

BROWARD COUNTY BOARD OF RULES & APPEALS
JANUARY 13, 2022
MEETING MINUTES

Call to Order

Chairman Daniel Lavrich called a published virtual meeting of the Broward County Board of Rules and Appeals to order at 7:00 p.m.

Present:

Daniel Lavrich, Chair
Ron Burr
Gregg D'Attile
Jeff Falkanger
Shalanda Giles-Nelson (arrived shortly after roll call)
Robert A. Kamm
Sergio Pellecer
David Rice
Daniel Rourke
Robert Taylor
David Tringo
Dennis Ulmer

A quorum was present.

Approval of Agenda

Mr. Tringo made a motion and Mr. Rourke seconded the motion to approve the agenda as posted. The motion carried by unanimous vote of 11-0.

Approval of Minutes – November 10, 2021

Mr. Ulmer made a motion and Mr. Taylor seconded the motion to approve the minutes as submitted. The motion carried by unanimous vote of 11-0.

CONSENT AGENDA

Certifications - Staff Recommended.

TOWN OF DAVIE

BRAY, JOHN MICHAEL, ELECTRICAL PLANS EXAMINER (PROVISIONAL)

CITY OF COCONUT CREEK

GRENIER, KRISTIN, FIRE INSPECTOR

CITY OF DANIA BEACH

DIXON, WILLIAM C., CHIEF MECHANICAL INSPECTOR

CITY OF HALLANDALE BEACH

AGBENOHEVI, EMMANUEL K., ASSISTANT BUILDING OFFICIAL

CITY OF HOLLYWOOD

REYES, SHENEVIA, FIRE PLANS EXAMINER

TOWN OF LAUDERDALE-BY-THE-SEA

MANSOR, SIMO, BUILDING OFFICIAL
MANSOR, SIMO, CHIEF MECHANICAL INSPECTOR

CITY OF LAUDERHILL

MEROWITZ, MICHAEL, CHIEF PLUMBING INSPECTOR

CITY OF PLANTATION

ISMAIL, MASHAER, ASSISTANT BUILDING OFFICIAL

VILLAGE OF SEA RANCH LAKES

NOBLES, BILLY R., ASSISTANT BUILDING
NOBLES, BILLY R., CHIEF ELECTRICAL INSPECTOR

CITY OF WEST PARK

DILLON, BRIAN, CHIEF STRUCTURAL INSPECTOR

CITY OF WILTON MANORS

BOSTWICK, ALBERT, JR., BUILDING OFFICIAL
BOSTWICK, ALBERT, JR., CHIEF ELECTRICAL INSPECTOR
DUCAS, MARIO, ELECTRICAL INSPECTOR
EVIA, ADOLFO L., JR., STRUCTURAL PLANS EXAMINER
SAUER, PHILIP A., ASSISTANT BUILDING OFFICIAL
SAUER, PHILIP A., CHIEF STRUCTURAL INSPECTOR
DESO, DAVID STANLEY, JR., CHIEF MECHANICAL INSPECTOR
BUNDY, DAVID E., CHIEF PLUMBING INSPECTOR

COUNTYWIDE

DUCAS, MARIO, ELECTRICAL INSPECTOR
EVIA, ADOLFO L., JR., STRUCTURAL PLANS EXAMINER
ISMAIL, MASHAER, STRUCTURAL INSPECTOR
ISMAIL MASHAER, STRUCTURAL PLANS EXAMINER
OLSEN, JAY, STRUCTURAL INSPECTOR
QUESADA, SANDY, ELECTRICAL INSPECTOR

Mr. Tringo made a motion and Mr. Pellecer seconded the motion to approve the certifications as recommended. The motion carried by unanimous vote of 11-0.

REGULAR AGENDA

1. **Request of Mr. Timothy A. Thompson for a 90-day extension to close out open and ongoing permits through April 8, 2022**

a. Staff Report

Mr. Tim DeCarion, Chief Energy Code Compliance Officer, advised that Mr. Thompson has brought the number of permits down from thirteen to two. Mr. Thompson has requested a 90-day extension.

b. Request of Mr. Thompson

Mr. Thompson was sworn in.

Mr. Thompson went on to indicate that he is now down to one open permit.

- c. Board Questions - none
- d. Board Action

Mr. Kamm made a motion and Ms. Giles-Nelson seconded the motion to approve the 90-day extension to as recommended. The motion carried by unanimous vote of 12-0.

2. **Request of Mr. Fatai O Azeez Taiwo to overturn an administrative decision to revoke his structural inspector certification – City of Tamarac**

- a. Staff Report

Mr. James DiPietro, Administrative Director, advised that individuals are required to secure a general contractor license within one-year of initial certification. The City was requested to perform some re-inspections. The staff's temporary approval document indicates that Mr. Taiwo was required to obtain his unlimited general contractor license by July 17, 2021, which is pursuant to Section 104.6.3.1.4 of the Building Code. Although this is not something that can be appealed, the Board may always decide what is proper.

- b. Request of Mr. Taiwo

Mr. Taiwo was sworn in.

Mr. Taiwo explained that his initial certification card indicated a two-year period. When he applied to the State, there was also a two-year period. He elaborated upon his pursuit of passing various required tests. The State has accepted his application for a general contractor license, and he is studying for that exam now. After a month of being hired, he contracted COVID and was out a few months. His wife was diagnosed with Multiple Sclerosis and when she had a flair up, he had to care for her and his daughter. Also, a new baby was born into their family. He is requesting reasonable accommodation in that during this period of time he was taking care of everything alone and was under the impression that he had a two-year period.

- c. Board Questions

At Chairman Lavrich's request, Mr. Charles Kramer, Board Attorney, brought attention to a memorandum published on August 20, 2020, concerning a similar case. It refers to Section 104.16.3.1.4 mentioned by Mr. DiPietro that specifies the individual shall be required to secure an unlimited general contractor's license within one year of initial certification as an inspector. In another opinion of April, 2021 where an extension was requested, Section 113.12.1 that states "BORA may interpret the provisions of this Code to cover a special case if it appears that the provisions of this Code do not definitely cover the point raised or that the intent of this Code is not clear or that ambiguity exists in the wording; but it shall have no authority to grant variances where the Code is clear and specific." Granting this request would be a reversal of Board policy. Nothing has been raised by the petitioner that there was an ambiguity; that the intent of the code is not clear or that it does not cover the point raised. As a matter of law, he did not think the request can be granted. Mr. Taiwo explained that within the time frame provided, because he had COVID and reasonable accommodation with respect to his wife being sick with Multiple Sclerosis, he could not meet the time frame.

Chairman Lavrich asked Mr. Taiwo when he applied for the general contractor's exam. Mr. Taiwo indicated his application was submitted to the State in December. When he was hired he was told a certain protocol had to be followed, that being the Principles & Practices exam, the inspector exam and then the general contractor's license. He did not know he could pursue the general contractor's license first. As soon as he found out otherwise, he submitted the application.

Mr. D'Atille asked if he would be eligible for re-hire once he passes the exam. Mr. Michael Guerasio, Chief Structural Code Compliance Officer, advised that his provisional license is tied to the specific city, therefore he would need to be re-hired by that city and with a general contractor's license in-hand, the Board of Rules and Appeals (BORA) could certify him provided the provisional has not expired. Or, he would need both the general contractor's and the standard inspector (BN) licenses. In further response to Mr. D'Atille, Mr. Taiwo indicated he will be taking the inspector exam next week and his goal is to complete the general contractor's exam within 90 days.

Ms. Giles-Nelson explained that lack of a GC (general contractor) license is what stopped him from being authorized to work. She suggested Mr. Taiwo focus on this license first. Mr. Guerasio indicated that the State will not issue a second provisional.

d. Board Action

Ms. Giles-Nelson made a motion and Mr. Rourke seconded the motion to deny the request to overturn the administrative decision to revoke Mr. Taiwo's inspector certification. The motion carried by unanimous vote of 12-0.

3. **Building Safety Inspection Program Update**

Review of total notices due for inspection sent by building departments for 2019, 2020 and 2021 in comparison to how many inspection reports were returned by design professionals

a. Staff Report

Mr. James DiPietro, Administrative Director, referred to the survey results as of today at 2:45 p.m. provided to the Board. Some 8,270 reports have been received for the period of 2019, 2020 and 2021 which is about 65% of the number of notices sent out. He thought another report should be provided to the Board after an additional thirty days. He went on to say that staff's procedure is to send out notices in June/July to the building departments. Going forward, staff will also include the community planning and development directors. There are now responses from all jurisdictions.

b. Board Questions

Mr. DiPietro responded to Mr. Rice's question, indicating that all municipalities have responded.

c. Board Action

Chairman Lavrich indicated the Board will look forward to an update next month. The Board would like to know from the cities any issues/problems so that they can be resolved and there can be a better response on the requests for inspections. The Board would like to help out in any way possible.

4. **Modification of Board of Rules and Appeals Pay Plan to provide an employee incentive program for staff members to become certified Flood Plain Managers**

- a. Request of Administrative Director

Mr. James DiPietro, Administrative Director, noted that nothing in the report to the Compensation Services and Records Manager has been changed, except the underscored language is new. In other words, it is all existing policy. There are no longer any flood plain managers on staff. Miami-Dade County has a full-time position for this. With Broward being a smaller county, he believed the recommended incentive program for existing employees is the way to address the need. The value to the employee is about \$4,200 however the top of the pay range would remain unaffected.

- b. Board Questions - none

- c. Board Action

Mr. D’Attille made a motion and Mr. Tringo seconded the motion to approve the pay plan modification as recommended. The motion carried by unanimous vote of 12-0.

5. **Election of Officers**

- a. Board Nominations for Chair and Vice-Chair
b. Election of Chair and Vice-Chair

Mr. D’Attille nominated Daniel Lavrich as chair for an additional year. Mr. Ulmer seconded the nomination. There were no other nominations. Mr. Lavrich accepted the nomination and thanked all of the members for their support. The nomination was accepted by unanimous vote of 12-0.

Mr. D’Attille nominated Stephen Bailey as vice-chair for an additional year. Mr. Rice seconded the nomination. There were no other nominations. The nomination was accepted by unanimous vote of 12-0.

- c. Passing of the Gavel

6. **Director’s Report**

Mr. DiPietro announced he will be retiring effective September 30, 2022, which is 8 ½ months away. His written agreement with the Board calls for notice of three to four months depending upon circumstances. His decision is related to family medical needs. He has served as director for more than 22 years.

Accolades were spoken by the Chairman, Board Attorney, and various members of the Board.

7. **Attorney’s Report** - none

8. **Committee Reports** - none

9. **General Board Members Discussion** - none
10. **Public Committee (3-minute limit per person) and written communications** - none
11. **Adjournment**

There being no further business, the meeting adjourned at 8:03 p.m.

A handwritten signature in cursive script, appearing to read "D. L. Lavrich".

Daniel Lavrich, P.E. - Chair