

STATE OF FLORIDA
BOARD OF BUILDING CODE ADMINISTRATORS AND INSPECTORS

JAZLYN GEORGES

Petitioner,

DOAH Case No. 06-1508

vs.

Final Order No. BPR-2006-09767 Date: 12-26-06

BOARD OF BUILDING CODE
ADMINISTRATORS AND INSPECTORS,

Department of Business and Professional Regulation
AGENCY CLERK

Respondent.

Sarah Wachman, Agency Clerk

By: Brandon M. Kuebel

FINAL ORDER

THIS MATTER came before the Board of Building Code Administrators and Inspectors (hereinafter "the Board") for final action pursuant to Section 120.57(1)(1), Florida Statutes, at a duly-noticed public meeting held on October 5, 2006 in Atlantic Beach, Florida, for the purpose of considering the Recommended Order issued by the Administrative Law Judge in the above-styled case. The Petitioner was not present at the Board meeting.

After a review of the complete record in this matter, including consideration of the Administrative Law Judge's Recommended Order, a copy of which is attached hereto as Exhibit A, and the arguments of each party, the Board makes the following findings and conclusions:

FINDINGS OF FACT

1. The Administrative Law Judge's findings of fact are hereby approved, adopted, and incorporated herein.
2. There is competent, substantial evidence to support the Administrative Law Judge's findings of fact as adopted by the Board.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the

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HEARINGS

provisions of Sections 120.569 and 120.57(1) and Chapters 468 and 455, Florida Statutes.

2. Paragraphs 14 through 19 and paragraph 22 of the conclusions of law as set forth in the Recommended Order are hereby approved, adopted and incorporated herein.

3. The Board rejects paragraphs 20 and 21 of the conclusions of law as set forth in the Recommended Order. Paragraph 20 and 21 reads as follows:

"20. Petitioner has the requisite number of years of experience required for a standard certificate. The original and revised affidavits submitted by her former employers demonstrate that she had 4 years, 11 months of on-the-job experience in the field of construction. The affidavits were signed by persons from a state in which licensure was not required, and who provided separate, written statements to verify that. Petitioner was employed by Orange County for exactly one year. Thus, Petitioner has met the eligibility requirements of Section 468.609(2)(c)1., Florida Statutes.

21. Moreover, Petitioner has demonstrated a combination of postsecondary education in the field of construction with at least one year of such total being experience in construction, building code inspection, or plans review. Thus, Petitioner has met the eligibility requirements of Section 468.609 (2)(c)2., Florida Statutes."

4. The Administrative Law Judge's above mentioned findings contained in paragraphs 20 and 21 are not based on competent and substantial evidence.

5. Administrative Rule 61G19-6.0035, Florida Administrative code, reads as follows:

61G19-6.0035 Application for Provisional and/or Standard Certification.

(1) Each individual who wishes to obtain a provisional and/or standard certificate in any

certificate category shall submit the following to the Board:

(a) A completed application form for the category in which certification is sought. The form that shall be used for this purpose shall be provided by the Department and available on the Department's website.

(b) An affidavit describing in detail each separate period of work experience listed in the application form, signed by a licensed architect, engineer, contractor, or building code administrator who has knowledge of the applicant's duties and responsibilities during the period indicated. The form that shall be used for this purpose shall be provided by the Department and available on the Department's website. Each affidavit must include the name and address of the applicant's employer during the work experience period, the dates of employment, and a description of the applicant's duties and responsibilities during the employment including any supervisory responsibilities, in sufficient detail to enable the Board to determine whether or not the applicant has the experience required for certification.

(c) Each applicant for certification as an inspector or plans examiner shall demonstrate that he or she has at least one (1) year of hands-on experience in the category of certification sought.

(d) Each applicant seeking to qualify for certification through a combination of postsecondary education and work experience shall submit an official copy of all college or university transcripts which document the applicant's education in addition to all required affidavits of work experience.

(e) Each applicant who is not employed by a local government agency having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes at the time of the application shall submit payment of all applicable application, examination and certification fees as specified in Chapter 61G19-10, F.A.C.

(2) In addition to all other required items, each applicant for an inspector or plans examiner certificate shall submit with the application a statement from the applicant's current employer which shall indicate the applicant's present status with the employer. Each applicant employed by a local government agency having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes at the time the application is submitted must include on the statement the signature and license number of the building code administrator or building official for the applicant's employing agency.

(3) In addition to all other required items, each applicant for a building code administrator certificate shall submit with the application a statement from the applicant's current employer which shall indicate the applicant's present status with the employer. (Emphasis Added).

6. Petitioner's application was not supported by an affidavit which was signed by a licensed architect, engineer, contractor, or building code administrator who has knowledge of the applicant's duties and responsibilities during the period indicated.

7. There is competent substantial evidence to support the Board's findings and conclusions and the Board's substituted conclusion of law and interpretation of administrative rule is as or more reasonable than that which was rejected or modified.

RECOMMENDATION

IT IS THEREFORE ORDERED AND ADJUDGED:

The recommendation by the Administrative Law Judge is approved in .

part and rejected in part as follows:

1. The Board approved the Administrative Law Judge's recommendation that a final order be entered denying Petitioner's application for provisional certification as a building plans examiner.

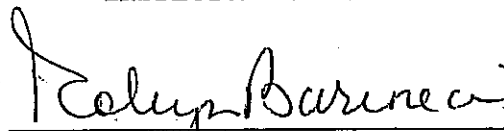
2. The Board rejected the Administrative Law Judge's recommendation of granting Petitioner's application for standard certification as a building plans examiner based upon the rejection of paragraph 20 and 21. Based on the foregoing, the Board found that certification as a building plans examiner was not justified and, thus, should be denied:

The application of Jazlyn Georges, Petitioner, for standard and provisional certification as a building plans examiner is denied.

This Final Order shall become effective upon filing with the clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 20th day of December
_____, 2006.

BUILDING CODE ADMINISTRATORS AND
INSPECTORS BOARD



Robyn Baribeau, Executive Director
For Chairperson, Building Code
Administrators and Inspectors Board

NOTICE OF RIGHT TO JUDICIAL REVIEW UNLESS WAIVED

Pursuant to Section 120.569, Florida Statutes, any substantially affected person is hereby notified that they may appeal this Final Order by filing one copy of a Notice of Appeal with the clerk of the Department of Business and Professional Regulation and by filing the filing fee and one copy of the Notice of Appeal with the District Court

of Appeal within 30 days of the date this Final Order is filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to Jazlyn Georges, 705 Arlene Drive, Deltona, Florida 32725; MARLA GUNDERSON, 1807 Northeast 26th Terrace, Cape Coral, Florida 33909, and Barbara J. Staros, Administrative Law Judge, Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550 and by inter-office mail to Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-2202; and Jeffrey D. Jones, Senior Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050, on this 26th day of December, 2006.

Barbara Wachman