



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

CONSTRUCTION CODE COMMISSION
Ottawa Building, Upper Level Conference Room 3
611 West Ottawa Street
Lansing, Michigan 48933

MINUTES

January 29, 2025
10:00 a.m.

MEMBERS ATTENDING

Mark Lee, Vice Chairperson
Frank Bayer
Sean Haskin
Jeffrey Zielke
Joe Forro
Scott Weaver
Laurie Catey
Jason Finch
Phillip Copeland

MEMBERS ABSENT

Shanna Draheim, Chairperson
Glenn Davis
Todd Drouillard
Daryl Gallant
Timothy Danielak
Brad Bartholomew
Vacant – Building Contracting
Vacant – General Public

DEPARTMENT PERSONNEL ATTENDING

Alesha Gensler, Division Director, Licensing, Compliance, & Administration Section, BCC
Kelly Bean, Manager, Licensing Section, BCC
Tracie Pack, Manager, Building Trades Section, BCC
Nikki Sklapsky, Departmental Analyst, Building Trades Section, BCC
Shannon Maurer, Manager, Operations Section, BCC
Lakisha Thomas, Departmental Technician, Operations Section, BCC
Megan McCool, Departmental Technician, Operations Section, BCC
Lindsay Schmidt, Assistant Attorney General, DAG
Sandra Karpinsky, Assistant Attorney General, DAG

1. CALL TO ORDER AND DETERMINATION OF QUORUM

Vice Chairperson Lee called the meeting to order at 10:04 a.m. A quorum was present at that time.

2. APPROVAL OF AGENDA

A **MOTION** was made by Commissioner Bayer and **SECONDED** by Commissioner Weaver to approve the agenda. **MOTION CARRIED UNANIMOUSLY.**

3. APPROVAL OF MINUTES

A. October 9, 2024

A **MOTION** was made by Commissioner Finch and **SECONDED** by Commissioner Catey to approve the October 9, 2024, meeting minutes. **MOTION CARRIED UNANIMOUSLY.**

4. NOMINATION AND ELECTION OF OFFICER

A. Vice Chairperson

Assistant Attorney General Lindsay Schmidt provided the Commission with the law regarding the nomination and election of a vice chairperson.

A **MOTION** was made by Commissioner Copeland and **SECONDED** by Commissioner Weaver to nominate and re-elect Commissioner Lee as Vice Chairperson. **MOTION CARRIED UNANIMOUSLY.**

5. APPLICANTS APPEALING DENIAL

A. Kevin Dellavalle– Mechanical Inspector Application

The Commission acknowledged receipt and reviewed Kevin Dellavalle’s appeal and supplemental materials denying his application to Register as a Mechanical Inspector under the requirements of PA 407 of 2016 and Administrative Rules, R 339.5309.

Kevin Dellavalle appeared before and presented to the Commission.

Following discussion, a **MOTION** was made by Commissioner Weaver and **SECONDED** by Commissioner Haskin to deny Kevin Dellavalle’s Application for Registration as a Mechanical Inspector because he failed to establish the necessary licensure qualifications required by the Skilled Trades Regulation Act and Michigan Administrative Code, Rule 339.5309. (Aye: Commissioners Lee, Bayer, Haskin, Zielke, Forro, Weaver, Catey, Finch; Nay: Copeland). **MOTION CARRIED.**

6. PETITION APPLICATION FOR CERTIFICATE OF ACCEPTABILITY

A. Air-Conditioning, Heating and Refrigeration Institute – Industry-Wide Equipment UL 60335-2-40

The Commission acknowledged receipt and reviewed the Air-Conditioning, Heating and Refrigeration Institution’s Petition Application for Certificate of Acceptability for Industry-Wide HVAC Equipment UL 60335-2-40 and all supplemental materials provided.

Tom Deary, Senior Director of Codes for the Air-Conditioning, Heating, and Refrigeration Institute, appeared before the Commission and presented on behalf of the Air-Conditioning, Heating and Refrigeration Institution.

Following discussion, a **MOTION** was made by Commissioner Finch and **SECONDED** by Commissioner Bayer to approve the Petition for Certificate of Acceptability for the Air-Conditioning, Heating and Refrigeration Institution based on the Board of Mechanical Rules' recommendation from their November 21, 2024, Meeting. **MOTION CARRIED UNANIMOUSLY.**

B. Air-Conditioning, Heating and Refrigeration Institute – Industry-Wide Equipment UL 60335-2-89

The Commission acknowledged receipt and reviewed the Air-Conditioning, Heating and Refrigeration Institution's Petition Application for Certificate of Acceptability for Industry-Wide HVAC Equipment UL 60335-2-89 and all supplemental materials provided.

Tom Deary, Senior Director of Codes for the Air-Conditioning, Heating, and Refrigeration Institute, appeared before the Commission and presented on behalf of the Air-Conditioning, Heating and Refrigeration Institution.

Following discussion, a **MOTION** was made by Commissioner Finch and **SECONDED** by Commissioner Haskin to approve the Petition for Certificate of Acceptability for the Air-Conditioning, Heating and Refrigeration Institution based on the Board of Mechanical Rules' recommendation from their November 21, 2024, Meeting. **MOTION CARRIED UNANIMOUSLY.**

C. Tie Down Engineering – Lateral and Longitudinal Foundation System

The Commission acknowledged receipt and reviewed Tie Down Engineering's Petition Application for Certificate of Acceptability for Lateral and Longitudinal Foundation System and supplemental materials.

Forrest Rose, Reginal Sales Manager, appeared before the Commission on behalf of Tie Down Engineering.

Following discussion, a **MOTION** was made by Vice Chairperson Lee and **SECONDED** by Commissioner Copeland to conditionally grant the petition for certificate of acceptability for Tie Down Engineering, subject to home manufacturer's approval, because Tie Down Engineering's product is an accepted practice for this type of housing and is adequate for its intended use and consistent with the reasonable requirements for the health, safety and welfare of the people of this State. **MOTION CARRIED UNANIMOUSLY.**

D. Climate Inc. – Climate NS Adhesive/Sealant

The Commission acknowledged receipt and reviewed Climate Inc.'s Petition Application for Certificate of Acceptability for Climate NS Adhesive/Sealant and supplemental materials.

Phillip Georgeau, owner of Climate Inc., Krystan Clora, and Rob Canal, appeared before the Commission and presented on behalf of Climate Inc.

Following discussion, a **MOTION** was made by Commissioner Bayer and **SECONDED** by Vice Chairperson Lee to approve the adhesive on the condition that it be used for bonding interfaced between wood framing and exterior sheathing, when used in addition to requirements established in prescriptive or engineering code requirements. **MOTION CARRIED UNANIMOUSLY.**

7. **APPLICATION TO ADMINISTER AND ENFORCE**

A. City of Howell – Electrical, Mechanical & Plumbing

The Commission acknowledged receipt and reviewed the City of Howell's Application to Administer and Enforce and supplemental materials.

Erv Suida, Howell City Manager, and Kristi Troy, Planning & Zoning Administrator, appeared before and presented to the Commission on behalf of the City of Howell. Tracie Pack from the Bureau's Building Trades Section appeared and presented on behalf of the Bureau.

Following discussion, a **MOTION** was made by Commissioner Copeland and **SECONDED** by Commissioner Zielke to conditionally approve the City of Howell's Application to Administer and Enforce as requested for Electrical, Mechanical, and Plumbing Codes if, within 30 days of the Commission's January 29, 2025 meeting, the City demonstrates to the satisfaction of the Bureau that it has corrected the Bureau's five (5) outstanding documented items. The transfer date of authority to the City of Howell will be forty-five (45) days after all outstanding items have been reviewed and approved by the Bureau. **MOTION CARRIED UNANIMOUSLY.**

8. **RECOMMENDATION OF PERFORMANCE EVALUATION**

A. Township of Pittsfield – Complaint No. COMPL-AE24000003

The Commission acknowledged receipt and reviewed the complaint against the Township of Pittsfield submitted to the Bureau by Kristy L. Short, a resident of the Township of Pittsfield, and all supplemental materials, as well as the Bureau's request to conduct a performance evaluation pursuant to the complaint and MCL 125.1509b.

Alesha Gensler from the Bureau's Licensing, Compliance and Administrative Section, appeared and presented on behalf of the Bureau. Ms. Gensler represented that the Bureau wished to rescind its prior request to proceed with a performance evaluation based on the Township having addressed the items in the complaint.

Following discussion, a **MOTION** was made by Vice Chairperson Lee and **SECONDED** by Commissioner Weaver to accept the Bureau's rescission of the prior request to proceed with a performance evaluation of the Township of Pittsfield. **MOTION CARRIED UNANIMOUSLY.**

9. CONSTRUCTION CODE APPEAL

A. Veronica Steel/Marion Adams Mills vs. Township of Port Huron

The Commission acknowledged receipt and reviewed the appeal and all supplemental materials submitted by Veronica Steel and Marion Adams Mills.

Assistant Attorney General Lindsay Schmidt provided the Commission with the law relevant to the appeal.

Veronica Steele and Marion Adams Mills, homeowners, appeared before and presented to the Commission. Chris Jerlecki, Chief Building Official of Port Huron, appeared on behalf of the City of Port Huron.

Following discussion, a **MOTION** was made by Commissioner Weaver and **SECONDED** by Commissioner Finch to deny the appeal based on lack of jurisdiction because the International Property Maintenance Code (IPMC) is not incorporated in the Construction Code Act. **MOTION CARRIED UNANIMOUSLY.**

B. Berrien RESA Lighthouse Education Center

The Commission acknowledged receipt and reviewed the variance request and all supplemental materials submitted by Robert Burroughs.

Matt Biglin, Architect O/X Studio, and Troy Boone, Director of Facilities and Security of Berrien RESA, appeared before and presented on behalf of Berrien to the Commission.

Assistant Attorney General Lindsay Schmidt provided the Commission with relevant law regarding the appeal.

Following discussion, a **MOTION** was made by Vice Chairperson Lee and **SECONDED** by Commissioner Bayer to conditionally approve the Berrien RESA Lighthouse Education Center's variance request by O/X Studio because the literal application of MBC 1010.1.9.7 would result in an exceptional, practical, difficulty to the applicant because the delayed-egress devices on the four (4) requested points of egress are adequate for their intended use and do not substantially deviate from performance required by the code of these particular items or parts for the health, safety and welfare of the people of this state, and the specific

conditions justifying the variance are neither so general nor recurrent in nature as to make an amendment of the building code with respect to the conditions reasonably practical or desirable. The request will be approved with the conditions that the locks release upon activation of the fire alarm, fire suppression, power loss, and that they release from a control that is centrally located in the administrative offices. (Aye: Commissioners Lee, Copeland, Bayer, Haskin, Weaver, Catey, Finch; Nay: Zielke, Forro). **MOTION CARRIED.**

10. NEW BUSINESS

A. Code Update Status Report

Shannon Maurer provided a status report of all currently open rule sets.

11. UNFINISHED BUSINESS

None

12. BUREAU QUARTERLY REPORT

Division Deputy Director Alesha Gensler reported on the following:

The Bureau recently went through an organization restructure. Keith Lambert who normally attended and provided the Commission with the Bureau's quarterly report, will now oversee the Specialty Trades Division which includes Boiler, Elevator and Ski and Amusement.

Jon Paradine will now oversee the Inspection Division which includes the Building, Mechanical, Plumbing, Electrical, Plan Review, Permits and Training and Education.

Senate Bill 740 was previously signed into law, is now PA 172 of 2024, and will take effect April 2, 2025. More information will be provided by the Bureau and emailed to all licensees.

The Bureau is still struggling to obtain quorum for meetings. Alesha asked the that the Commissioners please add the meeting dates to their calendar.

13. PUBLIC COMMENT

None

14. NEXT MEETING DATE – APRIL 9, 2025

The Commission is scheduled to meet next at 10:00 a.m. at 611 West Ottawa, Lansing, MI 48933 in the Upper Level Conference Room 4 on April 9, 2025.

15. ADJOURNMENT

A **MOTION** was made by Commissioner Weaver and **SECONDED** by Commissioner Forro to adjourn the meeting at 12:02 p.m. **MOTION CARRIED UNANIMOUSLY.**

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