

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

JAMES SALVATORE PAPPALARDO,

Petitioner,

DOAH Case No. 09-0526

vs.

BUILDING CODE ADMINISTRATORS  
AND INSPECTORS BOARD,

Respondent.

2009 AUG 31 1 39 PM  
DIVISION OF ADMINISTRATIVE HEARINGS  
FILED

**FINAL ORDER**

THIS CAUSE came before the Building Code Administrators and Inspectors Board ("Board"), pursuant to Sections 120.569 and 120.57(1), *Florida Statutes*, on August 6, 2009, in Fort Lauderdale, Florida for the purpose of considering the Administrative Law Judge's Recommended Order, a copy of which is attached hereto as Exhibit "A."<sup>1</sup> The Petitioner was not present. The Board, in its role as Respondent in this proceeding, was represented by Timothy E. Dennis, Assistant Attorney General. The Board, in its role as the Agency Head in this proceeding, was represented by Elizabeth Duffy, Assistant General Counsel. No exceptions to the Recommended Order were filed.

Upon review and consideration of the Recommended Order and after a review of the record in this proceeding, the Board arrives at the following findings of fact and conclusions of law.

**FINDINGS OF FACT**

1. The findings of fact set forth in the Recommended Order are approved, adopted, and

---

<sup>1</sup> Board member Robert McCormick recused himself from participating in the consideration of the Recommended Order in this proceeding, as he was a witness for the Board in the underlying administrative hearing.

incorporated herein by reference.

2. The findings of fact are supported by competent substantial evidence in the record.

**CONCLUSIONS OF LAW**

3. The Board has jurisdiction of this matter pursuant to Sections 120.569, 120.57(1), and Part XII, Chapter 468, *Florida Statutes*.

4. The conclusions of law set forth in the Recommended Order are consistent with the findings of fact and are approved, adopted, and incorporated herein by reference.

**RECOMMENDATION**

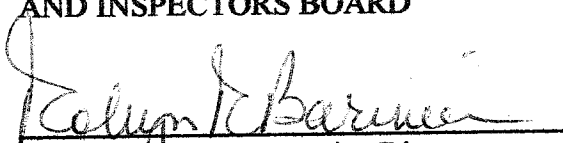
5. The Administrative Law Judge's recommendation is hereby approved and adopted.

**WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED** that Petitioner's applications for provisional certification as a plumbing inspector and provisional certification as a mechanical inspector are **DENIED**.

This Final Order shall take effect upon being filed with the Clerk of the Department of Business and Professional Regulation.

**DONE AND ORDERED** this 26<sup>th</sup> day of August, 2009.

**BUILDING CODE ADMINISTRATORS  
AND INSPECTORS BOARD**



Robyn Barneau, Executive Director  
for Chairperson, Building Code  
Administrators and Inspectors Board

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via certified United States Mail to James Salvatore Pappalardo, 3704 Becontee Place, Oviedo, Florida 32765, and Darren J. Elkind, Esquire, Paul & Elkind, P.A., 505 Deltona Boulevard, Suite 105, Deltona, Florida 32725, and by interoffice delivery to Timothy E. Dennis, Assistant Attorney General, Administrative Law Section, PL 01, The Capitol, Tallahassee, FL 32399-1050, and Ella Jane P. Davis, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida, 32399-3060 this 28<sup>th</sup> day of August, 2009.

Brandon M. Nichols

**NOTICE OF RIGHT TO JUDICIAL REVIEW**

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, AND A COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

STATE OF FLORIDA  
BUILDING CODE ADMINISTRATORS  
AND INSPECTORS BOARD

IN RE: THE APPLICATION  
FOR LICENSURE OF

JAMES SALVATORE PAPPALARDO

**FILED**  
Department of Business and Professional Regulation  
DEPUTY CLERK

CLERK

DATE

*Brandon M. Nichols*  
**10-30-2008**

---

**NOTICE OF INTENT TO DENY**

1. You are hereby notified that the Building Code Administrators and Inspectors Board (hereinafter the Board) voted to **DENY** your application for certification as a provisional plumbing inspector and provisional mechanical inspector.

2. The Board reviewed and considered your application at a duly-noticed public meeting held in Ocala, Florida on October 17, 2008, and has determined that your application should be **DENIED** based upon the following information and grounds:

Section 468.609, Florida Statutes, provides that one of the requirements for certification as an inspector or plans examiner is five years of combined experience in the field of construction or a related field, building code inspection, or plans review corresponding to the certification category sought. Rule 61G19-6.0035, Florida Administrative Code, requires that individuals who wish to obtain a certificate in any certification category must submit an affidavit for each separate period of work experience which has been prepared and signed by an architect, engineer, contractor, or building code administrator who has knowledge of the applicant's duties and responsibilities during the period indicated in the affidavit.


Your application for certification as a provisional plumbing inspector and provisional mechanical inspector does not demonstrate, affirmed by affidavit signed by

an architect, engineer, contractor, or building code administrator, that you have the required experience for the certification sought.

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

**DONE AND ORDERED**, this 28th day of October, 2008.

**BUILDING CODE ADMINISTRATORS  
AND INSPECTORS BOARD**

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

**NOTICE OF RIGHTS**

You may seek review of this Notice, pursuant to Sections 120.569 and 120.57, Florida Statutes, by filing a petition in writing with the Executive Director of the Building Code Administrators and Inspectors Board, P.O. Box 5377, Tallahassee, Florida 32314-5377, within 21 days of receipt of the Order. If you dispute any material fact upon which the Board's decision is based, you may request an evidentiary hearing before an Administrative Law Judge pursuant to Section 120.57(1), Florida Statutes. Your petition must contain the information required by Rule 28-106.201, Florida Administrative Code. This must include a statement of the material facts which are in dispute; mere dispute with the Board's decision should not be sufficient to forward the case to the Division of Administrative Hearings. You would be entitled to be represented by an attorney or other qualified representative, to have discovery or witness subpoenas or subpoenas duces tecum issued, to call or cross-examine any witnesses, and to present written evidence or argument.

If you do not dispute any material fact, you may request an informal hearing before the Board pursuant to Section 120.57(2), Florida Statutes. This must be in writing and include the information required by Rule 28-106.301, Florida Administrative

Code. Any petition not meeting the requirements for hearing before the Division of Administrative Hearings will be considered by the Board. If you have additional documents, affidavits, and other matters which you believe may be useful to supplement your original application, it is requested you supply them as soon as possible. That way they may be sent to the board members in the next available meeting agenda for their review prior to the hearing.

Pursuant to Section 120.573, Florida Statutes, mediation pursuant to that section is not available.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided by Certified Mail to: **James Salvatore Pappalardo**, 3704 Becontree Place, Oviedo, FL 32765, and by interoffice to **Ann Cocheu**, Assistant Attorney General, PL 01, The Capitol, Tallahassee, FL. 32399-1050, this 30<sup>th</sup> day of October, 2008.

*Michael Weisman*

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature  <input checked="" type="checkbox"/> <i>James Salvatore Pappalardo</i>      <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)  <i>Janice S. Pappalardo</i></p> <p>C. Date of Delivery</p>	
<p>1. Article Addressed to:</p> <p><b>James Salvatore Pappalardo</b>  <b>3704 Becontree Place</b>  <b>Oviedo, FL 32765</b></p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number          (Transfer from service label)</p>		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail      <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered      <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail      <input type="checkbox"/> C.O.D.</p>	
<p>PS Form 3811, February 2004</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

7006 3450 0000 0726 8170

Domestic Return Receipt

102595-02-M-1540