

Broward County Board of Rules and Appeals

Meeting Minutes, March 13, 2025

I. CALL MEETING TO ORDER

Chairman Kamm called a published virtual meeting of the Broward County Board of Rules and Appeals to order at 7:00 PM.

II. ROLL CALL

R. Art Kamm, Chairman	Shalanda Giles-Nelson
Stephen E. Bailey, Vice Chairman	Daniel Lavrich
Ron Burr	Daniel Rourke
Gregg D'Attile	Dennis Ulmer
Peter Deveaugh	Lynn Wolfson
John Famularo	Abbas Zackria

III. APPROVAL OF AGENDA

Mr. D'Attile made a motion, and Mr. Rourke seconded the motion to approve the agenda as posted. The motion was carried out through a unanimous vote of 12-0.

IV. APPROVAL OF MINUTES – February 13, 2025, Board Meeting

Mr. Lavrich made a motion, and Mr. Zackria seconded the motion to approve the February 13, 2025, minutes as submitted. The motion was carried out through a unanimous vote of 12-0.

V. PUBLIC COMMENT (Except public hearing items on this agenda)

Public comments are limited to 3 minutes.

Mr. Greg Keeler, Technical Services Leader with Owens Corning, indicated that the HVHZ Section 1516 of the Building Code is different than for non-HVHZ. It specifies that roof assemblies required to be listed by this section shall be tested in accordance with ASTM E108 or UL790. However, a listing is not required anywhere in that section.

Mr. Keeler stated that they do this testing regularly on all their products and use PRI as the quality assurance and listing agency. There are several jurisdictions in Broward County that will not accept PRI listings and require exclusively Underwriter's Laboratories (UL). There are several laboratories accredited to perform ASTM E108 and UL790. He asked the Board to inform the building departments that any approved listing agency can provide a listing for fire classification of roof coverings. Outside of the HVHZ, Section 1505 of the Building Code indicates that roof assemblies shall be listed but does not specify the testing agency.

Mayor Joy Cooper of the City of Hallandale Beach and a member of the Ad Hoc Committee indicated that she was unable to attend the last meeting of the Committee. She believed that BORA, not the municipalities, is the proper place for regulating any changes in positions, punitive damages, or recommendations with respect to licenses. She encouraged the Board to support the Committee's recommendations.

VI. CONSENT AGENDA

1. Certifications – Staff Recommended

Mr. Lavrich made a motion, and Ms. Giles-Nelson seconded the motion to approve the certifications as recommended. The motion was carried out by a unanimous vote of 12-0.

VII. REGULAR AGENDA

1. Second Reading of Proposed Changes to the Florida Building Code, Broward County Administrative Amendments, Chapter 1, 8th (2023) Edition, Section 104.18, Recertification of Building Departments and Building Code Inspection Enforcement Personnel

a. Staff Report – Michael Guerasio

Mr. Michael Guerasio, Chief Structural Code Compliance Officer, noted that “of” was removed from the second sentence, and “continuing education” was added to the last sentence for clarity and consistency.

b. Public Hearing

Chairman Kamm opened the floor for public hearing but there was no one wishing to speak.

c. Board Questions – none

d. Board Action

Mr. D’Attile made a motion, and Mr. Famularo seconded the motion to adopt the amendment on the second and final reading. The motion was carried out through a unanimous vote of 12-0.

2. Amendment to Board Policy #14-02, Policy/Affidavit to ensure compliance with Chapter 71-575, Section 4(b), Laws of Florida

a. Staff Report – Dr. Ana Barbosa

Dr. Ana Barbosa, Administrative Director, noted that the Ad Hoc Committee recommended the adoption of the proposed amendment to Board Policy #14-02. It will allow inspectors to engage in free enterprise outside of Broward County. There was considerable public comment and support for the change at the Committee meetings. The Committee recommendation is for compliance within Broward County only. She brought attention to penalties for violations of Policy #14-02 listed in the agenda memorandum.

Chairman Kamm asked for comments from the public, but there was no one wishing to speak.

b. Board Questions

Mr. Burr wanted the penalty language to be more specific. He favored probation and suspension only. Moreover, those penalties should be articulated in detail.

Mr. Lavrich questioned how a building official or inspector could engage in free enterprise (contracting, engineering, or architecture) anywhere and devote the necessary time to do both. When an individual uses their license, they have a prime responsibility to supervise that activity, and they are the primary responsible party for all the activity performed under their license. People should decide upon a single profession. With respect to ethics, he felt it is self-evident that an individual should not inspect the work of a competitor. Also, it should be clearly understood that it is not permitted for anyone other than the licensee to use that license. If an individual allows another to use their license, the individual is becoming part of that business and is responsible for supervising all activity under the scope of the license. One also takes on all professional liability for activity that occurs under their license. He was opposed to this agenda item.

Mr. Bailey supported maintaining a formal reprimand as the first step. He did not think that BORA’s role is to legislate ethics. He believed an individual could work in two different roles. He pointed out that all but two municipalities in Miami-Dade County allow inspectors to practice free enterprise. In Palm Beach County, all municipalities except Boca Raton have no restrictions on their inspectors. He believed this recommendation of Broward County alone is more restrictive than either county’s. He advocated for supporting the staff and the Ad Hoc Committee’s recommendations.

Mr. Deveaugh agreed with Mr. Burr to increase the stringency of the penalties. He pointed out that several legislative measures have increased the restrictions on plan review time. This would be a way to allow people to do plan reviews even remotely. Many municipalities have policies requiring employees to disclose secondary employment. He supported allowing municipalities not to allow inspectors to practice free enterprise in Broward County. He strongly supported the policy amendment.

Mr. D'Attile asked if this has been presented to the construction licensing board. Dr. Barbosa indicated that this is not a licensing issue. Inspectors are not required to get rid of their license upon being certified. Mr. D'Attile pointed out that with private providers being certified, it is not proper for them to also engage in free enterprise.

Mr. Zackria was aware of individuals who chose to accept employment as an inspector outside of Broward County because of this policy. He has projects that take over a year to secure a building permit. Broward County is the only county with this policy, and with the proposed amendment, Broward County would remain more restrictive. He supported the recommendation.

c. Board Action

Mr. Bailey made a motion, and Mr. Zackria seconded the motion to approve the amended Policy #14-02. The motion was carried out through a unanimous vote of 7-5. The following Board members voted no: Mr. Burr, Mr. Famularo, Ms. Giles-Nelson, Mr. Lavrich, and Mr. Ulmer.

During discussion of the motion, Mr. Burr reiterated his concern that the penalties should be stronger, starting with probation. Mr. Zackria drew attention to the Probable Cause Committee process. He suggested that the penalty section of the policy indicate those items listed as possible penalties, giving the Probable Cause Committee the leeway to apply what they see as appropriate. Mr. Burr agreed with the suggestion, provided it is placed on the form that the inspectors sign.

Mr. Deveaugh made a motion, and Ms. Giles-Nelson seconded the motion to call the question and close the discussion. The motion was carried out through a unanimous vote of 12-0.

3. Extension Request to Close Out an Open Permit for Mr. Fabio Sarmiento

a. Staff Report – Jack Morell

Mr. Jack Morell, Chief Structural Code Compliance Officer, indicated that Mr. Sarmiento had trouble obtaining a permit for a remodel and is requesting an extension.

b. Board Questions – none

c. Board Action

Mr. Zackria made a motion, and Mr. Lavrich seconded the motion to grant the 180-day extension. The motion was carried out through a unanimous vote of 12-0.

4. Director's Report

Dr. Barbosa thanked the Board members who participated in the one-on-one agenda preparation meetings and stated that she would do them monthly.

Dr. Barbosa noted her survey with respect to having at least one in-person Board meeting passed. She recommended that in-person meetings be held when there is an appeal on the agenda.

Mr. Zackria recalled that when the Board changed from in-person to virtual, it was left to the Chair's discretion. He preferred to limit the in-person meetings to once or twice a year. In response to Mr. Lavrich, Dr. Barbosa indicated there was no reason to choose in-person meetings when there were

appeals on the agenda. The objective was to satisfy those Board members who wanted the opportunity for an in-person meeting. She went on to say that staff has been instructed to resolve issues at the lowest possible level. Mr. Zackria felt it should be entirely at the Chair's discretion; however, an in-person meeting should be held at least once a year.

Mr. Burr wanted to know the cost for the Board to convert to electronic agenda material with a provided tablet. Dr. Barbosa noted the cost savings for converting as well as pricing on tablets. Mr. Burr favored determining how many Board members would be in favor. Mr. D'Attile supported the idea. Mr. Zackria asked that it be placed on a future agenda for a vote. Dr. Barbosa indicated it could be provided only to those who would like to convert.

5. **Attorney's Report** - none

6. **Committee Reports** - none

7. **General Board Member Discussion**

Mr. D'Attile suggested moving the meetings to 4:30 PM for the next three months as a trial. Chairman Kamm noted that a meeting time change was discussed at length at the last meeting.

8. **Adjournment**



Chairman

If a person desires to appeal any decision with respect to any matter considered at this meeting, such person will need a record of the proceedings and, for this reason, such person may need to ensure that a verbatim record of the proceeding is made, which includes the testimony and evidence upon which the appeal is to be based (FS Sec.286.0105).