

**STATE OF FLORIDA
BUILDING COMMISSION**

In the Matter of

STEPHEN P. MASLAN & CO.,

Case #: DCA04-DEC-123

Petitioner.

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DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (the "Commission") by a petition from Stephen P. Maslan, P.E., of STEPHEN P. MASLAN & CO., (the "Petitioner"), which was received on June 15, 2004. Based upon the statements in the Petition, the materials subsequently submitted and the proceedings before the Commission, it is hereby ORDERED:

Findings of Fact

1. The petition is filed pursuant to section 120.565, Florida Statutes, and must conform to the requirements of Rule 28-105.002, *Florida Administrative Code*.
2. The Petitioner is the engineer of record for Aztec Steel Buildings who fabricate American Steel Span Quonset Hut Metal Buildings.
3. The above referenced buildings are custom designed and custom built. Components are manufactured off-site, delivered, combined with elements purchased locally, and assembled.
4. The Petitioner inquires whether the subject buildings fall under any of the sub-categories of, or otherwise subject to, Rule 9B-72, Florida Administrative Code?

Conclusions of Law

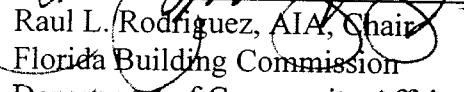
5. The Florida Building Commission has jurisdiction of this matter and is authorized to interpret Rule 9B-72, Florida Administrative Code, and Chapter 553, Florida Statutes by entering a declaratory statement.

6. The present petition provides material facts that are identical to those encountered by the Commission in Case #DCA04-DEC-070. The Commission issued a final order in that cause which provided that pre-engineered metal buildings that are custom fabricated are not collectively subject to Rule 9B-72, Florida Administrative Code, although structural products and products comprising the envelope of the subject buildings may be subject to product approval as required by law.

7. The prior conclusion of the Commission is applicable to the Petitioner's facts and circumstances and is hereby ratified by the Commission in response to the instant Petition.

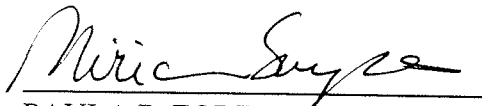
Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with section 120.68(2)(a), Fla. Stat. (1999), and with Fla. R. App. P. 9.030(b)(1)(C) and 9.110(a). To initiate an appeal, a Notice of Appeal must be filed with Paula P. Ford, Clerk of the Commission, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and with the appropriate District Court of Appeal not later than thirty (30) days after this Order is filed with the Clerk of the Commission. A Notice of Appeal filed with the District Court of Appeal shall be accompanied by the filing fee specified by section 35.22(3), Fla. Stat. (1999).

DONE AND ORDERED this 24th of February, 2005, in Coral Gables,
Miami-Dade County, State of Florida.


Raul L. Rodriguez, AIA, Chair
Florida Building Commission
Department of Community Affairs
Sadowski Building
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent to the following by
the method indicated on this 25th day of Feb, 2005.


PAULA P. FORD
Commission Clerk

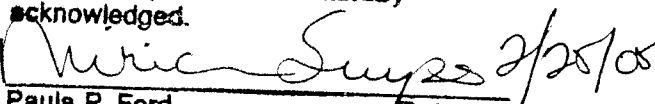
Via U.S. Mail:

Stephen P. Maslan, P.E.
Stephen P. Maslan & Co.
8011 Paseo Suite 201
Kansas City, Missouri 64131

Via Hand Delivery:

Mo Madani, CBO
Codes and Standards Section
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Clerk, receipt of which is hereby
acknowledged.


Paula P. Ford
Commission Clerk

Date