



## Board of Rules and Appeals

March 14, 2019

### Meeting Minutes

Call to order:

Chair Daniel Lavrich called a published meeting of the Broward County Board of Rules and Appeals to order at 7:05 p.m. The roll was called, and the following members were present:

Present:

Daniel Lavrich, Chair  
Ron Burr  
Gregg D'Attile  
Jeffrey Lucas  
Stephen E. Bailey  
Shalanda Giles-Nelson  
Robert A. Kamm  
Dennis A. Ulmer  
James Terry  
Jeff Falkanger  
Abbas H. Zackria

After the roll call, the presence of a quorum was announced.

Approval of Minutes

Ms. Giles-Nelson made a motion and Mr. D'Attile seconded the motion to approve the February 14, 2019 meeting minutes, as corrected and detailed below. The motion carried by unanimous vote of 11-0.

Mr. Ulmer noted the motion on Item 10 indicates unanimous vote however the vote reflected shows Mr. Taylor voting no or 8-1. The word, "unanimous" should be deleted. Mr. DiPietro also noted a typographical error in the spelling of Mr. Rice on page 3.

#### 1. Certifications – Staff Recommended

Mr. Lucas made a motion and Mr. Giles-Nelson seconded the motion to approve all submitted certifications. The motion passed by unanimous vote of 11-0.

## 1.a. Request of Mr. Jorge Martinez to be certified as Structural Inspector by the City of Fort Lauderdale

### Staff Report

Mr. Michael Guerasio, Chief Structural Code Compliance Officer, summarized the staff report. When the application was submitted, he asked the other chief code compliance officers to also review the information. Some information was missing. However, with information submitted yesterday, it is now possible to grant Mr. Martinez three years toward a degree (bachelor's degree in civil engineering from Honduras). Having passed the plans examiners/field inspectors exam, it enables Mr. Martinez to substitute for two years supervisory experience.

### Mr. Jorge Martinez's Request

All those testifying was sworn in.

Mr. Jorge Martinez provided his home address for the Board. He went on to advise that he has submitted all required information to be approved by the Board of Rules and Appeals. He has a bachelor's degree as a civil engineer from an accredited university. He is a certified general contractor. He is certified State of Florida building inspector. He has more than ten years of construction experience. He has passed the HVHZ exam required to substitute two years of high velocity hurricane zone experience.

Chairman Lavrich pointed out that while passing the HVHZ exam can substitute for HVHZ experience, one must still have two years of State of Florida experience, but not specifically in the HVHZ zone. Mr. Martinez indicated that he has State of Florida experience. After obtaining a general contractor's license, he opened a construction company and did work primarily in concrete restoration etc. He can furnish tax returns for 2017 and 2018 for the company.

Mr. Guerasio advised the company was issued on June 26, 2017, therefore in June of 2019, there would be a two-year period. It is a four-month shortage. Because Mr. Martinez was employed fulltime prior to and through this time period therefore it is difficult to calculate exactly how much experience he accrued with this company. As such he does not see the two-year requirement being met.

Mr. Martinez acknowledged that he is missing four months Florida experience.

Mr. Guerasio responded to Mr. Zackria, indicating one must have construction experience in order to qualify for a general contractor license, but he did not know

about vetting of that experience (by Florida Construction Industry Licensing Board). Mr. Martinez advised that the experience he used to obtain his general contractor's license was in Honduras. Mr. Terry asked about revenue on Mr. Martinez's 2017 tax return. Mr. Guerasio advised that information is blacked out.

Mr. John Travers, Building Official, City of Fort Lauderdale, noted that as part of his application for inspector, Mr. Martinez signed the waiver affidavit that accompanies the application, stating he would not apply for any more permits or conduct any more business. Anyone serving as an inspector, plans examiner, chief or building official does not have an active license and is not actively conducting business. Consequently, it would not be possible for Mr. Martinez to gain the four months experience in question.

Further discussion ensued concerning experience. Mr. Guerasio indicated that the noted experience would have to be verified. Mr. Charles Kramer, Board Attorney, advised that for open permits at the time of his application, an individual may keep those open and finish the open jobs. There is a 180-day window.

Mr. D'Attile inquired about the City of Fort Lauderdale providing a position whereby Mr. Martinez could gain the needed experience. Mr. Travers indicated that the City is looking into creating an intern position, whereby the intern would shadow an inspector. Mr. Kramer pointed out that affidavits are required from former employers, partners or other design professionals.

Discussion turned to withdrawing this application and submitted a new application after additional experience is gained. Mr. James DiPietro, Administrative Director, suggested that withdrawal and submittal of a new application at a point in the future would eliminate any encumbrance with respect to engaging in general contractor work. With respect to the 20 months, Mr. Guerasio confirmed that additional documentation is needed. It is difficult to assign experience time when an individual has a fulltime job and a business. Mr. Travers and Mr. Martinez confirmed that Mr. Martinez has been working in the area of code compliance. Chairman Lavrich believed it is clear that 2 years of experience must be in the State of Florida, but not necessarily in the HVHZ.

Mr. Kramer reiterated that verifiable information is necessary for the experience requirement.

Mr. Martinez withdrew his application.

2. Amendments to the Broward County Administrative Provisions (Chapter 1), 6<sup>th</sup> edition (2017) Florida Building Code, Section 101.2.2 Definitions and Section 104 Powers and Duties of the Building Official, Assistant Building Official, Fire Code Official, Chief Inspector, Plans Examiner and Inspector; revising the certification requirements for Building Official, Chief Inspector, Plans Examiner and Inspector of the Structural, Mechanical, Electrical and Plumbing disciplines

a. Recommendation of the Certification Standards Review Committee

Mr. Otto Vinas, Chief Plumbing Code Compliance Officer, as well as Mr. Michael Guerasio, Chief Structural Code Compliance Officer, highlighted information contained in the staff report provided in the agenda support materials. An outline of the changes has been provided.

Mr. Guerasio responded to the question about degree credit not applying to architects or engineers and explained that this has to do with a Bachelor's in engineering. The requirement is the architect or engineer has to be practicing with their license for a certain number of years. Mr. Vinas added that this only pertains to contractors.

Chairman Lavrich wanted to add three terms to the definitions. First is the term, practice. He would define practice as it relates to architects and engineers is deemed to be the active engagement in the field of architecture or engineering in the State of Florida. The sole possession of such a license or registration does not constitute practice. The next term is experience. He would define experience as intended to mean experience in the State of Florida.

Mr. James DiPietro, Administrative Director, advised that it is recommended these three items be noticed before incorporating into the code. For notices purposes, Mr. Kramer explained first reading on these changes could occur this evening and then finalized at the next meeting. Changes recommended by staff could be voted on this evening.

Continuing with his suggested additions to the definitions, Chairman Lavrich advised the last term relates to the holding of a Bachelor or Associate degree in engineering or architecture or construction management. Those degrees must be from an accredited institution but accredited is not defined. It should be specified to mean a school that meets the same criteria that the State of Florida Department of Business and Professional Regulation uses in evaluating a school for licensing or registration of architects, engineers and contractors. It would apply to schools within the United States as well as foreign universities.

Mr. Kramer requested that the verbiage be finalized by Wednesday of next week so that it could be available for public inspection.

#### Public Hearing

Chairman Lavrich opened the public hearing but there was no one wishing to speak.

#### Board Action

Mr. Zackria made a motion and Mr. Lucas seconded the motion to approve the changes to Chapter 1 as submitted by staff. The motion passed by a vote of 10-1. Ms. Shalanda Giles-Nelson voted no.

See second motion and vote below.

Mr. Zackria made a motion and Mr. Lucas seconded the motion to approve the three added definitions delineated by Chairman Lavrich for public hearing on April 11, 2019. The motion passed by a vote of 11-0.

#### 3. Director's Report

None

#### 4. Attorney's Report

With respect to Mr. John Madden, Mr. Charles Kramer, Board Attorney, noted that the Board received copies of the petition for certiorari and the Board's response to that petition. Mr. Madden's attorney has been ordered to file a reply by next Tuesday.

The Board returned to Item 2 momentarily.

#### 5. Committee Report

None

#### 6. General Board Member Discussion

None

7. Public Comment (3-minute limit per person) and written communications

None

8. Adjournment

Having no further business to go before the Board, the meeting adjourned at 7:45 p.m.

A handwritten signature in black ink, appearing to read "D. L. Lavrich". The signature is written in a cursive style with large, rounded letters.

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Daniel Lavrich, P.E. – Chair