anthony Precanico, Fire Code  
Official  
**Fort Lauderdale**  
Curtis Craig, Building Official  
Scott A. Dry, Electrical Plans  
Examiner  
Edward J. Sobolewski, Electrical  
Inspector  
Gregory Hamilton, Structural  
Plans Examiner  
John L. Cioffi, Plumbing  
Inspector  
James Truesdell, III, Electrical  
Plans Examiner

Danny Connor, Electrical  
Inspector  
Joseph Croasdale, Plumbing  
Inspector  
Orlando Hernandez,  
Mechanical Inspector  
**Hallandale Beach**  
Alan Kramen, Electrical Plans  
Examiner  
Kenneth D. Parker, Fire  
Inspector  
**Hollywood**  
Richard Lash, Structural  
Inspector

Michael Matthews, Structural  
Plans Examiner  
Mark E. Fritz, Fire Inspector  
**Margate**  
Rai Ramlal, Fire Inspector  
**Parkland**  
Kenneth R. Mason, Structural  
Plans Examiner  
**Plantation**  
Jeffrey Green, Building  
Inspector, Plantation  
**Pompano Beach**  
Thomas L. Bennett, Plumbing  
Plans Examiner  
Dennis Kwitkin, Electrical  
Inspector

**Mr. Feller MOVED, and proposed a MOTION to accept the certification of those listed above on the Consent Agenda. Mr. Zibman and duly seconded by Mr. Korelishn; the MOTION CARRIED UNANIMOUSLY.**

### **REGULAR AGENDA**

#### **1a. Request for clarification by William Hitchcock, Town of Davie, Building Official**

The Board Chair, Mr. Kozich (Chair) requested staff member Mr. Rusty Carroll, Chief Structural Code Compliance Officer, to address the Board with his determination of this agenda item. Mr. Carroll informed the Board of Mr. William "Bill" Hitchcock's current position in the Town of Davie as Building Official, and that he is certified as a Building Official by the Board and as a Code Administrator by the State of Florida. Mr. Carroll explained that in Broward County when someone is certified as a Building Official this does not allow them to perform inspections in any discipline however the Building Official certification, certifies them as an "Administrator". He further explained that Mr. Hitchcock was previously certified as a Building Plans Examiner, Chief Building Inspector, and Building Inspector, and currently to be certified as a Building Plans Examiner by this Board, one must be certified as a Standard Plans Examiner by the State. Mr. Carroll then explained that Mr. Hitchcock let his State Plans Examiner and Inspector certification expire, and it is not possible for Board staff to recertify someone who does not have their State certification up to date. At this time Board members questioned Mr. Carroll in relation to the amount of continuing education updates (CEU's) time applied to this certification period and Mr. Carroll briefly explained the certification requirements to be eligible for recertification. After a brief explanation of this Mr. Carroll gave the Board a couple of examples where people were not recertified due to similar circumstances. To conclude his statement to the Board, Mr. Carroll explained the process of the provisional license to the best of his knowledge as well as what was told to him by Mr. Hitchcock as a possible solution to this situation.

Mr. Kozich then requested Mr. Hitchcock approach the podium and address the Board. Mr. Hitchcock informed the Board of his experience, which included Plan Reviewer for the City of Plantation for over 19 years, and that when he retired he maintained his CEU's by attending seminars and other events issuing CEU's. He explained his interpretation of a section of the code which states that if one can show proof of the CEU's for a period of time than the Board could issue him a new card, and that was his intention, to get certified as a Plan Examiner. Lengthy discussion ensued between the Board, Mr. Hitchcock and Staff.

Mr. Korelishn MOVED, and proposed a MOTION to have Board staff verify Mr. Hitchcock's CEU's as proof that he has met the educational requirements for recertification. This motion was duly seconded by Mr. Korelishn.

**MOTION DENIED (Seven (7) to six (6))**

Affirmative votes:

W. Flett, A. Korelishn, B. Van Kirk, S. Feller, G. Waldrep, and D. Zimmer.

Negative votes:

A. Kozich, S. Giles, D. Lavrich, P. London, R. Madge, J. Somers, and H. Zibman.

The Board members solicited further explanation from Staff, and discussed this item at length. Mr. Zibman stated that as he was on the winning side of the previous motion he is allowed to make a motion to reconsider.

**Mr. Zibman MOVED and proposed a MOTION to reconsider the previous motion with the caveat that he present the thirty-two (32) hours of continuing education points to Staff prior to the next Board meeting. This motion was duly seconded by Mr. Korelishn.**

During discussion, of this motion, called by the Chair, there was debate and lengthy discussion. Based on the recommendations of staff it was the consensus of this Board that this item be referred to the Education Committee.

**Mr. Somers MOVED and proposed a MOTION to table this item until the next Board meeting pending review by the Education Committee. Due to there being more than 2/3 of the Board members present who agreed with this motion it did not need to be seconded.**

**MOTION CARRIED (Eleven (11) to two (2))**

Affirmative votes:

A. Kozich, W. Flett, S. Giles, A. Korelishn, D. Lavrich, P. London, B. Madge, J. Somers, B. Van Kirk, G. Waldrep, and D. Zimmer

Negative votes:

H. Zibman, and S. Feller

## **2. Revisions to Broward County Administrative Chapter 1, effective October 1, 2005**

Mr. James DiPietro addressed the Board on the details of this item. Mr. DiPietro went through each change with the Board, outlining the major changes first; advising that additions to the Code are identified by being underlined; the majority of the changes were glitch changes; and many of the code sections were renumbered to coincide with the State's Administrative Chapter.

Mr. DiPietro informed the Board of the proposed code change by Mr. Hitchcock to reduce the ten (10) years required experience as an Electrical, General, Mechanical, or Plumbing Contractor to five (5) years as stated in his proposed Code change. After discussion on this item between the Board, Staff, and Mr. Hitchcock, it was the consensus of the Board that this item be referred to the Education Committee for further review and a recommendation.

**Mr. Zibman MOVED and proposed a MOTION to table this item requested by Mr. Hitchcock, as recommended by Mr. Flett, until further review by the Education Committee. The motion was duly seconded by Ms. Giles. Mr. Somers was not in attendance for this roll call.**

**MOTION CARRIED (Twelve (12) to zero (0))**

Affirmative votes:

A. Kozich, W. Flett, S. Giles, S. Feller,  
A. Korelishn, D. Lavrich, P. London, B.  
Madge,  
B. Van Kirk, G. Waldrep, H. Zibman, and  
D. Zimmer

Negative votes:

None

The Chair, issued a request to hold a meeting of the Education Committee before the next Board meeting. At this time, Mr. DiPietro, continued with the review of the Administrative Chapter. Several changes were discussed. Lengthy discussion ensued, as to a code preparation error made by the State of Florida, where language previously contained within 1521.4 of the 2001 Florida Building Code was omitted from the 2004 Florida Building Code.

**Mr. Lavrich MOVED and proposed a MOTION to approve the insertion of 105.2.10.1, as modified during this meeting, to the Broward County Administrative Chapter. The motion was duly seconded by Mr. Flett.**

**MOTION CARRIED (Thirteen (13) to zero (0))**

Affirmative votes:

A. Kozich, W. Flett, S. Giles, S. Feller,  
A. Korelishn, D. Lavrich, P. London, B.  
Madge, J. Somers, B. Van Kirk, G. Waldrep,  
H. Zibman, and D. Zimmer

Negative votes:

None

Mr. DiPietro continued with the review and there were other modifications made, as necessary, and the review of the Administrative Chapter was concluded. At this time the Chair opened the Public Hearing portion of the meeting. Mr. Billy Cone, Roofing Contractors Association of South Florida, Representative voiced his concern in regards to the 25% rule contained within section 105.2.10.1 Administrative Chapter. Mr. DiPietro confirmed the effective date of the Administrative Chapter for October 1, 2005 and it was accepted by the Board. Following the public hearing the Chair requested a roll call vote.

**Mr. Feller MOVED and proposed a MOTION to approve the Administrative Chapter currently reviewed with modifications indicated during this meeting. The motion was duly seconded by Mr. Lavrich.**

**MOTION CARRIED (Thirteen (13) to zero (0))**

Affirmative votes:

A. Kozich, W. Flett, S. Giles, S. Feller,  
A. Korelishn, D. Lavrich, P. London, B.  
Madge, J. Somers, B. Van Kirk, G. Waldrep,  
H. Zibman, and D. Zimmer

Negative votes:  
None

**3. Status reports regarding consideration of 40 Year Building Safety Inspection Program. (No legislative action).**

Chairman Mr. Kozich requested Mr. James DiPietro, Administrative Director address the Board on the details of this item.

Mr. DiPietro introduced the item and informed the Board of the positive outcome of the meeting that that took place on July 30, 2005, between a committee of the League of Cities. Chair, Allan Kozich, and Mr. DiPietro represented the Board at said meeting, to discuss the need and details of the 40 Year Building Safety Inspection Program. Mr. DiPietro disclosed modifications requested by the Committee such as their request to modify the proposed 5 year phase in, to 6 years; draft forms submitted by the Structural committee and the current progress of the program; In closing Mr. DiPietro stated the program has been revised accordingly, and there is a scheduled meeting of the Board of Directors, League of Cities, on September 1, 2005, where he and the Chair will be in attendance, and a final determination is to be made as to the agreement of instituting this program.

Ms. Giles requested that code professionals be notified of this program and both the Chair and Mr. DiPietro informed Ms. Giles that there is a notification list (which continues to grow) already in progress, and these people have been notified. The Chair recognized persons who are currently on the list and were in the audience. One such person was Mr. Danny Ezzddine, City of Plantation Design and Construction, and AIA Board Director. Mr. Ezidean was recognized by the Chair and offered a word of caution to the Board in regards to the fact that only Engineers are to perform the inspection(s) referred to in the 40 year program. The Chair announced that at this time the parameters for what professional group would perform the required inspection(s) is strictly an opinion from a Board Committee, and this subject was briefly discussed. The Chair, announced that there will be a public hearing where this will be open for discussion during the next Board meeting on September 8, 2005.

**NO MOTION NECESSARY-  
REPORT ONLY**

**4. Formal Interpretation: Adoption of Formal Interpretation relating to current Chapter One section 104.9.3.**

Chair Mr. Kozich requested Mr. Carroll to address the Board with his determination of this agenda item. Mr. Carroll informed the Board of the request for Formal Interpretation for Section 104.9.3 of the Broward County Administrative Chapter, requested by Mr. Billy Cone, a representative of the Roofing Contractors Association of South Florida. Mr. Carroll informed the Board that he agrees with the need for a Formal Interpretation on said section and therefore has included a draft of his proposed Formal Interpretation, in this packet. After his statement Mr. Carroll introduced Mr. Cone to the Board, and Mr. Cone then explained the purpose for his request. After discussion on this item, the Board determined that there was merit to create a formal interpretation and issue a retroactive effective date due to the time frame issues related to this section.

Mr. Feller MOVED and proposed a MOTION to approve the Formal Interpretation as written in this Agenda packet, for section 104.9.3, with a retroactive effective date of September 1, 2004. The motion was duly seconded by Mr. Korelishn. Mr. Somers was not in attendance for this role call.

MOTION CARRIED (Twelve (12) to zero (0))

Affirmative votes:

A. Kozich, W. Flett, S. Giles, S. Feller, A. Korelishn, D. Lavrich, P. London, B. Madge, B. Van Kirk, G. Waldrep, H. Zibman, and D. Zimmer

Negative votes:

None

**5. Purchase of two take home vehicles for previously hired code compliance officers who live out side of Broward County (total of 3 vehicles in all).**

Mr. DiPietro, updated the Board of changes being undergone by Broward County, employees who reside outside of Broward County. These employees are no longer permitted to take their vehicles home. Mr. DiPietro then informed the Board of his recommendation to purchase two (2) 4 door midsize sedans at a cost of \$13,190 per vehicle or \$26,380 in total, pursuant to State of Florida Purchasing Contract # C904191BV.

The Board discussed this item and incorporated Agenda items five (5) and six (6). Item five (5) in regards to the purchase of two take home vehicles for previously hired code compliance officers who live out side of Broward County (total of 3 vehicles in all) and item six (6) in regards to adopting of Broward County "No Take Home of Vehicles" policy for employees living outside of Broward County and hired on or after September 30, 2005, of this agenda for proposed legislative action.

**Mr. Korelishn MOVED and proposed a MOTION to approve items five (5) and six (6) the purchase of two cars one for each of the current Code Compliance Officers who live outside Broward County for the total price of \$26, 380. The MOTION was duly seconded by Mr. Feller. Mr. Somers was not in attendance for this role call.**

MOTION CARRIED (Twelve (12) to zero (0))

Affirmative votes:

A. Kozich, W. Flett, S. Giles, S. Feller, A. Korelishn, D. Lavrich, P. London, B. Madge, B. Van Kirk, G. Waldrep, H. Zibman, and D. Zimmer

Negative votes:

None

**6. Adopting of Broward County "No Take Home of Vehicles" policy for employees living outside of Broward County and hired on or after September 30, 2005.**

Mr. DiPietro, informed the Board of his recommendation to follow the County policy that would not allow take home vehicles for employees living outside of Broward, provided that the application of the policy would be for employees hired on or after September 30, 2005. This item was incorporated into the previous discussion and was included in the motion above.

**7. Policy regarding expressions of sympathy or best wishes on behalf of the Board of Rules and Appeals for events involving a Board member, employee, or their immediate family.**

Mr. DiPietro, Administrative Director, informed the Board that this item was requested by Board member Mr. Flett. Mr. Flett informed the Board that during the time of Chief Electrical Code Compliance Officer, Mr. Tarry Baker's daughter Carrie Baker's death, it was his opinion, that if and when something happens to Board employees or other as stated in the draft policy 05-03, the Administrative Director should be able to send expressions of sympathy as necessary. Mr. DiPietro informed the Board of the current policy upheld by the Broward County Purchasing Department, and their decision not to approve this expense as petty cash or any other accounting transaction.

**Mr. Zibman MOVED and proposed a MOTION to approve the Board Policy 05-03 regarding expressions of sympathy or best wishes on behalf of the Board of Rules and Appeals for events involving a Board member, employee, or their immediate family. The motion was duly seconded by Mr. Korelishn. Mr. Somers was not in attendance for this role call.**

**MOTION CARRIED (Twelve (12) to zero (0))**

Affirmative votes:

A. Kozich, W. Flett, S. Giles, S. Feller,  
A. Korelishn, D. Lavrich, P. London, B.  
Madge, B. Van Kirk, G. Waldrep, H. Zibman,  
and D. Zimmer

Negative votes:

None

**8. Conceptual review and authorization to seek proposals for a lobbyist for building code issues considered by the State legislature.**

Both the Chair and Mr. DiPietro informed the Board of the need for a lobbyists as well as some of the specific duties of said lobbyists. This item was briefly discussed and the Chair requested that Mr. DiPietro publish an invitation to submit qualification in the local newspapers.

**NO MOTION NECESSARY-  
REPORT ONLY**

**Director's Report**

No discussion.

**General Discussion**

No discussion.

**Adjournment**

The meeting was adjourned at 9:15 p.m. The next scheduled Board meeting would be September 8, 2005.