

STATE CODES AND STANDARDS COMMITTEE
AGENDA

September 11, 2013
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1. CALL TO ORDER
2. ATTENDANCE
3. APPROVAL OF MINUTES OF AUGUST 14, 2013 MEETING
4. COMMUNICATIONS

<u>SUBJECT & DATE RECEIVED</u> (mm/dd/yy)	<u>FROM - TO</u>	<u>DESCRIPTION</u>
a. Correspondence 8/14/13	Bruce Spiewak C & S	A-1-13 – Correspondence re appeal from Bruce Spiewak re Greenwich Fire Marshal's decision re YMCA of Greenwich, 50 Putnam Avenue, Greenwich, CT
ACTION: <u>See Section Appeal Hearings 8.c.</u> <u>Appellant requests appeal continue to be held open</u>		
b. Request for appeal 6/14/13	Sander Marku C & S	A-14-13 – Request for appeal from Sander Marku re Deputy State Building Inspector's decision re L-16-13 re Fox Glove, 179 Flanders Road, Niantic, CT
ACTION: _____ _____		
c. Correspondence 8/21/13	Joseph Kingston, OSFM C & S	A-11-13 – Appeal of James Lucente re Bristol Fire Marshal's decision re 146 Pine Street, Bristol, CT
ACTION: <u>See Section Appeal Hearings 8.i.</u> _____		

d. Correspondence 8/21/13	Joseph Kingston, OSFM C & S	A-7-13 – Appeal from Louis Pittocco, Esq., re Greenwich Fire Marshal's decision re Buildings 2, 12, 13, and 15 Armstrong Court, Greenwich, CT
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ACTION: See Section Appeal Hearings 8.f.

e. Request for appeal 8/28/13	Bernard Steadman, Esq. C & S	A-15-13 – Request for appeal from Bernard Steadman, Esq. re Mystic Fire Marshal's decision re 41 East Main Street, Mystic, CT
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ACTION: _____

f. Correspondence 9/10/13	James Plumridge C & S	A-12-13 – Appeal from Robert Akuoko re Windsor Locks Building Official's decision re 6 Jubrey Lane, Windsor Locks, CT
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ACTION: See Section Appeal Hearings 8.j.
On 9/10/13 documents rec'd from James Plumridge

5. SUBCOMMITTEE REPORTS:

a. Codes Amendment Subcommittee:

This subcommittee met on August 28, 2013. The next meeting will be held on September 11, 2013.

b. Ethics/Procedural Regulations Subcommittee:

This subcommittee met on May 8, 2013 to discuss future proposals and procedures of aggrievement. The issue of aggrievement remains open for discussion. Discussion included:

- 1) Procedures of aggrievement;
- 2) Submittal of OSBI/OSFM documents to appeal panel (i.e. Request for Modification form);
- 3) The process of revocation;
- 4) Accepting code proposals on a rolling basis regarding procedural viewpoint;
- 5) Responsibilities of Codes and Standards Committee members;
- 6) Drafting of Final Decisions by Panel Chair vs. Legal Counsel.

The meeting set for August 14, 2013 was cancelled. New date needs to be set.

6. OLD BUSINESS

- a. Addition of 3 members from construction industry trades effective 10/1/13
- b. Personal liability of C&S members – Assistant Attorney General Matt Beizer will attend the September 11, 2013 meeting.

7. NEW BUSINESS

- a. **Staff Report**
- b. **Fire Prevention Code Advisory Committee** (Harwood/Shansky)
- c. **Joint Building Code Training Council** (Musco)/**Fire Marshal Training Council** (Harwood)
- d. **Report on Bills**

8. APPEAL HEARINGS

- a. **A-4-10. Appeal from Steven Edelman re Windham Building Official's decision re 202 Scotland Road, Windham, CT.** On June 21, 2010 a postponement was granted as a result of appellant's request for a stay of the proceedings. On January 24, 2013 correspondence received from appellant. On January 24, 2013 correspondence received from appellant. **On March 21, 2013 referred to legal counsel. As of September 10, 2013 no additional information received.**

- b. **A-18-12. Request for appeal from Sandra and David Biller re North Haven Fire Marshal's decision re 154 State Street, North Haven, CT.** Panel consists of Michael Sinsigalli, Panel Chair; Fred Wajcs, Jr., and George Iskra. Donald Harwood will be the alternate. Hearing set for December 12, 2012 was postponed; on December 6, 2012 appellant's attorney, Timothy Lee, requested postponement. On December 10, 2012, letter sent to appellant's attorney advising him that hearing could not be set until a copy of decision letter is received. On December 11, 2012, a copy of the Office of State Fire Marshal's closing investigative report was received. Hearing was set for Wednesday, February 13, 2013 at 10:00 a.m. in room 348. On January 18, 2013 the Office of the State Fire Marshal provided a copy of North Haven Fire Marshal's inspection report. On February 13, 2013 appellant's attorney requested a second postponement. Timeliness hearing was rescheduled and held on February 27, 2013. On February 27, 2013 referred to the Office of the State Fire Marshal (OSFM) for review. On March 8, 2013 correspondence received from Robert Ross, OSFM. **Hearing was held on April 10, 2013, continued to May 22, 2013 and again continued pending possible resolution. On June 18, 2013 certified letter sent to appellant's attorney requesting status of appeal and to respond in writing by July 2, 2013. As of August 12, 2013 no additional information received. Deliberations were set for Wednesday, September 25, 2013 at 10:00 a.m. in room 348.**
- c. **A-1-13. Request for appeal from Bruce Spiewak re Greenwich Fire Marshal's decision re YMCA of Greenwich, 50 Putnam Avenue, Greenwich, CT.** No panel was set. On January 28, 2013 referred to Office of State Fire Marshal for review. **On March 20, 2013 appellant requested appeal is put on hold pending possible resolution through modification (copy sent to OSFM). As of June 10, 2013 no additional information received. On June 18, 2013 certified letter sent to appellant requesting status of appeal and to respond in writing by July 2, 2013. On June 28, 2013 correspondence received from appellant requesting appeal continue on hold pending possible resolution through modification (copy sent to OSFM). On August 14, 2013 correspondence received from appellant requesting that appeal be put on hold.**
- d. **A-4-13. Request for appeal from Stephanie McLaughlin, Esquire, re Stamford Fire Marshal's decision re 200 Strawberry Hill Avenue, Stamford, CT.** No panel was set. On February 26, 2013, appellant requested 30 day extension of time pending possible resolution [after March 28, 2013]. On April 18, 2013, certified letter sent to appellant requesting status of appeal and to respond in writing by May 2, 2013. On April 23, 2013 correspondence received from appellant requesting a second postponement until after June 5, 2013. On April 24, 2013 copy of correspondence was forwarded to OSFM. **On June 5, 2013 appellant requested third postponement until August 31, 2013 pending possible resolution.**

- e. **A-5-13. Request for appeal from Michael Dowley, Esquire, re Portland Building Official's decision re 102 Great Hill Pond Road, Portland, CT.** Panel consists of Glenn Neilson, Panel Chair; Thomas DiBlasi and Michael Musco. Henry Miga will be the alternate. Hearing set for April 10, 2013 was not held; on April 8, 2013 appellant requested postponement pending possible resolution. As of May 7, 2013 no additional information received. On May 13, 2013 certified letter sent to appellant requesting status of appeal and to respond in writing by May 28, 2013. **On May 22, 2013 correspondence received from appellant advising they are continuing to work toward resolution and requested appeal be continued. As of September 10, 2013 no additional information received.**
- f. **A-7-13. Request for appeal from Louis Pittocco, Esquire, re Greenwich Fire Marshal's decision re Buildings 2, 12, 13, and 15 Armstrong Court, Greenwich, CT.** On March 22, 2013, referred to the Office of the State Fire Marshal (OSFM). On March 20, 2013 supporting documentation received from appellant (copy sent to OSFM). On August 21, 2013 correspondence received from OSFM requesting appeal go forward.
- g. **A-9-13. Request for appeal from Michael Smith re Deputy State Building Inspector's decision re M-489-13B re Bristol Doubletree Hotel, 42 Century Drive, Bristol, CT.** Panel consists of Donald Harwood, Panel Chair; Michael Sinsigalli and Keith Flood. Carlton Smith will be the alternate. **Hearing was held on August 6, 2013. Deliberations will be sent out within 90 days [by November 6, 2013].**
- h. **A-10-13. Request for appeal from Walter Milardo re State Fire Marshal's decision re FM-0040-13 re Harpo's Bakery, 908 Main Street, South Glastonbury, CT.** Panel consists of Keith Flood, Panel Chair; Louis Free and Donald Harwood. George Iskra will be the alternate. Hearing is set for Wednesday, September 11, 2013 at 11:00 a.m. in room 348.
- i. **A-11-13. Request for appeal from James Lucente re Bristol Fire Marshal's decisions re 146 Pine Street, Bristol, CT.** No panel was set. On 8/14/13 referred to the Office of the State Fire Marshal (OSFM). **On 8/21/13 received OSFM's report; OSFM clarifies that this is an appeal of the State Fire Marshal's decision re FM-0426-12, not the Bristol Fire Marshal's decision. On 8/21/13 letter sent to appellant requesting clarification re decision he is appealing. As of September 10, 2013 no additional information received.**

- j. **A-12-13. Request for appeal from Robert Akuoko re Windsor Locks Building Official's decision re 6 Jubrey Lane, Windsor Locks, CT.** Panel consists of William Zoeller, Panel Chair; Carlton Smith and Robert Hanbury. John Butkus will be the alternate. **On August 5, 2013 correspondence received from James Plumridge (appellee) requesting hearing date be held after September 16, 2013. Hearing was set for Wednesday, September 25, 2013, at 11:00 a.m. in room 348. On September 10, 2013 documents received from James Plumridge.**
- k. **A-13-13. Request for appeal from Mark Pozzi re Deputy State Building Inspector and Office of Protection and Advocacy's decision re W-43-13 re UCONN-Gulley Hall, 352 Mansfield Road, Storrs, CT.** Louis Free and George Iskra are recused. Hearing panel consists of David McKinley, Panel Chair; Fred Wajcs and Keith Flood. Glenn Neilson will be the alternate. **On August 12, 2013 additional information received from appellant. Hearing was set for Wednesday, September 11, 2013 at 10:00 a.m. in room 348.**
- l. **C-1-10. Correspondence from Mark Sommaruga, Esquire, re complaint request for revocation investigation re Shelton Building Official's license (Elliot Wilson) aka Hearing Pursuant to CGS 29-262(d).** Panel was set on November 10, 2010. Panel consists of Donald Harwood, Panel Chair; Louis Free and Andrew Rizzo, Jr. John Butkus will be the alternate. On February 8, 2010, letters were sent to Robert Ross (Director, Division Fire Emergency and Building Services) and Attorney Dawn Hellier (Dept. Public Safety Legal Affairs) requesting staff assistance to conduct an investigation. On February 24, 2010, Barry Rickert, Deputy State Fire Marshal, advised an investigator (Sgt. Christopher Guari) had been assigned to this investigation. On February 26, 2010, correspondence received from Attorney Hellier, DPS, advising staff assistance was granted to conduct an investigation. As of October 13, 2010, no additional information received. On October 13, 2010, Barry Rickert, OSFM, advised investigation is on-going.

On November 10, 2010, Rob Ross submitted the Office of State Fire Marshal's investigative report regarding the Shelton Building Official [re C-1-10] to Codes and Standards for appropriate action. Barry Rickert advised the Committee that his office is working on an addendum to this report and should provide it approximately the first or second week of December. Janet Ainsworth advised a compliance conference (per CGS 4-182(c)) should be scheduled prior to a hearing. Barry Rickert advised that Investigator John Sawyer, OSFM, will do the compliance conference and Barry will notify John Sawyer of same. As of January 18, 2011, no additional information received. On January 19, 2011 Barry Rickert, OSFM, advised that OSFM's report was complete and could be forwarded to the appeal panel. On January 26, 2011, letter sent to Barry Rickert, OSFM, requesting clarification if a compliance conference had occurred. On February 9, 2011 the Committee verbally requested Barry Rickert, OSFM, to respond in writing to their January 26, 2011 letter re compliance conference. Janet Ainsworth advised that the Office of the State Fire Marshal sent a

letter to the appellant. Appellant has until March 15, 2011 to respond regarding a compliance conference. If no response is received by that date, then Codes and Standards can proceed. On March 25, 2011 correspondence forwarded from Barry Rickert from appellant. On May 11, 2011 Barry Rickert advised the compliance conference was held. On May 23, 2011 correspondence received from Barry Rickert. On February 17, 2012 certified letter sent to appellant's attorney (John Keyes) requesting status of complaint. As of April 10, 2012 no additional correspondence received. On April 18, 2012, certified letter sent to appellant's attorney requesting status and to respond in writing by May 2, 2012. On May 9, 2012, it was decided that the Office of the State Fire Marshal will hold the compliance conference. On May 15, 2012 correspondence sent to Robert Ross, State Fire Marshal, requesting the Office of the State Fire Marshal to conduct a compliance conference. On May 30, 2012 correspondence received from Robert Ross advising compliance conference was set for June 7, 2012. Compliance conference was held on June 7, 2012. As of June 13, 2012 C&S was waiting for compliance conference report from Rob Ross, State Fire Marshal. On June 21, 2012 correspondence received from Rob Ross advising formal license revocation hearing should go forward. Effective August 8, 2012 John Butkus will replace Irving Moy as alternate. Hearing date to be set and coordinated by the Department of Construction Services (DCS) and Attorney General's Office. Hearing was held on November 7, 2012 and adjourned for 30 days [to December 7, 2012] to allow submission of briefs. Briefs were to be filed by 12:00 p.m. on December 7, 2012. Hearing continuation date needs to be set, and should include Assistant Attorney General Matt Beizer and Attorney Roberta Avery. Hearing continuation was held on March, 13, 2013. **Decision will be sent out within 90 days [by June 13, 2013]. A discussion was held regarding the precedent of drafting the Findings of Fact by a Panel Chair vs. Legal Counsel. On May 8, 2013 a brief summation of case history and appropriateness of writing legal decisions was held. On August 14, 2013 Panel Chair advised he will follow up with the Attorney General's Office.**

- m. **C-1-11. Correspondence from Steven Edelman re complaint request for revocation from Steven Edelman re Windham Building Official (Donald Schultz).** John Butkus, Louis Free, Robert Hanbury, Donald Harwood, Michael Musco, Glenn Neilson and Marjorie Shansky are recused. On September 22, 2011 correspondence received from appellant. On September 23, 2011 corrected correspondence received from appellant. On October 3, 2011 correspondence received from appellant. On October 17, 2011 referred to Legal Counsel for review. On October 17, 2011 correspondence received from appellant. On November 15, 2011 a follow-up letter was sent to appellant requesting additional information. On March 20, 2012 certified letter sent to appellant requesting clarification and to respond in writing by April 3, 2012. On April 2, 2012 correspondence received from appellant. On April 11, 2012, pending legal review by staff counsel. Procedures will be discussed at meeting of legal counsel, Attorney General's Office, Office of State Building Inspector and Office of State Fire Marshal the week of May 14, 2012. Motion was made and seconded to refer to the Office of State Fire Marshal for

investigation. All in favor. None opposed. Motion carried. **On June 15, 2012 referred to the Office of State Fire Marshal for investigation. On June 27, 2012 letter sent to appellant advising case was referred to OSFM. On July 5, 2012 correspondence received from appellant (he had also sent it to Rob Ross, OSFM). As of October 10, 2012 OSFM's investigation is on-going. On January 24, 2013 correspondence received from appellant. As of March 13, 2013 OSFM's investigation is on-going. On March 21, 2013, referred to legal counsel. As of September 10, 2013 no additional information received.**

- n. **C-1-12. Complaint request for revocation from Adam McNiece re Waterford Building Official's license (Frank Hoagland III).** Marjorie Shansky, Andrew Rizzo, Jr., Robert Hanbury, George Iskra and Michael Sinsigalli are recused. **Compliance conference panel consists of John Butkus, Compliance Chair; Anthony Bruno and Fred Wajcs, Jr., Louis Free will be the Compliance Conference alternate.** Forward to Legal Counsel for review and send letter to appellant advising same. On April 18, 2012, pending legal review by staff counsel. On April 24, 2012 letter sent to appellant advising complaint was referred to staff counsel for review. As of May 8, 2012 no additional information received. Procedures will be discussed at meeting of legal counsel, Attorney General's Office, Office of State Building Inspector and Office of State Fire Marshal the week of May 14, 2012. Motion was made and seconded to refer to the Office of State Fire Marshal for investigation. All in favor. None opposed. Motion carried. On June 15, 2012 referred to the Office of State Fire Marshal for investigation. On June 27, 2012 letter sent to appellant advising case was referred to OSFM. On August 6, 2012 correspondence received from Rob Ross, OSFM, requesting clarification on investigation. Compliance conference set for August 22, 2012 was postponed per C&S Legal Counsel. On August 17, 2012 correspondence sent to Frank Hoagland advising him of complaint. On August 17, 2012 correspondence sent to Rob Ross, OSFM, advising his office to proceed with investigation. On August 28, 2012 Freedom of Information request received from Robert Avena, appellant's attorney. As of October 10, 2012, no report from OSFM was received. On December 5, 2012 correspondence received from appellant requesting hearing go forward (copy sent to OSFM). On January 8, 2013 letter sent to appellant advising him of status of appeal and that panel is awaiting information from the Office of the State Fire Marshal. Daniel Tierney, Deputy State Building Inspector, met with the Waterford First Selectman regarding resolution. As of March 7, 2013 Daniel Tierney is still working with the First Selectman regarding resolution. **On March 11, 2013 telephone call from appellant requesting the hearing definitely go forward and requested a hearing date to be set as soon as possible. As of March 13, 2013, OSFM's investigation is on-going. On April 12, 2013 correspondence received from Robert Ross, Office of the State Fire Marshal. On May 3, 2013 appellant advised he wanted this complaint to go forward. As of June 12, 2013 awaiting OSFM's report. As of September 10, 2013 no additional information received.**

9. GOOD OF THE ORDER

The next Codes and Standards Committee meeting is set for **October 9, 2013.**

10. ADJOURNMENT

C&S\AG1309