

Receipt # _____ Date 5/10/17 Building Board Case No. BC-A-03-2017
Permit No. _____

MUNICIPALITY OF ANCHORAGE

Board of Building Regulations Examiners and Appeals

Appeal Emanating from Action of the Building Official

Appeal Emanating from Action of the Fire Official

I (we) John A. Buzdor, P.E. 907-242-9048
Appellant Telephone Number
of 1150 S. Colony Way #3-335 Palmer, AK 99645
Mailing Address City State Zip Code

request a determination be made by the Building Board on the case of:

a. _____ permit denial (type) b. Suspension of (other)
NOA # S.I. # 060

Street Address of Project: N/A
Legal Description: _____
Between Cross Streets: _____ and _____
Status of Project: (check applicable boxes)

- a. Construction has _____ has not _____ started.
- b. Construction was suspended more than six months ago.
- c. Construction is in progress but a stop-work order has been issued by the Municipality.
- d. Construction is pending.
- e. Other N-A
(please state)

This appeal is based on the action of the Building Official or Fire Official, who claims that:
(check one or more)

- a. Materials(s) chosen (is) (are) not appropriate for intended use.
- b. Type(s) or method(s) of construction (is) (are) not permitted.
- c. A Fire/Life Safety deficiency exists for the intended type of occupancy, which takes precedence over the plans as submitted and approved for permit.
- d. Other Suspension of M.O.A. S.I. Lic # 060
(please state) (SEE ATTACHED) John A. Buzdor

May 10, 2017

MOA Board of Building Regulation Examiners and Appeals
Community Development Department
Development Services Division
P.O. Box 196650
Anchorage, AK., 99519

Attn: Building Board Secretary

Re: Suspension of MOA SI# 060 John A. Buzdor

I am appealing the MOA Building Official's April 13, 2017 letter suspending my Special Inspector's license for 6 months. The basis of my appeal is as follows:

I was not initially suspended by the Building Official, but rather by the Chief of Building Inspections in a February 23, 2017 letter. My initial suspension was illegal, as it did not emanate from MOA's Building Official. I was not initially suspended per Section 23-15-1703.7.3.2, but by Section 23.15.1703.7.3.1. My initial suspension was indefinite. I was not formally suspended by MOA's Building Official until April 13, 2017. In the context that I have practiced special inspection in Anchorage for over 20 years, the Building Official has not convincingly established that I have neglected my duties, demonstrated a lack of knowledge, falsified documents or misrepresented qualifications, as required by Section 23-15-1703.7.3.2. Further, I contend that the Building Official's charges to the contrary are based on bias.

MOA Building Safety has had years to develop a formal grievance system for special inspectors; a grievance system based on due process; a grievance system that takes into account the severity of a violation and an inspector's history of violations; a grievance system that assigns penalties in accordance with published rules. MOA has not developed such a system.

As previously mentioned, I've practiced special inspection in Anchorage for over twenty years. I was the special inspector on the downtown Marriott, the MacKay Building restoration, the UAA Consortium Library Addition, Lowes, Target, and many other projects. I performed special inspections on barracks and hangars on JBER. I have performed special inspections on schools, warehouses and fire stations in the Mat-Su Borough. In total, I have performed thousands of special inspections in. None of the projects I worked on have building safety issues resulting from my inspections.

I believe my bias problems with MOA began many years ago when I objected to MOA's insistence that the special inspector also not do the concrete testing on a concrete placement. IBC does not disqualify a special inspector from also providing concrete testing. On larger pours, where the point of placement is out of sight of the concrete truck, it makes sense, otherwise is just adds cost to the owner. I have been "singled out" ever since.

On March 8, 2017 my employer and myself met with the Building Safety Department to discuss my initial suspension. When I asked how long the suspension would be, Hans Gisler, (MOA Chief of Building Inspections, author of the February 23, 2017 letter) stated that my suspension would be indefinite. This was not acceptable to my employer, or me, nor did it seem legal.

At that same meeting, Building Official Kent Kohlhase, stated that he would make a "decision" if HDL, my employer, would write him an "appeal" letter. Evidently, my employer was to appeal the indefinite suspension handed down by Hans Gisler, who is not MOA's Building Official, to the actual MOA Building Official, Kent Kohlhase. My employer sent the requested appeal letter to Kent Kohlhase on March 16, 2017. It was not until April 13, 2017 that my employer received a letter from Mr. Kohlhase containing my six-month suspension. Why six months? Why not time served? Why not a warning or a fine? The reason is because MOA has no formal grievance process regarding special inspection transgressions and penalties.

I have not been afforded due process. I was suspended illegally, without warning or notice, for an indefinite length of time. There was no credible, imminent threat to building safety by my actions at the time of my suspension. My employer and I have sustained real losses, in currency and reputation, as together we had a growing Special Inspection business in MOA. Outside of MOA Building Safety, I have received nothing but support from my employer, clients and colleagues.

For the reasons outlined above, I ask the board to have my suspension rescinded and my MOA Special Inspection license restored. I also request a written apology from Chief of Inspections Hans Gisler for his unmentionably rude behavior in front of my wife and employers during the aforementioned March meeting.



John A. Buzdor

Attachments:

MOA Letter, 2/23/17

HDL Letter, 3/16/17

MOA Letter, 4/13/17

MUNICIPALITY OF ANCHORAGE

DEVELOPMENT SERVICES DEPARTMENT



343-8301
Fax: 343-8200

February 23, 2017

John A. Buzdor P.E.
HDL Engineering
Statewide Services
3335 Arctic Boulevard #100
Anchorage AK 99503

RE: Suspension of MOA Special Inspector License #060

Dear Mr. Buzdor,

Please find enclosed a copy of a special inspection report provided by you for permit number C16-1560 and dated December 12, 2016. The report states that you did the EIFS special inspections for this project (BMW Showroom Addition).

According to our records you are not certified or qualified to do EIFS special inspections. Presenting yourself to Owner's and Contractor's as being certified breaks the Code of Ethics for Special Inspectors (see attachment).

As a result of your actions and previous failure on your part to perform competent special inspections requires the Building Official to suspend your approval as a special inspector, MOA SI #060, as provided by Local Amendments to the International Building Code 2012 Edition, Section 23.15.1703.7.3.1.

You may also contact me and arrange for an appointment to discuss this if you wish.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hans Gisler', written over a horizontal line.

Hans Gisler
Chief of Building Inspections
Municipality of Anchorage
4700 Elmore Rd
Anchorage AK 99519

HG/tk

1 approvals shall be renewed every two (2) years by reapplication of the
2 special inspector.
3

4 **23.15.1703.7.3.1 Approval suspension.**

5 Add the following subsection to read as follows:
6

7 The building official may suspend an individual's approval as a special
8 inspector for a project where the special inspector demonstrates a lack
9 of knowledge, neglects duties due to the special inspector's own fault
10 or falsifies documents. The special inspector shall be provided written
11 notification and shall be afforded the opportunity by the building official
12 to be heard. Decisions may be appealed to the Building Board of
13 Examiners and Appeals.
14

15 **23.15.1703.7.3.2 Removal of pre-approval status.**

16 Add the following subsection to read as follows:
17

18 The building official may revoke or suspend an individual's pre-
19 approval status when a special inspector neglects duties,
20 demonstrates a lack of knowledge, falsifies documents or
21 misrepresents qualifications. Pre-approved status may be reinstated
22 on recommendation of the Special Inspector Peer Committee or after
23 365 days and upon submission of proof of additional training or
24 certifications. The special inspector shall be provided written
25 notification and shall be afforded the opportunity by the building official
26 to be heard. Pre-approval status decisions may be appealed to the
27 Building Board of Examiners and Appeals.
28

29 **23.15.1703.8 Ad hoc special inspector peer committee.**

30 Add a new subsection to read as follows:
31

32 An advisory committee of special inspection peers may meet to
33 provide guidance on special inspection matters including but not
34 necessarily limited to, special inspector qualifications, special
35 inspection related code issues, special inspection requirements,
36 remedies to disputes regarding special inspection duties and
37 procedures, and special inspector approval program issues. The Ad
38 Hoc Special Inspection Committee shall be comprised of a balanced
39 membership of peers and shall include a balanced representation of
40 the special inspection profession, design professionals, and public
41 officials. The committee shall meet as required and shall be chaired by
42 the building official or designee. Decisions by the building official may
43 be appealed to the Building Board of Examiners and Appeals. For a
44 quorum, a peer committee requires attendance of individuals from four
45 (4) businesses performing similar special inspections, and the building
46 official.
47

48 **23.15.1704.2.4 Report requirement.**

49 Delete the fourth and fifth sentence and replace with the following:
50

| | | | | |
|--------------------------|-----------|------------------|--|---------------------------------|
| <input type="checkbox"/> | 1705.16.1 | Fire Stopping | Penetration firestops & Fire resistant joint systems | IFC Certificate |
| | 1705.16.2 | | | & IFC 8-hr inspector seminar |

MINIMUM EXPERIENCE AND CERTIFICATIONS FOR SPECIAL INSPECTOR PRE-APPROVAL PROGRAM

CODE OF ETHICS FOR SPECIAL INSPECTORS

Code of Ethics

In order to safeguard the health and well being of the public and to maintain integrity and high standards of skills, practice, and conduct, the following shall be the Code of Ethics for Special Inspectors.

1. Integrity. Special Inspectors shall act with complete integrity in professional matters and be forthright and candid to their customers and MOA Building Safety inspectors and plan reviewers.

2. Responsibility to the Public. In performing Special Inspections, an inspector's primary obligation is to protect the safety, health, property, and welfare of the public. Special Inspectors shall therefore perform their duties in a conscientious and impartial manner. Accordingly, a Special Inspector shall:

2.1. Perform assignments only when qualified by training, experience, and capability.

2.2. Present credentials upon request.

2.3. Not falsely represent current status nor misrepresent categories for which a Special Inspector has been approved by MOA Building Safety.

2.4. Be completely truthful, objective, thorough, and factual in any written report, statement, or testimony concerning the work, and include all relevant or pertinent information.

2.5. Sign only for work that the Special Inspector has personally inspected.

2.6. Neither associate with nor knowingly participate in a fraudulent or dishonest venture.

3. Public Statements

3.1. A Special Inspector shall issue no statement, criticism or argument on inspection matters which were inspired or paid for by an interested party, or parties, without first identifying the party and disclosing any possible financial or other interest.

3.2. A Special Inspector shall publicly express no opinion on inspection subjects unless it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence pertinent to the subject, and upon honest conviction of the accuracy and propriety of the statement.

4. Conflict of Interest

4.1. A Special Inspector shall avoid a conflict of interest with a client and shall disclose any business association, or circumstance that might be so considered.

4.2. A Special Inspector shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties or their authorized agents, including MOA Building Safety.

4.3. A Special Inspector shall not solicit or accept gratuities, directly or indirectly, from any party, or parties, dealing with the client or employer in connection with the Special Inspector's work.

4.4. A Special Inspector shall only accept work from, and be paid by, an Owner, or Architect or Engineer of Record acting as the Owner's representative. Work for owners doing design-build projects must have pre-authorization from MOA Building Safety. Special Inspection work may not be performed for, or be paid by, contractors.

5. Approval by MOA Building Safety

5.1. A Special Inspector shall not pay, solicit, nor offer, directly or indirectly, any bribe or commission for approval by MOA Building Safety.

5.2. A Special Inspector shall not falsify, exaggerate, or misrepresent personal academic or professional qualifications, past assignments, accomplishments or responsibilities.

5.3. A Special Inspector shall not perform special inspections in the Municipality of Anchorage without first obtaining credentials from MOA Building Safety. Such credentials shall authorize a Special Inspector to perform special inspections in approved categories.

6. Unauthorized Practice. A violation of any part of this Code of Ethics shall constitute an unauthorized practice subject to imposition of sanctions by MOA Building Safety.

Customer # 358038 Expire //
 Name* Buzzor Is Licensod
 First Name John MI Is Agency Contractor
 Title Professional ID
 Birth Date // Professional Rate 00
 Language English Driver License #
Driver License State

Contact Information Also Known As Relationships Insurance Notifications

Licenses for this Contact (10 records)

| License # | Type | Expired Date | Inactive | Inactive Date | Comments |
|------------------------------|-----------|--------------|-------------------------------------|---------------|----------|
| <input type="checkbox"/> 060 | SI MOA | 5/24/2018 | <input type="checkbox"/> | | |
| <input type="checkbox"/> 060 | SI WOOD | 5/8/2014 | <input checked="" type="checkbox"/> | | |
| <input type="checkbox"/> 060 | SI SOILS | 3/1/2017 | <input type="checkbox"/> | | |
| <input type="checkbox"/> 060 | SI PIERS | 3/1/2017 | <input type="checkbox"/> | | |
| <input type="checkbox"/> 060 | SI FIRES | 3/1/2017 | <input type="checkbox"/> | | |
| <input type="checkbox"/> 060 | SI DICA | 3/1/2017 | <input type="checkbox"/> | | |
| <input type="checkbox"/> 060 | SI CMU | 3/1/2017 | <input type="checkbox"/> | | |
| <input type="checkbox"/> 060 | SI RACK | 3/1/2017 | <input type="checkbox"/> | | |
| <input type="checkbox"/> 060 | SI PT CON | 3/1/2017 | <input type="checkbox"/> | | |

SPECIAL INSPECTION REPORT

| | |
|---|---|
| Project Name: <u>BMW SHOWROOM ADDITION (C16-1560)</u> Project No: <u>16-431</u> Client: <u>OWNER</u> Location: <u>ANC/AK</u> Area Inspected: <u>EFS, ALL, HIGH AND LOW, NORTH, EAST, WEST</u> <u>ELEVS</u> | Contractor: <u>MCN</u> Contractor's Rep: <u>MW</u> Special Inspector: <u>JAB</u> Inspection Date: <u>12/27/16</u> Inspection Time: <u>12:00 PM</u> Time Onsite: <u>3 HRS</u> Reference Drawings: <u>PER APPROVED DWGS</u> |
|---|---|

| WORK DETAIL | COMMENTS |
|--------------|---|
| CONSTRUCTION | AIR BARRIER COMPLETE, MESH PLACED AS SPECIFIED, FOAM LARGELY COMPLETE. |
| | DRYVIT SYSTEM USED IN PLACE OF PAREX SYSTEM SPECIFIED. CLARIFICATION REQUESTED. |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

Review Date: 12/28/16 Reviewed by: JOHN A. BUZZDOR, PE



SPECIAL INSPECTION REPORT

| | |
|---|--|
| Project Name: BMW SHOWROOM ADDITION (C16-1560) Project No: 16-431 Client: OWNER Location: ANC/AK Area Inspected: EIFS, ALL, HIGH AND LOW, NORTH, EAST, WEST ELEVS | Contractor: MCN Special Inspector's Rep: MW Special Inspector: JAB Inspection Date: 12/28/16 Inspection Time: 12:30 PM Time Onsite: 3 HRS Reference Drawings: PER APPROVED DWGS |
|---|--|

| WORK DETAIL | COMMENTS |
|--------------|--|
| CONSTRUCTION | FOAM BOARD INSTALLATION COMPLETE. GAPS REMAIN - SPRAY FOAMING IN PROCESS |
| | AT TIME OF INSPECTION, DRYVIT SYSTEM ACCEPTABLE AS ALTERNATIVE TO |
| | SPECIFIED SYSTEM PER GC VIA AOR. |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

Review Date: 12/28/16 Reviewed by: JOHN A. BUZDOR, PE



Municipality of Anchorage

Mark Begich, Mayor



Building Safety Division

P.O. Box 196650 • 3700 Denig Street
Anchorage, Alaska 99519-6650 • (907) 343-8301 • Fax (907) 343-8200
<http://www.muni.org>

October 12, 2005

John Buzdor
Buzdor Engineering
Statewide Services
3705 Arctic Boulevard # 1593
Anchorage AK 99503

RE: Special Inspection, Plaza 101, Permit #05-5753

Dear Mr. Buzdor,

Please find enclosed a copy of a special inspection report provided by you and dated September 30, 2005 that states the footing reinforcement complies with the plans for the Plaza 101 project.

Subsequent inspection by Municipality of Anchorage structural inspector Howard Romig revealed that the installation did not match the plans provided to him. The discrepancies noted were:

- 1) Plan details show two mats of rebar in exterior footings. In actuality the top mat was missing from all the footings.
- 2) Retaining wall footings and vertical rebar for the walls were not placed per the drawings.

As a result of Howard's inspection, the work was not approved and progress was stopped until corrections and a reinspection could be performed. Building Safety is concerned about the missing reinforcement and non-compliant spacing and by the fact that you approved the installation.

Please be advised that the installations approved by special inspectors must be in accordance with the engineered drawings and that any special inspector failing to perform his duty in a professional and responsible manner will be subject to suspension of his approval as a special inspector by the Municipality of Anchorage. This letter is to notify you that future special inspection approvals on your part that do not reflect the actual installation will be cause to consider suspension of your status as an approved special inspector.

If you have an explanation of how and why this installation was approved by you and then did not match the plans when inspected by us please forward it to me. You may also contact me and arrange for an appointment to discuss this if you feel there are facts we are not aware of.

Sincerely,

Rick Thornton
Acting Chief of Building Inspections
(907) 343-8330

RT/vg

cc: Ron Thompson, Building Official
Ron Wilde, Plan Review Engineer
Jim Stubbs, Lead Structural Inspector

SPECIAL INSPECTION REPORT

| | | | |
|-----------------|---------------------------------------|---------------------|----------------------------|
| Project Name: | <u>PLAZA 101 (PERMIT NO. 05-5753)</u> | Contractor: | <u>JANSSEN CONTRACTING</u> |
| Project No: | <u>7031</u> | Contractor's Rep: | <u>CG</u> |
| Client: | <u>JANSSEN</u> | Special Inspector: | <u>JAB</u> |
| Location: | <u>ANC/AK</u> | Inspection Date: | <u>9/30/05</u> |
| Area Inspected: | <u>FOOTINGS, ALL</u> | Inspection Time: | <u>12:30 PM</u> |
| Elevation: | <u>FND</u> | Time Onsite: | <u>1 HR</u> |
| | | Reference Drawings: | <u>PER APPROVED DWGS</u> |

| WORK DETAIL | COMMENTS |
|---------------|--|
| REINFORCEMENT | COMPLIES W/PLANS. PROVIDE CLEARANCES W/GROUND AND FORMS AS REQUIRED. |
| | WILL VERIFY CLEARANCE PRIOR TO CONCRETE PLACEMENT. |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

Review Date: 9/30/05 Page 1 of 1 Reviewed by: 

November 20, 2006

John Buzdor
Buzdor Engineering
Statewide Services
3705 Arctic Boulevard #1593
Anchorage AK 99503

Please find enclosed a copy of a special inspection report provided by you for permit number 06-5868 and dated November 11, 2006. The report states that the reinforcement for a thickened slab wall foundation complies with the approved plans for the project.

Subsequent inspection by Municipality of Anchorage structural inspector Paul Bergeron revealed that the installation did not match the approved plans provided on the jobsite. The discrepancy noted was:

- 1) The plans show a thickened slab connecting to the foundation wall. Instead, a foundation consisting of five courses of block with slab dowels was provided.

As a result of Paul's inspection, the work was not approved and progress was stopped until a change order was submitted, approved by plan review and a reinspection performed.

The necessity for the special inspector to perform knowledgeable and accurate inspections was stressed to you in a previous letter dated October 10, 2005 concerning permit number 05-5753. In that letter you were cautioned " that future special inspection approvals on your part that do not reflect the actual installation will be cause to consider suspension of your status as a special inspector."

This letter is your second documented warning that your inspection did not meet the requirements of IBC 2003 Section 1704. In this case, specifically, section 1704.1.2 which requires that reports shall indicate that work inspected was done in conformance to approved construction documents.

Please be advised that another failure on your part to perform competent special inspections will require the Building Official to suspend your approval as a special inspector as provided by Local Amendments to the International Building Code 2003 Edition, Section 23.15.1704.2.3.2.

If you have an explanation of how and why this installation was approved by you but did not match the approved plans when inspected by us please forward it to me. You may also contact me and arrange for an appointment to discuss this if you wish.

Sincerely,

Rick Thornton
Acting Chief of Inspections

RT/vg

Thornton, Richard W.

From: Thornton, Richard W.
Sent: Wednesday, June 04, 2008 9:29 AM
To: Thornton, Richard W.
Subject: John Buzdor

When: Tuesday, June 03, 2008 11:00 AM-12:00 PM (GMT-09:00) Alaska.
Where: Building Safety Conference Room

~~*~*~*~*~*~*~*~*

John Buzdor, 746-1593
5/28 vg

Meeting notes:
Meeting was held on time; Ron Thompson, Jim Stubbs, Rick Thornton and John Buzdor present.

Ron explained that inspections must be performed diligently, as required by adopted codes. 2 warning letters and 1 previous meeting here at building safety was sufficient notice that quality of inspection was not acceptable and that another incident resulting in a project work stoppage would be forwarded to the Building Official to consider canceling approval as special inspector.

John Buzdor agreed to follow requirements. Commented on the more restrictive inspection process, noted his years of experience and that he is a PE.

Ron Thompson stressed that we depended on their specialized training and co-operation. Ron OK'd special inspection approval if Mr. Buzdor's application met the requirements. John Buzdor provided completed renewal application and copies of current certifications. These were received by Rick Thornton for processing.

Rick Thornton
Chief of Inspections
Municipality of Anchorage
Office 907-343-8330,
Fax 907-249-7387

JOHN BUZDOR
S.I. # 060

| DATE | PERMIT# | ADDRESS | NON-COMPLIANCE | INSP. |
|----------|--|------------------|--|-------|
| 09/30/05 | 05 5753 | Plaza 101 | NC rebar | HR |
| 10/12/05 | 05 5753 | Plaza 101 | 1st Warning | RT |
| 11/16/06 | 06 5868 | AK USA | NC MOA Plans | PB |
| 11/20/06 | 06 5868 | AK USA | 2nd Warning | RT |
| 11/30/06 | Response from Buzdor to 2nd letter | | | |
| 06/16/07 | 07 5169 | APU | Wrong location | PC |
| 08/19/07 | 07 5253 | Target | NC rebar | DH |
| 08/30/07 | 07 5253 | Target | NC rebar | DH |
| 09/10/07 | 07 5253 | Target | Rebar/Meeting at MOA office | RT |
| 01/23/08 | 07 6039 | UPS | NC CMU | BL |
| 02/12/08 | 07 6039 | UPS | Off site during grout pour | BL |
| 02/14/08 | 07 6039 | UPS | NC CMU | BL |
| 05/23/08 | 08 4174 | 4001 Denali | Rebar placement | BG |
| 06/03/08 | Meeting minutes: John Buzdor, Ron Thompson, Richard Thornton & Jim Stubbs re: SI Quality concerns. | | | |
| 06/12/08 | 08 4196 | Lowe's | NC - rebar | DH |
| 08/18/08 | 07 5556 | 2150 Raspberry | Rebar clearances | BL |
| 08/20/08 | 07 6004 | 1000 Ingra | No inspection done, Off site during concrete pour | BG |
| 09/12/08 | 08 4196 | Lowe's | Inspected prior to finish rebar placement | PC |
| 10/01/08 | 08 4777 | 2197 W Dimond | NC rebar | BL |
| 02/18/09 | 08 4196 | Lowe's | Fines - Not licensed inspectors | DH |
| 06/19/09 | 09 4259 | 2020 Viking Dr | NC - rebar | PC |
| 09/16/13 | | Dimon Center | Fines - Soils | GH |
| 05/13/16 | 15 2200 | N.Airpark Hangar | NC - rebar | PC |
| 06/13/16 | 15 2200 | N.Airpark Hangar | NC - CMU | PC |
| 5/5/2014 | MOA SI #060 expired. Not renewed until 5/25/16. Performed special inspections without License. Renewed license only after being told by HG, Chief of Inspections | | | |
| 12/27/16 | 16 1560 | BMW | Performed EIFS special inspection without certification. | PC |
| 02/23/17 | Suspension of License letter by certified mail | | | HG |

March 16, 2017

Kent Kohlase, City Engineer & Building Official
Municipality of Anchorage
P.O. Box 196650
Anchorage, AK 99519-6650

RE: Appeal of Suspension of MOA Special Inspector License #060

Dear Mr. Kohlase:

We are in receipt of the letter by Mr. Hans Gisler, Chief of Building Inspections, dated February 23, 2017. That letter suspends John Buzdor's Special Inspector License #060 in accordance with Section 23.15.1703.3.1 of the Local Amendments to the International Building Code 2012 Edition. That section of the code refers to suspending an individual's approval as a special inspector for a project. We met with you and your staff on March 11, 2017 to discuss the suspension. At the meeting, it was clearly stated that the intent is to permanently suspend (revoke) his license and pre-approval status in accordance Section 23.15.1703.3.2.

We wish to appeal that decision. A permanent revocation of his license and pre-approval status seems excessive for the violation. We understand John performed a minor EIFS inspection. He has IBC training and many years of experience with similar EIFS installations. This minor installation was not outside his area of expertise. The need for an EIFS Special Inspector was not discussed at the pre-construction meeting for the BMW Showroom Remodel project. John did not know there was a requirement for an EIFS Special Inspector and did not intentionally or knowingly violate the Code of Ethics for Special Inspectors. HDL was recently made aware of past written reprimands and warnings, mostly 8-10 years ago before John's employment at HDL. But his license has never been suspended. To go from old written reprimands to now permanently revoking his license seems severe. We appeal the permanent revocation of his license. Something less severe, such as a written reprimand, temporary suspension, or additional training seems more appropriate for this violation.

Thank you for your consideration of this appeal. We look forward to resolving this matter quickly. Please do not hesitate to contact me if you have any questions.

Sincerely,

HDL Engineering Consultants, LLC

Dennis Linnell
Partner

cc: Hans Gisler, Chief of Building Inspections

CIVIL
ENGINEERING

GEOTECHNICAL
ENGINEERING

TRANSPORTATION
ENGINEERING

ENVIRONMENTAL
SERVICES

PLANNING

SURVEYING
& MAPPING

CONSTRUCTION
ADMINISTRATION

MATERIAL
TESTING

RIGHT-OF-WAY
SERVICES

MUNICIPALITY OF ANCHORAGE

DEVELOPMENT SERVICES DEPARTMENT



343-8301
Fax: 343-8200

April 13, 2017

Dennis Linnell, P.E.
Partner
HDL Engineering Consultants, LLC
3335 Arctic Boulevard, Suite 100
Anchorage, AK 99503

RE: Special Inspector License #060
John Buzdor

Dear Mr. Linnell:

I have reviewed your letter dated March 17, 2017 appealing the suspension of John Buzdor's Special Inspector License. Chief of Inspections Hans Gisler suspended Mr. Buzdor's license in a letter dated February 23, 2017 (attached).

Mr. Gisler suspended Mr. Buzdor's license based on several factors:

- Mr. Buzdor conducted a special inspection on an Exterior Insulation Finishing System (EIFS) installation (building permit C16-1560). Mr. Buzdor is not certified as a special inspector in the EIFS category.
- On C16-1560, Mr. Buzdor approved an EIFS system different than the system specified on the approved drawings.
- Mr. Buzdor was twice informed by letter (October 12, 2005 and November 20, 2006, attached) that he had issued special inspection approvals of work that was not installed in compliance with the approved plans. The 2006 letter stated "... *another failure on your part to perform competent special inspections will require the Building Official to suspend your approval as a special inspector...*"
- Mr. Buzdor was counseled by Building Official Ron Thompson at a June 3, 2008 meeting (notes attached) that two warning letters (noted above) and a previous meeting indicated that the quality of Mr. Buzdor's inspection work was not adequate. Mr. Thompson noted that future incidents could be a basis for cancelling his approval as a special inspector.
- At our March 8, 2017 meeting with you and Mr. Buzdor, Mr. Gisler provided a list (attached) of several instances where Mr. Buzdor's actions were not in conformance with the requirements of the special inspection program.
- Mr. Buzdor's MOA license as a special inspector had expired on June 21, 2014. It was not renewed until May 26, 2016 when Mr. Gisler brought the lapsed license to his attention. Mr. Buzdor indicated the lapse was due to poor record-keeping and stated he believes the municipality should have the responsibility to inform licensees of pending expirations.

Mr. Gisler's letter suspending Mr. Buzdor's approval as a special inspector did not state a time limit for the suspension. At our March 8 meeting, Mr. Gisler stated his intent was the approval would be suspended indefinitely.

At the meeting, Mr. Buzdor offered several reasons why he believed he had been in compliance with the requirements of the special inspection program, and why his license should not be suspended.

Mr. Buzdor stated he was not aware that EIFS is a separate category, requiring separate certification. The license renewal form clearly lists EIFS as a separate category, and Mr. Buzdor completed that form, selecting several other categories in which he was certified.

Mr. Buzdor also made statements at the meeting that call into question his understanding regarding application of special inspection procedures. Specifically, he acknowledged he had not inspected each phase of the EIFS installation, but instead only inspected the installed system. He also stated that although he had performed the inspections prior to arrival of the municipal inspector, he was so busy he could not complete the inspection reports timely. The special inspection program requires special inspections be performed and approved by a written report prior to municipal inspection. Special inspectors are required to complete inspection reports and leave them at the project. Any observed discrepancies must be noted. All corrections must also be noted. Mr. Buzdor did not follow this process on many occasions.

Although we have documentation of numerous instances where Mr. Buzdor has not complied with the requirements of the special inspection program, we have never taken action to suspend his license. Because of this, I do not believe a permanent or indefinite suspension is appropriate.

Considering all of the available information, it is my decision that a temporary suspension of Mr. Buzdor's Special Inspector approval is an appropriate response to his actions. I am therefore suspending his approval as a special inspector for 6 months. The suspension is effective February 23, 2017, the date of Mr. Gisler's letter. The suspension will expire August 23, 2017.

The authority for this suspension is found at Anchorage Municipal Code 23.15.1703.7.3.2 – Removal of Pre-Approval Status.

Prior to reinstatement of Mr. Buzdor's approval as a special inspector, he must complete the following actions:

- Complete the ICC training "Becoming a Special Inspector".
- Complete the ICC training "Special Inspection – The Big Picture".
- Provide documentation of all current certifications.
- Provide a signed statement confirming that he will follow the special inspection procedures, to include providing a completed standardized special inspection report form to contractors at the project prior to MOA inspection.

Suspension of MOA Special Inspector License #060

April 13, 2017

Page 3

My decision may be appealed to the Board of Building Regulation Examiners and Appeals.

Future infractions will result in a longer suspension. A serious infraction could result in permanent revocation of his approval as a special inspector.

In your letter, you outline steps HDL will be taking with respect to your overall special inspection program. I appreciate that commitment, and we believe it will be beneficial to your program.

Please feel free to contact me if you have any questions regarding this letter or my decision.

Sincerely,



Kent Kohlhase, P.E.
Acting Building Official

enclosures

cc: John Buzdor, P.E.
Hans Gisler, Chief of Inspections