

Southern Tier Building Officials Association

April 4th, 2018 Quarterly Meeting

Port Watson conference center, Cortland, NY

The Meeting was brought to order by the President Marty Mosley at 12:03 PM and the pledge of allegiance.

New Members – Julie Dawn, City of Ithaca and Brian Bunker

Tom DiTullio to read the meeting minutes for December 10th, meeting.

Motion to accept meeting minutes by Paul Smith, seconded by Steve Fox, all ayes, minutes accepted.

Reading of Treasures report by Dave Sprout, Treasurer:

- Beginning balance January 3, 2018- \$10,890.00.
- Ending balance on March 31, 2018- \$13,488.06.
- Deposits - \$8,830.00.
- Disbursements total for 2017 - \$7939.47.

Dave reminded that there are only 152 members that have paid their dues, please be sure to pay your membership.

Marty Mosley presented a motion to accept Treasures report.

The motion was seconded by Tom DiTullio, all ayes, motion carried.

Petitions from the floor, no petitions were presented.

Presidents Report-

- Marty has reviewed the letter to all code officials and local municipal officers inviting them to check out STBOA and presented the services and training offered and the value our organizations offers the code community. This will be sent out in the future.
- Marty has sent a letter to Assemblywoman Donna Lapardo and Senator James Seward for legislative action on protecting Code Officials from violence or threats.

1st Vice Presidents Report – Art Robinson, has requested information on the 504G funds collected by the state for use by local Authorities for enforcement of the building code.

2nd Vice Presidents Report-

No report.

NYSBOC Delegates Report (Brent Cross)

- Nothing to report, delegates meeting is April the 18th.
- Brent discussed a letter from Steve McDaniel's announcing his run for at Large ICC board of Directors position. Kevin Ezell made a motion to write a letter in support of Steve McDaniel's, Brent Cross 2nd the motion passed all eyes.

Department of State Report- Tom DiTullio.

Tom reported the following:

- The Governor has passed executive order 1208.6 (b) see the following:
 - Subpart 1208-6 authorizes the Secretary of State to revoke or suspend the certification of a Code Enforcement Official (CEO) or Building Safety Inspector (BSI) if an Administrative Law Judge determines, after a hearing, that the CEO or BSI materially failed to uphold his or her code enforcement duties.

Subpart 1208-6 provides that a “material failure” to uphold code enforcement duties would include a failure to note one or more serious code violations on an inspection report; making any other material error or omission on an inspection report; demonstrating, by act or omission, willful misconduct, gross negligence, or gross incompetence in the performance of code enforcement activities; performing any code enforcement activity at a time when the CEO’s or BSI’s certification is inactive or suspended; and, in the case of a BSI, performing any code enforcement activity other than fire safety and/or property maintenance inspections of existing buildings.

Subpart 1208-6 provides that if the Department of State receives a written complaint alleging that a CEO or BSI has materially failed to uphold code enforcement duties, the Department of State will investigate that complaint, or refer the complaint to the governmental unit or agency served by the CEO or BSI and require that governmental unit or agency to investigate the complaint and to report the results of that investigation to the Department of State. Subpart 1208-6 also authorizes such investigations if information indicating that a CEO or BSI may have materially failed to uphold code enforcement duties comes to the attention of the Department of State by means other than a formal written complaint.

Subpart 1208-6 authorizes the Department of State to refer the question of whether a CEO or BSI did or did not materially fail to uphold his or her code enforcement duties to the Department of State’s Office of Administrative Hearings. Upon such referral, an Administrative Law Judge in the Office of Administrative Hearings would conduct a hearing and render a decision in writing. The CEO or BSI would be given notice of the hearing by first-class mail, certified mail, or other means. The hearing would be conducted in accordance with the Department of State’s existing regulations relating to adjudicative hearings (19 NYCRR Part 400) and Article 3 of the State Administrative Procedure Act.

See NYSDOS web site for full text, <http://dos.ny.gov>

Education Committee:

Bill Knickerbocker had the following to report:

- The next training will be June 13th Wednesday at Big Flats see the web site for registration.
- The next tentative training is July 11th in Cortland, August 4th in Dryden NY, September 19th Oxford R&G Club.

By-Laws Committee: Kristie Robinson,

There is no Honorary membership available at NYSBCO but STBOA could offer the membership and pay the NYSBOC portion as a benefit to the honorarium. Presently only about 5 members would qualify.

The honorary membership would wavy the requirements for training. If the membership agrees this would have to be made as an amendment to the charter.

The president asked to further investigate and to draft an amendment for the Honorary membership position. This is to be discussed at the December meeting.

Old Business –

None.

Facebook–

Not much interest but please go to and like us.

New Business-

As stated in the beginning the chapter would like to push forward the state law protecting code officers as one of us was assaulted in his office and the judge release the person without consequence.

Dean Morgan noted Personal Handguns are not allowed to be carried under state law when acting as a code official.

Kevin Mc Mahan noted DOS's Local Government office stated training in training that when your local government has no Zoning regulations that yard setback, sign regulation development issues can't be enforced because there is no basis without local zoning regulations. Where the districts are zoned for one and or two family residences manufacture homes (mobile homes) can't be excluded.

Announcements –

Next meeting scheduled year end quarterly meeting June 13th 2018.

Kevin Ezell moved to adjourn at 1:15 PM. Seconded by Brian Butler. All Ayes; motion carried.

TJD 6/11/18