

**STATE OF FLORIDA  
BUILDING CODE ADMINISTRATORS AND INSPECTORS**

<b>FILED</b>	
<small>Department of Business and Professional Regulation</small>	
<small>Deputy Agency Clerk</small>	
CLERK	Brandon Nichols
Date	1/8/2016
File #	2016-00121

**DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,**

**Petitioner,**

v.

**CASE NO.: 2015 - 017139  
LICENSE NO.: BU 1398, PX 835, BN 716**

**GLEN L. OSBORN,**

**Respondent.**

---

**FINAL ORDER APPROVING SETTLEMENT AGREEMENT**

THIS MATTER came before the Building Code Administrators and Inspectors Board (hereinafter referred to as the "Board") pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on December 3, 2015 in Celebration, Florida, for consideration of the Administrative Complaint in the above styled case which is attached hereto as Exhibit "A", and incorporated herein by reference and the Settlement Stipulation entered into between the parties, which is attached hereto as Exhibit "B," and incorporated herein by reference. The Petitioner was represented by Mark S. Miller. Respondent appeared *pro se* at the proceedings. As a member of the probable cause panel that initially reviewed the matter, Board members Dudley and Gathright were recused from participating in the proceedings.

Upon consideration of the matter, the Board voted to reject the proffered Settlement Stipulation and proposed a Counter Settlement Stipulation. The Respondent agreed *ore tenus* to accept the terms of the Counter Stipulation as did counsel for the Petitioner. The Counter Settlement Stipulation incorporates all terms and provisions from the original Settlement Stipulation with the following additions and modifications:

1. **Continuing Education.** Within one (1) year of the filing date of this Final

Order, Respondent shall obtain **two (2) hours** of continuing education in **Laws and Rules**, **two (2) hours** of continuing education in **Flood Plane Management**, and **three (3) hours** of continuing education in **any approved continuing education course approved for general credit**. All continuing education hours specified herein shall be in addition to the normal credit hours required to maintain an active license in the State of Florida. Respondent shall submit the proposed courses to the Board Office for approval by the Board Chairman and obtain said approval **prior** to attendance.

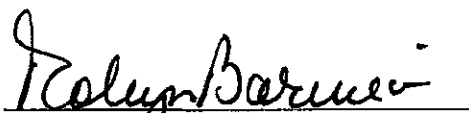
2. **Change of Licensure Status.** A change in licensure status, including the suspension, revocation, voluntary relinquishment, or involuntary relinquishment of license shall not relieve Respondent of the obligation to pay any fines, costs, interest or restitution imposed in this Order.

Upon consideration of the Administrative Complaint and the proposed Counter Settlement Stipulation in this matter and being otherwise fully advised in the premises, it is hereby ordered that the Counter Settlement Stipulation is approved as an acceptable disposition of this proceeding. The parties shall adhere to and abide by the terms of the agreement.

This Order shall be become effective upon filing with the agency Clerk for the Department of Business and Professional Regulation.

DONE AND ORDERED, this 7<sup>th</sup> day of January, 2016.

BUILDING CODE ADMINISTRATORS  
AND INSPECTORS BOARD

  
Robyn Bafineau, Executive Director  
for Robert S. McCormick, Chairman

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by United States Mail to Glen L. Osborn, 1571 S.W. 10th Street, Boca Raton, Florida 33486; and by electronic mail to [redtagu@bellsouth.net](mailto:redtagu@bellsouth.net); and by Inter-Office Delivery to Mark S. Miller, Deputy Chief Attorney, Department of Business and Professional Regulation, 1940 North Monroe St., Tallahassee, FL 32399-2202, and Clark R. Jennings, Assistant Attorney General, Administrative Law Section, PL-01 The Capitol, Tallahassee, Florida 32399-1050 this 8<sup>th</sup> day of January, 2016.

*Brenda M. Nicks*

7007 0220 0000 2615 5511

<b>U.S. Postal Service™</b>	
<b>CERTIFIED MAIL™ RECEIPT</b>	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a> .	
<b>OFFICIAL USE</b>	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Post:	Glen L. Osborn
Sent To	2015-017139/BU 1398, PX 835, BN 716
Street, Apt. # or PO Box N	1571 SW 10 <sup>th</sup> Street
City, State, Z	Boca Raton FL 33486
PS Form 3800, August 2006	
See Reverse for Instructions	

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,

Petitioner,

vs.

Case Number 2015-017139

GLEN L. OSBORN,

Respondent.

---

SETTLEMENT STIPULATION

Glen L. Osborn ("Respondent") and the Department of Business and Professional Regulation ("Department") agree to the following Stipulation and entry of a Final Order incorporating this Stipulation in the above-styled matter as follows:

STIPULATED FACTS

1. At all times material, Respondent was a licensed Building Code Administrator, Plans Examiner, and Building Inspector having been issued license numbers BU 1398, PX 835, and BN 716 respectively.
2. Respondent's address of record is 1571 S.W. 10<sup>th</sup> Street, Boca Raton, Florida 33486.
3. Respondent was charged by an Administrative Complaint filed by the Department and properly served upon Respondent with a violation of Chapter 455 and/or Chapter 468, Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit "A."
4. Respondent neither admits nor denies the allegations set forth in the Administrative Complaint attached hereto as Exhibit "A," but agrees to enter this settlement stipulation for the purposes of avoiding future litigation.

### CONCLUSION OF LAW

5. Respondent admits that he is subject to the provisions of Chapters 455 and 468, Florida Statutes, the rules promulgated pursuant thereto, and the jurisdiction of the Department and the Board of Building Code Administrators and Inspectors.

6. Respondent admits that the alleged facts, if proven, would constitute violations of law as charged in the Administrative Complaint.

7. Respondent admits that this Stipulation constitutes disciplinary action as set forth in Sections 455.225, 455.227(1)(f) and 468.621, Florida Statutes.

### STIPULATED DISPOSITION

8. In the future Respondent shall refrain from committing violations of Chapter 468, Florida Statutes, or the rules promulgated pursuant thereto.

9. FINE: Respondent shall pay an administrative fine in the amount of \$1,000.00 within 60 days of the filing of the Final Order accepting this Settlement Stipulation.

10. COSTS: Respondent shall pay administrative costs in the amount of \$235.45 within 60 days of the filing of the Final Order accepting this Settlement Stipulation.

11. PROBATION: Respondent shall be on probation for two years from the date of the Final Order adopting this Stipulation. Respondent may be asked to appear before the Board at such times as directed by the Executive Director, or as specified in the Final Order entered in this action. In connection with each probation appearance, Respondent shall provide specified information and/or documentation as requested by the Department, the Board, or the Probation Committee. The Respondent shall forward said documentation to the Board in advance of the probation appearance. The burden shall be solely upon Respondent to remember the requirement for said appearance, and to take the necessary steps in advance of said appearance to contact the Board office and ascertain the specific time, date, and place of said appearance. The Respondent shall not rely on getting notice of said appearance from the Board or Department.

12. Should Respondent violate any condition of this probation, it shall be considered a violation of Section 468.621(1)(a), Florida Statutes, and shall result in further disciplinary action by the Board.

13. CONTINUING EDUCATION: Respondent shall complete seven (7) hours of live continuing education (excludes online or distance learning for these continuing education hours) in addition to any normally required continuing education, with an emphasis on Chapter 468, Florida Statutes, within one year of the filing of the Board's Final Order adopting this Stipulation.

14. To ensure successful completion of this continuing education, Respondent's licensure to practice contracting shall be suspended with the imposition of the suspension being stayed for that period of time. If Respondent successfully completes the continuing education, the suspension imposed shall not take effect. If Respondent fails to successfully complete the continuing education, the stay shall be lifted and Respondent's licenses shall be immediately suspended. Once the stay is lifted, Respondent shall remain in suspended status unless and until the continuing education is completed.

15. It is expressly understood that this Stipulation is not effective unless a final order is entered by the Board accepting this Stipulation.

16. Upon the Board's adoption of this Settlement Stipulation, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Settlement Stipulation, and the Final Order of the Board incorporating said Settlement Stipulation, or any part thereof.


17. Upon the Board's adoption of this Stipulation, the parties hereby agree that each party will bear its own attorney's fees and costs resulting from prosecution and/or defense of this proceeding.

18. This Stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. Should this Stipulation not be accepted by the Board, it

is agreed that presentation to and consideration of this Stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

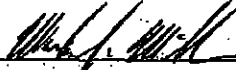
WHEREFORE, the parties hereto request the Board of Building Code Administrators and Inspectors to enter a Final Order accepting and implementing the terms contained herein.

(SIGNATURE PAGES FOLLOW)

  
Glen L. Osborne  
Case No. 2015-017139



SIGNED this 29<sup>th</sup> day of October, 2015.



Mark Steven Miller  
Deputy Chief Attorney  
Florida Bar Number: 0653020  
Office of the General Counsel  
1940 N. Monroe Street, Ste. 42  
Tallahassee, FL 32399-2202  
(850) 717-1201 Telephone  
(850) 921-9186 Facsimile

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Evelte Lawson-Proctor
Date	9/24/2015
File #	

DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,

Petitioner,

v.

Case No. 2015-017139

GLEN L. OSBORN,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department Of Business and Professional Regulation ("Petitioner"), files this Administrative Complaint before the Board of Building Code Administrators and Inspectors, against Glen L. Osborn ("Respondent"), and alleges:

1. Petitioner is the state agency charged with regulating the practice of building code administration and inspection pursuant to Section 20.165, Florida Statutes, and Chapters 455 and 468, Part XII, Fla. Stat.

2. Respondent's address of record is 1571 S.W. 10<sup>th</sup> Street, Boca Raton, FL 33486.

Material Facts

3. At all times material, Respondent was employed by the City of Ft. Lauderdale Building Services Division ("FLBSD") as a Plans Examiner.

4. At all times material, Respondent was licensed as a Building Code Administrator, Standard Plans Examiner, and Standard Inspector in the State of Florida, having been issued license numbers BU 1398, PX 835, and BN 716, respectively.

5. At all times material, Christopher Augustin was employed by FLBSD as the Building Official.

6. In or about December 6, 2013 through February 24, 2014, Respondent approved ten Certificates of Completion for buildings associated with Northwest Gardens located in Ft. Lauderdale, Florida as the Building Official on behalf of FLBSD.

7. The above mentioned buildings within Northwest Gardens did not meet the flood elevation requirements within the applicable 2010 Florida Building Code.

8. Respondent knew, at the time he approved the Certificates of Completion that the buildings at issue did not meet the applicable 2010 Florida Building Code requirements for flood elevations and therefore did not meet the requirements for the Certificates of Completion.

9. Respondent has not provided documentation designating him the position of Building Official for the dates Respondent signed the Certificates of Completion and therefore was not FLBSD's Building Official on those dates.

#### Count One

10. Section 455.227(1)(o), Fla. Stat., subjects a licensee to discipline for "practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform."

11. Section 468.603(1), Fla. Stat., provides in part: "Building code administrator" or "building official" means any of those employees of municipal or county governments with building construction regulation responsibilities who are charged with the responsibility for direct regulatory administration or supervision of plan review, enforcement, or inspection of building construction, erection, repair, addition, remodeling, demolition, or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes as required by state law or municipality or county ordinance. One person employed by each municipal or county government as a building code

administrator or building official and who is so certified under this part may be authorized to perform any plan review or inspection for which certification is required by this part.” [Emphasis Added].

12. Based upon the facts set forth above, Respondent violated Section 455.227(1)(o), Fla. Stat. (2013), though Section 468.603(1), Fla. Stat. (2013), by acting as the Building Official when he approved Certificates of Completion as the FLBSD Building Official when he was not designated as such.

#### Count Two

13. Petitioner realleges and incorporates the allegations set forth in paragraphs one through nine as though fully set forth herein.

14. Section 468.621(1)(f), Fla. Stat., subjects a licensee to discipline for “[m]aking or filing a report or record that the certificateholder knows to be false, or knowingly inducing another to file a false report or record, or knowingly failing to file a report or record required by state or local law, or knowingly impeding or obstructing such filing, or knowingly inducing another person to impede or obstruct such filing.”

15. Based upon the facts set forth above, Respondent violated Section 468.621(1)(f), Fla. Stat. (2013), by approving Certificates of Completion known to be false by Respondent.

WHEREFORE, Petitioner respectfully requests the Building Code Administrators and Inspectors Board enter an order imposing one or more of the following penalties: suspension or permanent revocation of Respondent’s license, restriction of Respondent’s practice, imposition of an administrative fine not to exceed \$5,000 for each count or separate offense, issuance of a reprimand, placement of Respondent on probation subject to specified conditions, corrective action, assessment of costs related to the investigation and prosecution of the case excluding costs associated with an attorney’s time or any other relief that the Florida Board of Building Code

Administrators and Inspectors is authorized to impose pursuant to Chapters 455 and 468, Florida Statutes, and the rules promulgated thereunder.

Signed this 12<sup>th</sup> day of August, 2015.

KEN LAWSON, Secretary  
Department of Business and  
Professional Regulation

By: /s/ Mark Steven Miller  
Mark Steven Miller  
Deputy Chief Attorney  
Florida Bar No. 0653020  
Office of the General Counsel  
1940 N. Monroe Street, Ste. 42  
Tallahassee, FL 32399-2202  
(850) 717-1201 Telephone  
(850) 921-9186 Facsimile

PC Found: 08/12/2015  
By: Dudley/Gathright/Demers

### NOTICE OF RIGHTS

Please be advised that mediation under section 120.573, Florida Statutes, is not available for administrative disputes involving this type of agency action.

Please be advised that Respondent has the right to request a hearing to be conducted in accordance with sections 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoenas and subpoenas duces tecum issued on his or her behalf if a hearing is requested. Any request for an administrative proceeding to challenge or contest the charges contained in the administrative complaint must conform to Rule 28-106.2015, *Florida Administrative Code*. Rule 28-106.111, *Florida Administrative Code*, provides in part that if Respondent fails to request a hearing within 21 days of receipt of an agency pleading, Respondent waives the right to request a hearing on the facts alleged.

### NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to section 455.227(3)(a), Florida Statutes, the Board, or the Department when there is no Board, may assess costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time, against Respondent in addition to any other discipline imposed.