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Michael B. Gustafson

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May 15, 2009

Supp

Elizabeth Duffy,
Assistant General Council of the State of Florida
Department of Business Professional Regulations
1940 North Monroe Street,
Tallahassee, Florida 32399-0720

Re: Case number 2008-051989
Robert Mahar, BU1369

This is a document to identify the violations that are in the original Report written by me, Michael B. Gustafson, dated May 4, 2009.

In my opinion the following are a violation of 468.604 Responsibilities of building code administrators, plans examiners, and inspectors (1) it is the responsibility of the building code administrator or building official to administrate, supervise, direct, enforce, or perform the permitting and inspection of construction, alteration, repair, remodeling, or demolition of structures and installation of building systems within the boundaries of their governmental jurisdiction, when permitting is required, to ensure compliance with Florida Building Code and any applicable local technical amendment to the Florida Building Code...:

Complaint Number 5. The showers in the main and master bathrooms were constructed without the benefit of non-porous shower pans. This was not caught by the inspectors nor at the final Certificate of Occupancy when it was issued without their presence. The homeowners discovered this when they used them for the first time.

Response by the City of Marco Island: Shower pans are not a required inspection under Florida Building Code Section 105.6 (2001).

My review and opinion:

I believe the following codes pertain to this complaint:

Florida Building Code 2001 edition, Plumbing Section 312.6 Gravity Sewer Tests shall consist of plugging the end of the building sewer at the point of connection with the public sewer, completely filling the building sewer with water from the lowest to the highest point thereof, and maintaining such pressure for 15 minutes. The building sewer shall be tight at all points: and Section 417.5.2 Pans. Floors under shower compartments, except where prefabricated receptors have been provided, shall be lined and made water tight by suitable shower pans of approved material. Such pan shall turn up on all sides at least 2 inches (51mm) above the finished floor threshold level. Pans shall be securely fastened to waste outlet at the seepage entrance, making a water-tight-joint between the pan and the outlet. Exceptions: 1. Floor surfaces under shower heads provided for rinsing laid directly on the ground. 2. Shower compartments where the finished shower drain is depressed a minimum of 2 inches on the first floor level and the shower recess is poured integrally with the adjoining floor: and Florida Building Code 2001 edition, Building Section 105.6 Required Inspections, Plumbing, 2. Rough-in inspection: To be made after the roof, framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling members. 3. Final inspection: To be made after the building is complete, and structure is ready for occupancy.

I believe the aforementioned does require a shower pan inspection as a component of the plumbing and/or building inspection. I found no proof that this inspection was made. This conclusion is based on my understanding of the codes involved and the applicability of such code to this inspection.

Complaint number 9. There was no flashing where the third deck meets the wall. A Certificate of Occupancy was issued.

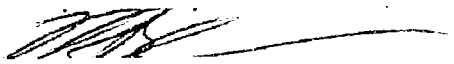
Response by the City of Marco Island: Flashing on the third deck is not a required inspection under Florida Building Code Section 105.6 (2001).

My review and opinion:

I believe the following codes pertain to this complaint:

Florida Building Code 2001 edition, Required Inspections, Building, 4. Sheathing inspection: to be made either as part of a dry-in inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components: roof sheathing, wall sheathing, sheathing fasteners, roof/wall dry-in. Roofing inspection: shall at a minimum include the following building components: dry-in, insulation, roof coverings, flashing.

I believe the aforementioned does require a dry-in inspection for both roof areas and wall areas and flashing is included in that required inspection as a component of the dry-in inspection. This conclusion is based on my understanding of the codes involved and the applicability of such code to this inspection.



Michael B. Gustafson, CGC 059411, BU 14, BN 45, PX 379

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May 4, 2009
Elizabeth Duffy,
Assistant General Council of the State of Florida
Department of Business Professional Regulations
1940 North Monroe Street,
Tallahassee, Florida 32399-0720

Re: Case number 2008-051989
Robert Henry Mahar, BU1369

Complaint:

The complaint filed by Timothy and Regina Dayton against Robert Mahar is an alleged violation of 468.621(1) (G) Failing to properly enforce applicable building codes or permit requirements within this state which the certificate holder knows are applicable or committing willful misconduct, gross negligence, gross misconduct, repeated negligence, or negligence resulting in a significant danger to life or property.

Summary of Facts

On 1/8/2002 Timothy and Regina Dayton contracted with Kimball Hill Homes to build a single family home for $550,000. The house was built and a certificate of occupancy was issued by the City of Marco Island Building Department where Robert Mahar is the Building Official. On 7/21/2003 Jon Morris d/b/a Kimball Hill Homes Florida, Inc submitted a single family home application at 524 Spinnaker Drive to the City of Marco Island for a new construction permit. The current adopted code was the 2001 Florida Building Code. The house was issued a certificate of occupancy from the City of Marco Island on 4/16/2006.

On behalf of Timothy and Regina Dayton, Bill Reeves noted 43 areas that he states reflect that the City of Marco Island Building Official neglected his duties seriously harming Timothy and Regina Dayton. Following, each of the allegations is listed including responses from the attorney representing the City of Marco Island, there also is a follow up response to clarify or correct by Regina Dayton on some of the original complaint. The following is an alleged violation of F.S.S. 468.604 (1) (a) (3):

1. Permit was issued prior to submission of pier plan.
    a. Response by City of Marco Island (MI): The foundation Plan was submitted and reviewed prior to the issuance of the building permit. See App. B, p 543 (piling plan); App., B, p554 (columns layout); App., B p. 554 (column detail). The term "piling" is used instead of "pier" in the foundation plan because pilings, and not piers, are used in the construction of this home.
2. The permit was issued despite a lack of the notarized signature of the Qualifying Agent.
    a. Response by MI: The notarized signature of the Qualifying Agent can be verified at App., p 207.
3. The plans were approved despite the truss engineer's design flaw in that there was no deflection in the third floor deck away from the structure as required by code.
    a. Response by MI: When approved, the third floor framing plan included a 2" slope on the ledger beam and tie beam to prevent water accumulation on the third floor deck, and was therefore compliant with Florida Building Code Section 1013.10 (2001). See App. B, p. 541. When the truss layout was subsequently revised, the new truss design was not inherently flawed. There was a slope in the truss design. See App. B, p521. In addition, a pitch or other method of preventing water accumulation could be added to the deck at the time to accomplish the requirements of the approved building plans, which remained in place.

4. The plans were approved despite the absence of plumbing riser diagram, as required by code.
    a. Response by MI: Plumbing riser designs are not a required element of plan examinations and approval for single family residential buildings. See Florida Building Code Section 104.3.1.1 (2001).
5. The plans were approved despite the absence of a third floor access panel, as required by code.
    a. Response by MI: Attic access in not a required element of plan examinations and approval for single family residents. See Florida Building Code Section 104.3.1.1 (2001).
6. The plans were approved despite the absence of energy calculations, as required by code.
    a. Response by MI: Energy calculations were undertaken prior to the approval of the building plans and can be found in the building file. See App. A., pp. 184-195.
7. The plans were approved despite the absence of deck draining of the third floor deck, as required by code.
    a. Response by MI: Deck draining is not a required part of plans examinations and approval for single family residential buildings. See Florida Building Code Section 104.3.1.1 (2001). In addition, the approved plans provided for deck draining by means of a 2" slope on the third floor deck. See App. B., p. 541.
8. The contractor submitted Hambro decking system was never approved by him.
    a. Response by MI: The allegation in Paragraph 8 is incoherent because it is not grammatically correct and the use of pronouns is confusing. However, if the suggestion is that the architect never approved the Hambro decking system, this would be incorrect because the Hambro system was incorporated into the architect's layout sheet and reproduced almost identically in the Shop Drawings. See App. B., pp. 542, 545-546.

The following is an alleged violation of F.S.S 468.604 (1) (b) & (2):

1. The proper number and location of pier caps was never obtained.
    a. Response by MI: The number and location of the pilings are shown on the building plans (App. B., p. 543. 558). Please note once again that the term "piling" is used instead of "pier" in the foundation plan because pilings, and not piers, are used in the construction of this home.
2. The Qualifying Agent was never committed to construction of this house by signature.
    a. Response by MI: The notarized signature of the Qualifying Agent on the Permit Application is available at App. A, p. 207.
3. The third floor deck was approved despite being flat, which led to water pebbling and water intrusion.
    a. Response by MI: The deck was approved by building inspector Mike Smithen and showed no indication of being flat or poorly pitched. See App. A., 69. Second, even if the deck was flat, the deck may still be compliant as long as the topping does not allow the water to accumulate. Florida Building Code Section 1013.10 (2001). The deck being flat does not necessarily mean that it was not compliant with the code at the time of inspection, and, indeed it was compliant.
4. The concrete slab platform for the HAVC units was supposed to be on the second floor. The job was not stopped when it was not party to that pour.
    a. Response by MI: First, the location of the platform is not indicated on the Shop Drawings of the Harbro layout. This would have been required if the platform was to be an integral part of the second floor slab. While the outline of the platform appears on the framing plan (App. B., p. 532), it does not appear on the elevations (App. B., P. 525). Second, if the architect intended to cantilever a concrete slab from the second floor, the architect would have supplied a detail showing reinforcement and thickness of the slab. The reinforcement would have extended into the second floor slab to counter both the live and dead loads. However, reinforcements or slab thickness do not appear on the architect's plan (App. B., p. 542). Indeed, it is our understanding that the architect and the Dayton's agreed on and

approved the current location of the pad. Third, nothing in the drawings suggest that the HVAC units sit on a concrete slap platform. The platform supporting the units may consist of wood or other approved materials. In addition, the Florida Building Code does not address the location of HVAC equipment platforms, beyond requiring that they meet base flood elevation standards. Latitude is generally afforded the builders, provided the platforms meet setback requirements and are above the base flood elevation.

5. The showers in the main and master bathrooms were constructed without the benefit of non-porous shower pans. This was not caught by the inspectors nor at the final Certificate of Occupancy when it was issued without their presence. The homeowners discovered this when they used them for the first time.
    a. Response by MI: Shower pans are not a required inspection under Florida Building Code Section 105.6 (2001).
    b. Note: Florida Building Code 2001, Plumbing Section 312.6 Gravity Sewer test. Gravity sewer tests shall consist of plugging the end of the building sewer at the point of connection with the public sewer, completely filling the building sewer with water from the lowest to the highest point thereof, and maintaining such pressure for 15 minutes. The building sewer shall be tight at all points.
    c. Note: Florida Building Code 2001, 105.6 Required inspections, Plumbing, 2. Rough-in inspection: To be made after the roof, framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling members., 3. Final inspection: To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.
    d. Note: Florida Building Code 2001, Plumbing Section 417.5.2 Pans. Floors under shower compartments, except where prefabricated receptors have been provided, shall be lined and made water tight by the suitable shower pans of approved material. Such pans shall turn up on all sides at least 2 inches (51 mm) above the finished floor threshold level. Pans shall be securely fastened to waste outlet at

the seepage entrance, making a water-tight joint between the pan and the outlet. Exceptions: 1. Floor surfaces under shower heads provided for rinsing laid directly on the ground. 2. Shower compartments where the finished shower drain is depressed a minimum of 2 inches on the first floor level and the shower recess is poured integrally with the adjoining floor.

6. Without the required attic access panel, the inspector could not have properly inspected the attic insulation on the third floor. A Certificate of Occupancy was issued despite the lack of proper inspections.
    a. Response by MI: Insulation was inspected by Gary Konicek on 11/03/04 (App. A., p. 69). The insulation was found compliant. The third floor attic was inspected on 06/16/08, and it was also found compliant (App. A., p. 76). Moreover, access to the attic is not necessarily required to test insulation, depending on the type of insulation.
7. Without required energy calculations, the inspectors could not have passed the insulation inspection. A Certificate of Occupancy was issued anyway.
    a. Response by MI: Energy calculations were produced and consulted for the insulation inspection (App. A., pp. 184-195).
8. Insulation was missing in the third floor attic, discovered by the homeowner after Certificate of Occupancy was issued.
    a. Response by MI: Insulation was inspected on 11/03/04 by Gary Konicek (App. A., p 69). The insulation was deemed compliant. The third floor attic was inspected again on 06/16/08, and deemed complaint (App. A., p. 76).
9. There was no flashing where the third floor deck meets the wall. A Certificate of Occupancy was issued.
    a. Response by MI: Flashing on the third floor deck is not a required inspection under Florida Building Code Section 105.6 (2001).
    b. Note: Florida Building Code 2001, Section 105.6 Required inspections., Building, 4. Sheathing inspection: to be made either as part of a dryin inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are

complete and shall at a minimum include the following building components: roof sheathing, wall sheathing, sheathing fasteners, roof/wall dry-in. Roofing inspection: shall at a minimum include the following building components: dry-in, insulation, roof coverings, flashing.

10. Water was trapped on the third floor deck by aluminum track with no way to escape, which lead to water intrusion issues and replacement of third floor decking. A Certificate of Occupancy was issued with this deficiency in place.
    a. Response by MI: Florida Building Code Section 105.6 (2001) does not require inspection of weep-hole design on the aluminum tracks of the third floor deck to ensure water passes through. Nor is this part of a framing inspection. Nevertheless, the framing inspection was completed on 10/25/04 by Mike Smithem, and the framing was deemed compliant (App. A., p. 69).
    b. Note: Florida Building Code 2001, Section 105.6 Required inspections., Building, 4. Sheathing inspection: to be made either as part of a dryin inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components: roof sheathing, wall sheathing, sheathing fasteners, roof/wall dry-in. Roofing inspection: shall at a minimum include the following building components: dry-in, insulation, roof coverings, flashing.
11. Sliding glass doors on the second floor were approved despite lack of water marks denoting impact or tempered glass, as is required by code. A Certificate of Occupancy was issued.
    a. Response by MI: The existence or non-existence of watermarks on glass is not a required inspection under Florida Building Code Section 105.6 (2001).
12. There is blocking installed in the first floor pool room adjacent to the breakaway walls which is not treated lumber, as required by code. This was not caught at final inspection and a Certificate of Occupancy was issued.

a. Response by MI: More information is required to frame a suitable response to Paragraph 12. No pool room appears in the building plans. No blocking appears in the building plans. There is no indication when or where blocking occurred, or that such blocking is even noncompliant with code.

13. The electrical conduit feeding electricity to the pool light niche did not have appropriate anchorage which causes a hazardous condition for protection as referenced in the NEC, Wiring Methods. This passed final inspection and a Certificate of Occupancy was issued.
    a. Response by MI: The final electrical inspection was completed on 02/09/06 by Bruce Yakola and the electrical conduits were deemed compliant. No hazardous condition existed at the time of inspection.
14. There are electrical lights in the pool room which are not shown on the approved plan, as required by code. This passed final inspection and a Certificate of Occupancy was issued.
    a. Response by MI: It is difficult to frame a suitable response to Paragraph 14, because there is no pool room in the plans, let alone lights for pool room. If the area underneath the pool is referred to as "the pool room," this area did not have lights when it was inspected on 09/23/04 and 02/09/06 by Bruce Yakola (App. A., pp. 69-70).
15. The Hambro decking system was approved without being submitted to the Building Department but never inspected. A Certificate of Occupancy was issued.
    a. Response by MI: The Hambro decking system plan was submitted to the Department (App. B., pp. 542-546). The Harbro decking system was inspected and approved during the slab inspection by Mike Smithem on 03/05/04 (App. A., p. 68).
16. The recommendations of the pool engineer for installation of a Brady Point system were not done and water intruded in to the structure without escape routes. A Certificate of Occupancy was issued.
    a. Response by MI: The suggestions of the pool engineer are not required for the pool to be evaluated, nor is it the Department's duty to evaluate recommendations which might be submitted to it. The

pool structure was inspected and approved on 04/16/04 by Bruce Yakola. (App A., p. 72). There is no reference to the Brady Point System in the plans (App. B., p. 519).

17. There is a structural failure around the pool where insufficient pier caps were installed. A Certificate of Occupancy was issued.
    a. Response by MI: No structural failures were evident at the time of inspection on 04/16/04 by Bruce Yakola (App. A., p. 72).
18. There is water intrusion above the garage door. This is recognized as a structural member of the building envelope. A Certificate of Occupancy was issued.
    a. Response by MI: No water intrusion above either garage door, or other building defect, was apparent at the final building inspection on 04/13/06 by Mike Smithem (App. A., p. 71).
19. The approved plans called for pool equipment to be placed under the covered area on the north west portion of the first floor. They were placed out in the open at the south west portion of the first floor. A Certificate of Occupancy was issued.
    a. Response by MI: A CO issues when a residence meets the requirements of the Florida Building Code. Nothing in the Florida Building Code prevents the pool equipment from remaining where it is alleged to be. Second, the location of pool equipment is not a required inspection under Florida Building Code Section 105.6 (2001). Third, pool equipment can easily be relocated and there is no indication that the equipment was not in the appropriate location at the time of inspection. Fourth, if the location of the pool equipment has deviated from the plans, it is a probable result of the decision of the Dayton's and the architect to relocate the pool equipment in order to maximize the efficiency of the plumbing system.
20. The irrigation system did not meet the requirements of the FBC, Section 109. A Certificate of Occupancy was issued.
    a. Response by MI: The subject property was built according to the requirements of the 2001 edition of the Florida Building Code. The

code section supplied does not contain anything requiring a response. The irrigation system is proper.

21. The second floor DECO drain system terminates alongside the foundation of the southeast portion of the house in violation of FBC-Residential Code 2004, Section R104.3. A Certificate of Occupancy was issued.
    a. Response by MI: The subject property was built according to the requirements of the 2001 Florida Building Code. The code section supplied does not contain anything requiring a response. The drain system is proper.
22. The Hambro Floor Joist System was never approved by the Architect of Record. A Certificate of Occupancy was issued.
    a. Response by MI: The Hambro system was approved by the architect because it is incorporated into the architect's layout sheet and reproduced almost identically on the Shop Drawings (App. B., pp. 545-546).
23. The Hambro system called for a 2" slope which was not done. The Hambro system was never inspected. A certificate of Occupancy was issued.
    a. Response by MI: The Hambro system was inspected and approved during the slab inspection on 03/05/04 by Mike Smithem (App. A., p. 68).
24. There are outlets installed in the ceiling of the porch outside the living room which are not GFCI rated and without required weather covers, in violation of the NEC. A Certificate of Occupancy was issued.
    a. Response by MI: At the final electrical inspection on 02/09/06 by Bruce Yakola, no outdoor ceiling outlets were observed, and the electrical configuration was otherwise found compliant (App. A., p. 70).
25. The approved plans do not indicate the size of the required egress windows in the sleeping rooms. The inspector did not stop the job. A certificate of Occupancy was issued.
    a. Response by MI: The egress windows and the window schedule (App. B., p. 531), described as 36 S.H. (A) and 2-26 S.H. (D), far exceed emergency exiting requirements of Florida Building Code

Section 1005.4. Windows described as 36 S.H. provide a four foot wide by three foot high opening. Windows described as 2-26 S.H. provide a three foot wide by three foot high opening.

26. The installation of the aluminum screen and pool enclosure differs from the approved plans. A Certificate of Occupancy was issued.
    a. Response by MI: It is difficult to respond to the allegations of Paragraph 26 because it does not specify how the actual enclosures differ from the plans. However, the enclosures were passed during the final inspection and found compliant (App. A., p. 71).
27. The footing inspection was never done. A Certificate of Occupancy was issued.
    a. Response by MI: Footing and grade inspections were completed on 11/19/2003 (App. A., p. 68). While "cancelled" appears in the annotation, the additional "c" before it indicates it was completed. The repetition of the word "cancelled" from the previous inspection represents a quirk of the software that requires the status be changed manually following a prior cancellation.
28. The three called for fill-cells inspections were never done. A Certificate of Occupancy was issued.
    a. Response by MI: The first fill-cell inspection was completed on 12/09/2003. The second fill-cell inspection occurred on 02/03/04 and was complete. The third fill-cell inspection occurred on 02/04/04 and was partially completed. See App. A., p. 68. The remaining fill-cell inspections were completed at the tie-beam inspection on 02/19/04 (App. A., p. 68). This was done for convenience because the cells can be poured at the same time as the tie beam, and this eliminates the need to inspect on separate occasions.
29. The foundation plan has after the fact hand written notations, structural in nature, without acknowledgement from the Architect of Record. A Certificate of Occupancy was issued.
    a. Response by MI: There are no "after the fact: handwritten notes on the architect's drawings. The handwritten notes are on the

transparencies and are part of the actual blueprint, and appear in blueprint ink.

30. There is a problem with the pile caps under the pool area which were never inspected. There is a structural failure in this location. A certificate of Occupancy was issued.
    a. Response by MI: The pile caps were inspected during the pool steel and ground inspection on 04/16/04 by Bruce Yakola (App. A., p. 72). The pile caps passed inspection and no structural failures were observed.
31. In several areas of the house where GFCI outlets are required, there are non GFCI outlets installed. A Certificate of Occupancy was issued.
    a. Response by MI: Outlets do not have to be GFCI outlets to be protected. If one outlet is protected by the GFCI circuit, other outlets downstream will be protected as well. All GFCI circuits were functional and complete at the final electrical inspection on 02/09/06 by Bruce Yakola (App. A., p. 70).
32. There are numerous cancelled inspections which were never re-inspected or approved, per the certified records furnished by the City of Marco Island. A Certificate of Occupancy was issued.
    a. Response by MI: There were no unfinished inspections of the subject property. Every inspection was undertaken at the specified time, or where cancelled, rescheduled during another inspection. In light of the extremely high volume of inspections following the powerful hurricanes that struck Collier County during the construction of the Dayton residence, it was necessary to schedule or reschedule inspections on the most efficient manner. This occasionally has resulted in the completion of inspections on very short notice, which were unfortunately not always fully reflected in the paperwork.
33. There are questions involving the proper psi of the job-poured concrete in the house which were questioned by the subject to the homeowners. It is he who should be verifying if the psi is correct and then taking whatever action with the builder he deems proper, not his job to pass the buck to the homeowners.

a. Response by MI: Building inspectors are under no obligation to test concrete. Florida Building Code Section 1701.2.

34. The complainants requested the subject visit the house and make a determination of his own as to what needed to be done. It was requested that if the alleged deficiencies were found to be present, he revoke the Certificate of Occupancy and bring the builder back under his control and then make the builder correct the known building code violations. This was never done, and the builder has subsequently filed for Bankruptcy protection naming the homeowners as a creditor. He allowed a Certificate of Occupancy to remain with all of these building code violations.
    a. Response by MI: The Dayton's never requested that Mr. Mahar visit the subject property to make any determination concerning the property. In addition, Mr. Mahar is not required to make any special visits beyond those which are required for the effective performance of his duties. It should be noted that Steve Olmsted, Community Development Director, visited the site and Ms. Dayton reportedly advised him that there were no problems reported at that time.
35. The subject allowed a gap in qualifying agents to exist, as noted in handwriting on certified records submitted by the City of Marco Island as public records requested. The permit was never cancelled, despite dragging on for more than four years. A Certificate of Occupancy was issued and allowed to stand.
    a. Response by MI: Mr. Mahar was not aware of any gap in Qualifying Agents. Since the permit did not expire, there was no reason to revisit the Permit Application to reassess or reinvestigate the Qualifying Agent, and this is not a common practice. In addition, the permit was issued 09/22/03 and the C.O. issued on 04/14/06 (2 years and seven months later). The period between inspections never exceeded 180 days, and the C.O. was issued in good faith pursuant to Florida Building Code Sections 106.1.1, 106.1.2 (2001).

A few notes of a very small part of the investigative report:

1. Regina Dayton said, however, she understands that some of these items may have been changed, during the time that Kimball Hills Inc was doing the warranty work and basically, remodeled and redid many parts of the home, due to defects.
2. Robert Mahar said, on 3/31/04 a revision was submitted so that all trusses ran the same way (were not all the same way on original plan) the revision did not state pitch on profile, but this does not mean that the deck could not be pitched. The deck is what needs to be pitched (not trusses). The inspection was probably missed, normally if it is suspected not to be pitch by the Inspector, and he would run a hose on the deck to see if the water ran off or maybe he would use a level. It appears this was missed.

There is a volume of information including reports by engineers, architects and consultants and the DBPR Investigative Report that includes interviews. I have reviewed this complaint in depth.

Findings:

There was proof that Robert Mahar did violate 468.604 Responsibilities of building code administrators, plans examiners, and inspectors (1) It is the responsibility of the building code administrator or building official to administrate, supervise, direct, enforce, or perform the permitting and inspection of construction, alteration, repair, remodeling, or demolition of structures and installation of building systems within the boundaries of their governmental jurisdiction, when permitting is required, to ensure compliance with the Florida Building Code and any applicable local technical amendment to the Florida Building Code....

Therefore, after reviewing all the facts in this complaint, it is my opinion that Robert Mahar did violate F.S.S. 468.604 (1).

Respectfully submitted,

Michael B. Gustafson, CGC 059411, BU 14, BN 45, PX 379