

# FLORIDA BUILDING COMMISSION

## PRODUCT APPROVAL POC

### AUGUST 10, 2015 TELECONFERENCE MEETING SUMMARY REPORT

#### **MONDAY, AUGUST 10, 2015**

##### **MEETING SUMMARY AND OVERVIEW**

At the Monday, August 10, 2015 teleconference meeting the POC considered regular procedural issues including product approval and entities statistics reports; a status report on conditional approvals from the June 2015 meeting (all were resolved and are now approved); review and approval of product and entity applications; and a review of DBPR approved product approval applications. In addition, the POC once again discussed product approval issues regarding Zion Tile Corporation of Miami, and voted to recommend that the Commission take no further action regarding Dan Arguelles' request for the Commission to initiate another investigation against Zion Tile Corporation of Miami on the basis that: the issue was resolved by the POC's June 5, 2015 recommendation to dismiss the complaint, and by the Commission's subsequent vote to dismiss the complaint at the June 19, 2015 meeting; there was no new information presented by Dan Arguelles at the August 10, 2015 POC meeting; Zion Tile Corporation of Miami's product FL 16057-R1 was not revised to demonstrate compliance with the 2014 Code, and as a result Zion Tile does not have a product approved for use complying with the requirements of the 2014 Code; and, therefore the Commission has no jurisdiction on the matter.

##### **Background and Supporting Documents**

Relevant background and supporting documents are linked to each agenda item. The Agenda URL for the August 10, 2015 meeting is as follows:

[http://www.floridabuilding.org/fbc/commission/FBC\\_0815/Product\\_Approval/Product\\_Approval\\_Agenda.htm](http://www.floridabuilding.org/fbc/commission/FBC_0815/Product_Approval/Product_Approval_Agenda.htm)

#### **AGENDA ITEM OUTCOMES**

##### **A.1. OPENING AND MEETING PARTICIPATION**

The meeting was opened at 10:00 AM once a quorum was established, and the following POC members participated (5 of 6 members):

Jeff Stone (Chair), Jay Carlson, David Compton, Nan Dean, and Brian Swope.

*Members Not Participating:*

Robert Hamberger.

##### **A.2. DBPR STAFF PRESENT**

Robert Benbow, Joe Bigelow, Nick Duval, Jim Hammers, April Hammonds, Mo Madani, Marlita Peters, and Jim Richmond.

## Meeting Facilitation and Reporting

Product Approval POC meetings are facilitated and meeting reports drafted by Jeff Blair from the FCRC Consensus center at Florida State University. Information at: <http://consensus.fsu.edu/>



CONSENSUS CENTER

### A.3. AGENDA REVIEW

The POC voted unanimously, 5 - 0 in favor, to approve the agenda for the August 10, 2015 meeting as posted. Following are the key agenda items approved for consideration:

- To Consider/Discuss Product Approval Program Issues
- To Consider/Decide on Approval of Products and Product Approval Entities

*Amendments:*

None.

The complete Agenda is included as “*Attachment 1*”.

*(See Attachment 1—Agenda)*

### A.4. STATEMENT OF TELECONFERENCE PARTICIPATION PROCESS

Jeff Blair reviewed the teleconference participation process with participants reminding them that it is important for participants to keep their phones on mute to minimize background noise, not to put their phones on hold, and to wait until invited to speak to avoid confusion and chaos. Jeff emphasized that all participants will have ample time to speak on all agenda items. Participants were reminded to state their names each time they speak.

## B. REVIEW AND APPROVAL OF THE JUNE 5, 2015 MINUTES

**MOTION**—The POC voted unanimously, 5 - 0 in favor, to approve the June 5, 2015 meeting minutes as posted/presented.

*Amendments:*

None were offered.

### C. 1. PRODUCT APPROVAL AND ENTITIES STATISTICS REPORT

Joe Bigelow reviewed the product and entities statistics reports with participants and answered members’ questions. Joe reported that the total number of product approval applications submitted for approval to the 2014 Code is 2,309, the total number of products submitted for approval to the 2014 Code is 10,074, and the total number of entities submitted for approval to the 2014 Code is 121. The report is linked to the Product Approval POC’s agenda.

## **C.2. REPORT ON CONDITIONAL APPROVALS FROM THE JUNE 5, 2015 MEETING**

Commissioner Stone noted that all of the conditions were met for the conditional approvals reported at the June 5, 2015 meetings, and all of the products are now approved.

## **C.3. ZION TILE ISSUE**

### *Background:*

A complaint was made by Dan Arguelles regarding roof tile products made by Zion Tile Corporation. Mr. Arguelles alleged that the Zion Tile Corp. was distributing non-compliant roof tiles in Miami-Dade County based on the approval of product #FL 16057 and the issue was discussed at the August 2013, October 2013, December 4, 2013, April 2, 2015, June 5, 2015, and again at the August 10, 2015 meetings. The June 5, 2015 Product Approval POC Report has extensive background information and details regarding the matter.

Of note, at the June 5, 2015 meeting the POC voted to recommend that the Commission dismiss the complaint and related investigation regarding Zion Tile Corporation of Miami's product FL 16057-R1, on the basis there is insufficient evidence demonstrating a Florida approved product (FL 16057-R1) is deficient, and therefore the Commission has no jurisdiction on the matter.

At the June 19, 2015 meeting the Commission resolved the issue by voting unanimously to dismiss the complaint and related investigation regarding Zion Tile Corporation of Miami's product FL 16057-R1, on the basis there is insufficient evidence demonstrating a Florida approved product (FL 16057-R1) is deficient, and therefore the Commission has no jurisdiction on the matter.

At the August 10, 2015 meeting Dan Arguelles requested that the Product Approval POC initiate another investigation against Zion Tile Corporation of Miami (Zion Tile). Staff noted that the documentation provided by Dan Arguelles in support of his request was substantially the same documentation provided in his previous complaint against Zion Tile, and was subsequently dismissed by the Commission at the June 19, 2015 meeting. April Hammonds noted that pursuant to the procedures in Rule 61G20-3.014 (Investigations) the Commission initiated, conducted and concluded the investigation initiated as a result of Dan Arguelles' complaint. Staff noted that Zion Tile had not submitted a revised product approval application to certify that FL 16057-R1 demonstrates compliance to the requirements of the *5<sup>th</sup> Edition of the Florida Building Code (2014)*, and therefore does not have a product approved to the 2014 Code. In addition, staff indicated that issues related to engineering should be brought to the Florida Board of Professional Engineers, issues related to building officials should be brought to the Florida Building Code and Administrators Board, criminal allegations should be brought to a district attorney, and these matters are not within the jurisdiction or authority of the Florida Building Commission.

Following Dan Arguelles' comments, questions and answers, and an opportunity for public comment and POC discussion, the POC took the following action:

### *POC Actions:*

**MOTION**—The POC voted unanimously, 5 – 0 in favor, to recommend that the Commission take no further action regarding Dan Arguelles' request for the Commission to initiate another investigation against Zion Tile Corporation of Miami on the basis that: the issue was resolved by the POC's June 5, 2015 recommendation to dismiss the complaint, and by the Commission's subsequent vote to dismiss the complaint at the June 19, 2015 meeting; there was no new information presented by Dan Arguelles at the August 10, 2015 POC meeting; Zion Tile

Corporation of Miami's product FL 16057-R1 was not revised to demonstrate compliance with the 2014 Code, and as a result Zion Tile does not have a product approved for use complying with the requirements of the 2014 Code; and, therefore the Commission has no jurisdiction on the matter.

All documentation relevant to this issue are linked to agenda item. C.3. at the following URL: [http://www.floridabuilding.org/fbc/commission/FBC\\_0815/Product\\_Approval/Product\\_Approval\\_Agenda.htm](http://www.floridabuilding.org/fbc/commission/FBC_0815/Product_Approval/Product_Approval_Agenda.htm).

#### **D.1. PRODUCT AND ENTITY APPLICATIONS CONSENT AGENDA**

Commissioner Stone presented the consent agenda for entities by asking if any participants' wished to have any entity applications pulled from the consent agenda for individual consideration. There were no entity applications pulled for individual consideration.

Commissioner Stone presented the consent agenda for approval of products by asking if any participants' wished to have any applications pulled from the consent agenda for individual consideration. There were no products applications pulled for individual consideration.

##### ***POC Actions:***

**MOTION**—The POC voted unanimously, 5 - 0 in favor, to recommend the Commission approve the consent agenda of product approval entities recommended for approval as posted.

**MOTION**—The POC voted unanimously, 5 - 0 in favor, to recommend the Commission approve the consent agenda of products recommended for approval to the 2014 Code.

#### **D.2. PRODUCT APPROVAL APPLICATIONS WITH DISCUSSION OR COMMENTS**

Jeff Blair presented the products with discussion and public comment. Following are the POC's recommendations on the ten (10) product approval applications submitted for approval to the 2014 Code with public comment(s):

- The POC recommends the Commission conditionally approve product FL 17851 based on the conditions listed in DBPR staff's recommendation (5 – 0 in favor);
- The POC recommends the Commission approve product FL 17326 R1 (5 – 0 in favor);
- The POC recommends the Commission conditionally approve product FL 17584 R1 based on the conditions listed in DBPR staff's recommendations (5 – 0 in favor);
- The POC recommends the Commission conditionally approve product FL 17701 based on the conditions listed in DBPR staff's recommendations as amended to include listing products .1, .2, .3 and .4 in the list of conditions for approval (5 – 0 in favor);
- The POC recommends the Commission conditionally approve product FL 17775 based on the conditions described and agreed to in Ted Berman's public comments including indicating the material of the Fox Buck, placement of the Buck, a design load of 72 plf., the requirement to fill the crevices in the buck with concrete, and the use of 4000 psi concrete shall all be noted on the revised signed and sealed drawings (5 – 0 in favor);
- The POC recommends the Commission conditionally approve product FL 17796 based on the conditions listed in DBPR staff's recommendations (5 – 0 in favor);
- The POC recommends the Commission conditionally approve product FL 17834 based on the conditions listed in DBPR staff's recommendations, including listing the correct referenced standard as 1517.6 (5 – 0 in favor);

- The POC recommends the Commission conditionally approve product FL 17852 based on the conditions listed in DBPR staff's recommendations (5 – 0 in favor);
- The POC recommends the Commission conditionally approve product FL 12878 R2 based on the conditions listed in DBPR staff's recommendations (5 – 0 in favor); and,
- The POC recommends the Commission conditionally approve product FL 1774 R4 based on the conditions listed in DBPR staff's recommendations (5 – 0 in favor).

The complete report of POC recommendations on product and entity applications is available linked to the Commission's August 10, 2015 agenda.

### **D.3. DBPR APPLICATIONS**

Staff noted that the recommendations for the DBPR applications are linked to the August 10, 2015 Product Approval POC agenda found on-line. Commissioner Stone noted that there were public comments provided for two products submitted for approval to the 2014 Code (FL 17759, and FL 17784). FL 17759 is in the process of revising the applications and will be approved, and FL 17784 was revised and is approved. All applications were approved or are in the process of being approved, and there was no action required of the POC.

#### **E.1. PUBLIC COMMENT**

Commissioner Stone invited members of the public to address the Commission on any issues under the Commission's purview.

*Public Comments:*

- Jamie Gascon, Miami-Dade County: stated that he is still concerned about the process of leaving the status of "approved" on applications made under the expedited 10 day approval process even after staff has acknowledged a noted deficiency. Although it is understood the deficiency is noted on the BCIS immediately below the "approved" status, the deficiency can go undetected and the product used incorrectly. Change of status can be effected by the Commission not ratifying products with acknowledged deficiencies. This will provide the manufacturer the incentive to make a swift revision.
- Mo Madani, DBPR: indicated that the Commission is following the process as established in statute and rule, and that any changes to the process would require a statutory and/or rule change.

#### **E.2. POC MEMBER COMMENT**

Commissioner Stone invited POC members to offer any general comments to the POC.

*There were no POC member comments offered.*

#### **E.3. STAFF MEMBER COMMENT**

Commissioner Stone invited DBPR staff members to offer any general comments to the POC.

*Staff Comments:*

Mo Madani, DBPR: thanked participants and noted it was a good meeting.

## **POC RECOMMENDATIONS FOR COMMISSION ACTION**

The POC recommends the following actions to the Florida Building Commission:

- 1.) The POC recommends the Commission take action on product and entity applications as recommended by the POC and reflected in DBPR staffs' product and entity approval report.
- 2.) The POC recommends that the Commission take no further action regarding Dan Arguelles' request for the Commission to initiate another investigation against Zion Tile Corporation of Miami on the basis that: the issue was resolved by the POC's June 5, 2015 recommendation to dismiss the complaint, and by the Commission's subsequent vote to dismiss the complaint at the June 19, 2015 meeting; there was no new information presented by Dan Arguelles at the August 10, 2015 POC meeting; Zion Tile Corporation of Miami's product FL 16057-R1 was not revised to demonstrate compliance with the 2014 Code, and as a result Zion Tile does not have a product approved for use complying with the requirements of the 2014 Code; and, therefore the Commission has no jurisdiction on the matter.

## **NEXT STEPS**

The POC will meet October 5, 2015 to provide recommendations to the Commission on Product Approval System relevant issues for the October 16, 2015 Commission meeting.

## **F. ADJOURN**

Commissioner Stone, POC Chair, thanked POC members, staff and the public for their attendance and participation, and adjourned the meeting at 10:48 AM on Monday, August 10, 2015.

**ATTACHMENT 1**  
**MEETING AGENDA**

**FLORIDA BUILDING COMMISSION**  
**PRODUCT APPROVAL PROGRAM OVERSIGHT COMMITTEE**  
**(POC)**  
**MONDAY AUGUST 10, 2015**  
**10:00 AM**  
**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**  
**1940 NORTH MONROE ST. —TALLAHASSEE, FLORIDA 32399**  
**WEB URL: [HTTPS://GLOBAL.GOTOMEETING.COM/JOIN/574150957](https://global.gotomeeting.com/join/574150957)**  
**UNITED STATES (TOLL-FREE): 1 877 309 2073**  
**ACCESS CODE: 574-150-957**  
**AUDIO PIN: SHOWN AFTER JOINING THE MEETING**  
**MEETING ID: 574-150-957**

***MEETING OBJECTIVES***

- Ø To Consider/Discuss Product Approval Program Issues
- Ø To Consider/Decide on Approval of Products and Product Approval Entities

**PRODUCT APPROVAL POC MEMBERS**

Jeffrey Stone-Chair, Brian Swope, Nanette Dean, David Compton, E.J. Carlson, Robert Hamberger.

***MEETING AGENDA— AUGUST 10, 2015***

*All Agenda Times—including Adjournment—are Approximate and Subject to Change*

<i>10:00AM</i>	<b>A)</b>	<b>Call to Order</b> 1. Roll call of POC Members 2. Identification of Staff/Attendees 3. Review and Approval of Agenda 4. Statement on Teleconference Participation Process
	<b>B)</b>	<b>Review &amp; Approve Agenda &amp; June 5, 2015 Minutes</b>
	<b>C)</b>	<b>Product Approval Program Issues:</b> 1. Product Approval & Entities Statistics Report 2. Report on conditional approvals from the June 19, 2015 meeting 3. Zion Tile Issue

	D)	<b>Department of Business and Professional Regulation Reports:</b> <ol style="list-style-type: none"> <li>1. Review of Product Approval &amp; Entity Applications</li> <li>2. Product Approval Applications with Comments</li> <li>3. DBPR Applications</li> </ol>
	E)	Public/POC/Staff Comments
	F)	<i>Adjourn</i>

**STAFF CONTACTS:**

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 Mo Madani, Manager

**Teleconference Process/Etiquette:**

URL:[http://www.floridabuilding.org/fbc/meetings/1\\_meetings.htm](http://www.floridabuilding.org/fbc/meetings/1_meetings.htm)

**Note:** This document is available to any person requiring materials in alternate format upon request. Contact the Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2100 or call 850-487-1824.