

# **Broward County Board of Rules and Appeals Meeting Minutes, May 8, 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	Stephen E. Bailey, Vice Chairman
Eduard Badiu	Ron Burr
Gregg D'Attile	Peter Deveaugh
Jeff Falkanger	Sergio Pellecer
Daniel Rourke	Dennis Ulmer
DW Wassink	Lynn Wolfson

Total members present: 12

## **III. APPROVAL OF AGENDA**

Dr. Barbosa requested that Item 5, a request for a 180-day permit extension, be moved to the first item under the regular agenda. Mr. Bailey made a motion to approve the agenda with this change, and Ms. Wolfson seconded the motion. The motion was carried unanimously.

## **IV. APPROVAL OF MINUTES – March 13, 2025, Board Meeting**

Mr. D'Attile made a motion, and Mr. Deveaugh seconded the motion to approve the March 13, 2025, minutes, as submitted.

Mr. Bailey noted that the minutes required two clarifications: confirmation of Mr. Deveaugh's support for a policy amendment and correction of a misrecorded unanimous vote of 7-5. These changes were acknowledged, and the motion was carried out through a unanimous vote.

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

Public comments are limited to 3 minutes.

Several speakers provided input on items of concern, notably regarding virtual inspections:

Mr. Oscar Soto, an attorney representing Roofing and Construction Corp., opposed the Board's potential review of a completed final inspection currently in litigation. He emphasized that such reconsideration would set a concerning precedent, especially in an active legal dispute.

Mr. Alex Hernandez, Building Official, expressed reservations about virtual inspections being conducted by inspectors located far from Broward County. He advocated for a well-defined structure with local jurisdictional authority and Broward-certified inspectors.

Mr. Stephen Pizzillo, Building Official, provided a historical perspective on failed remote inspection practices post-disaster and urged the Board to uphold its high inspection standards.

Ms. Sheila Oliver, Mr. Claudio Grande, and Mr. Thomas Schubert echoed concerns about safety, lack of localized knowledge, and the risks of opening inspections to remote providers. All favored limited or no expansion of virtual inspection authority.

Mr. Mark Worrell, representing the HVAC industry, supported the expansion of virtual inspections, particularly for simple replacements such as HVAC change-outs. He argued that safety concerns were overstated, and technology adoption is overdue.

Mansor Simo, Building Official, supports expanding virtual inspections. While respecting opposing views, he sees virtual inspections as a major advancement that increases efficiency without sacrificing safety. He notes that Florida law permits them, and most counties have adopted the practice.

## VI. **CONSENT AGENDA**

### 1. **Certifications – Staff Recommended**

Mr. Bailey made a motion, and Mr. Rourke seconded the motion to approve the certifications as recommended by staff. The motion was carried by a unanimous vote.

## VII. **REGULAR AGENDA**

### 1. **Request to Approve a 180-Day Extension for Stephen Nesmith**

#### a. Staff Report – Dr. Ana Barbosa

Dr. Barbosa reported that this request is for an extension on a building permit due to continuing delays in material supply, specifically the fabrication of trusses. The permit was initially extended for 90 days administratively. This second extension, if granted, would extend the permit deadline to October 31, 2025.

#### b. Board Questions - None

#### c. Board Action

Mr. Deveaugh made a motion, and Mr. Badiu seconded the motion to approve the 180-day extension request. The motion passed unanimously.

### 2. **First Reading of Proposed New Code Section F-104.2.1, Certification of Assistant Fire Marshal and F-107.4, In-Progress (Rough) Inspections. Update F-123.3 and F-123.4 to reflect the correct NFPA 96, 2021 code section**

#### a. Staff Report – Bryan Parks

Mr. Parks presented proposed amendments to the local fire code for first reading. He detailed the following changes:

The addition of a new provision in F-104.2.1 to ensure certification requirements for Assistant Fire Marshals are consistent with those for other certifications issued by the Board.

An amendment to F-107.4 to explicitly require in-progress and rough inspections. These types of inspections are essential for confirming code compliance before final inspections and allow early detection of issues.

Technical corrections to NFPA 96 references, updating cross-references from outdated Chapter 11 to the current Chapter 12 in the 2021 edition of the code.

b. Board Questions – none

c. Board Action

Mr. Pellecer made a motion, and Ms. Wolfson seconded the motion to approve the amendments as presented in the first reading. The motion passed unanimously.

**3. Appeal #25-02 Xiaohui Guo seeks to reverse the City of Weston Permit # B24-01261 Inspection Results Pursuant to Florida Building Code Section 1515.2.5**

a. Staff Report - Mr. Morell

Mr. Morell presented the appeal involving the City of Weston's inspection and approval of a roofing permit performed by Roofing and Construction Corp. The appeal, brought forth by Ms. Xiaohui Guo, a private homeowner, aimed to challenge the validity of the inspection and sought its reversal.

Mr. Morell explained that Ms. Xiaohui Guo is appealing a passed roofing inspection by the City of Weston, contesting that her roof was improperly installed and not compliant with Florida Building Code (FBC) Section 1512.2.5 and the manufacturer's installation requirements.

Mrs. Guo challenged multiple inspections passed by the city's inspector, Mr. Wagner, including an initial cap sheet inspection and a final inspection allegedly based on photos and an engineering report. Ms. Guo claimed the engineer never visited the site for the uplift test and that the report used for approval was potentially fraudulent.

Photos and reports submitted by Mrs. Guo and her witnesses (including roofer Leonel Cabrera and expert Tim Nast) showed visible "fish mouths" (air pockets), broken tiles, and improper sealing.

Witness Testimony:

Leonel Cabrera, subcontractor roofer, testified that he was never instructed to seal laps or roll the underlayment down. He said they were instructed only to torch valleys, which violates the approved method.

Tim Nast, licensed roofer, inspected the roof after the tiles were installed. He noted poor workmanship and existing leaks and testified that the torching of the underlayment was improper.

Chris Cury, a public adjuster, observed new leaks and damage after tile installation.

Roofer:

Mr. Romero defended the quality and compliance of his roofing work, attributed the delays to the homeowner's claims, and suggested the current dispute stems from an effort to avoid full payment. He supported his position with documentation from inspectors and engineers.

Weston's Response:

Reginald A. Cox, Building Official, City of Weston, provided a detailed account of the inspection history and code compliance related to the appeal. He defended the city's inspection and approval process, maintained that the job met code requirements, and acknowledged both the building official's and inspectors' procedural integrity and discretionary authority.

Mr. Wagner defended the use of woven valleys as compliant and commonplace, while acknowledging some specific corrections were needed in certain areas.

b. Board Questions

Mr. Falkanger and Mr. Rourke expressed concern that a properly installed roof should not leak after one year and questioned whether code compliance alone was sufficient justification.

Mr. Bailey countered that leaks can occur even with compliant installations and reiterated that the City of Weston followed the correct review and inspection procedures.

Mr. Badiu emphasized that claims of leaks lacked scientific evidence (no moisture meter or infrared verification).

c. Board Action

The motion to deny the appeal failed with a vote of 5 in favor to deny and seven opposed (Mr. D'Attile, Mr. Falkanger, Mr. Pellecer, Mr. Rourke, Mr. Ulmer, Ms. Wolfson, Chairman Kamm). Mr. Bailey then recommended referring the matter to a committee for further evaluation, citing disagreement within the Board.

Mr. Deveaugh moved to refer the case to an ad hoc committee, and Mr. Bailey seconded.

The Board voted 11–1 in favor of referring the matter to an ad hoc committee that can review the case in greater depth to resolve the conflicting technical interpretations and procedural concerns. (Mr. Ulmer)

**4. Proposed Modification to the Florida Building Code, Broward County Administrative Amendments, 8th (2023) Edition, Section 110.13.1.3, Virtual Inspections**

- a. Staff Report- Ana Barbosa introduced a formal request to the Board of Rules and Appeals to modify the *Florida Building Code*, specifically Broward County's local amendment (Section 110.3.13), to allow for virtual inspections by licensed and qualified professionals. This proposal is not for unlimited virtual inspections, but rather to align Broward County's practices with the rest of Florida, where 66 out of 67 counties already permit such inspections.

Ian Cohen clarified that the request is to allow virtual inspections, as already done elsewhere in Florida, and not to create unrestricted or uncontrolled use. The amendment pertains to a local ordinance, not the Florida Building Code itself. Charles Kramer emphasized compliance with state statutes and expressed concern that certain inspections (like roofing structure) may legally require an in-person evaluation.

b. Board Questions

Several board members and professionals, including Stephen Bailey, Daniel Rourke, and Gregg D'Attile, highlighted the efficiency of using current technology (e.g., 360-degree cameras, drone deployment), and the cost-saving and time-saving potential for homeowners and contractors.

Chair Robert Art Kamm emphasized the importance of due diligence before making a final decision.

Pete Deveaugh expressed concern for public safety, especially regarding electrical inspections and the risk of missing loose connections through virtual means.

Stephen Bailey and others countered that inspectors do not typically check torque on wiring anyway, and inspections for major or “threshold” structures would still require in-person reviews per state code.

c. Board Action

The final motion was to repeal Section 110.3.13, allowing virtual inspections by aligning with state law. Eleven members voted Yes, and two voted No (Mr. Deveaugh and Mr. Ulmer).

The Board approved the repeal of Broward County’s restriction on virtual inspections with a strong majority, moving the issue forward to a formal public hearing and second reading phase.

**5. Proposed Purchase of Electronic Tablets for BORA Business**

a. Staff Report - Dr. Ana Barbosa

Dr. Barbosa presented a cost-saving proposal to offer board members electronic versions of building code books instead of printed copies. Tablets could be provided to members who prefer digital access; they’d be returned at the end of their tenure.

b. Board Questions – none

c. Board Action

Mr. D’Atille made a motion, and Edward Badiu seconded the motion to approve allowing board-funded tablets for members who want them. The motion passed unanimously.

**6. Director’s Report – none**

**7. Attorney’s Report – none**

**8. Committee Reports – none**

**9. General Board Member Discussion – none**

**10. Adjournment**

The meeting adjourned at approximately 10:32 PM.

  
Chairman