

# MUNICIPALITY OF ANCHORAGE

DEVELOPMENT SERVICES DEPARTMENT



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DATE: May 25, 2017  
TO: Building Board Appeal Panel  
From: Kent Kohlhase, P.E., Building Official  
Subject: Overview of Case, Suspension of John Buzdor Special Inspector License  
Case No.: BCI-A-03-2017

On February 23, 2017, Chief of Inspections Hans Gisler informed Mr. John Buzdor he had performed special inspections in a category for which he was not licensed. Specifically, Mr. Buzdor had performed inspections of an Exterior Insulation and Finish Insulation System (EIFS). The letter went on to state these actions were in violation of the Code of Ethics for Special Inspectors. Mr. Gisler advised Mr. Buzdor because of this situation, as well as previous documented instances where Mr. Buzdor had not performed competent special inspections, the Building Official would take action to suspend Mr. Buzdor's approval as a special inspector.

On March 8, 2017, following issuance of Mr. Gisler's letter, MOA staff met with Mr. Buzdor and representatives from his employer, HDL Engineering Consultants, LLC. At that meeting, MOA staff explained to Mr. Buzdor and his employer the basis for the suspension. MOA presented letters to Mr. Buzdor dated October 12, 2006 and November 20, 2006 advising him that his inspections had inaccurately stated work installed conformed to the approved plans for the projects when in fact the work did not conform. Both letters contained statements advising Mr. Buzdor future infractions would result in suspension of his approval as a special inspector.

We also provided Mr. Buzdor with meeting notes in the form of an email prepared by then-Chief of Inspections Rick Thornton, documenting a meeting on June 3, 2008 attended by Mr. Buzdor, Mr. Thornton, lead structural inspector Jim Stubbs, and then-Building Official Ron Thompson. At that meeting, Mr. Thompson informed Mr. Buzdor MOA had documented lack of quality in Mr. Buzdor's inspections, and another incident would require the Building Official to consider cancelling his approval as a special inspector.

We also provided Mr. Buzdor with a list of about 20 instances where Mr. Buzdor had performed inspections and approved work that did not comply with approved plans, or had not performed inspections at appropriate stages of the work as required by special inspection procedures.

Mr. Gisler proposed to suspend Mr. Buzdor's license based on several factors:

- Mr. Buzdor conducted a special inspection on an Exterior Insulation and Finish 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) 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 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 stating the Building Official would suspend 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.

Following the meeting, Mr. Dennis Linnell, P.E., Mr. Buzdor’s employer, sent a letter to the Building Official requesting reconsideration of the decision to permanently suspend Mr. Buzdor’s approval as a special inspector. In his letter, Mr. Linnell requested the Building Official “...

consider other disciplinary action, such as a written reprimand, temporary suspension, and additional training.”

Upon consideration of Mr. Linnell’s letter, I agreed to reduce Mr. Buzdor’s suspension to a period of 6 months, beginning on the date of Mr. Gisler’s February 23 letter. The suspension will expire August 23, 2017. In making my determination, I took into consideration the fact that there had not been previous, progressive disciplinary action taken against Mr. Buzdor. Had there been prior disciplinary action, I would have suspended Mr. Buzdor’s approval for 365 days as provided by AMC 23.15.1703.7.3.2. I also considered Mr. Linnell’s recommendation that a temporary suspension would be an appropriate response to this infraction.

The provisions for suspension of approval as a special inspector are found in Anchorage Municipal Code at:

**23.15.1703.7.3.1 - Approval suspension.**

Add the following subsection to read as follows:

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

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

Add the following subsection to read as follows:

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

Mr. Buzdor has a documented history of not fully following the requirements of the special inspection program. He has also expressed a disregard for some provisions of the program, for example, stating that he was too busy to prepare reports at the time of the inspection. I understand the requirements of the special inspection program are rigorous; they are that way intentionally. MOA relies heavily on special inspectors to complement and enhance the municipal inspection program, and to play a significant role in ensuring projects are constructed according to approved plans. Based on the history of events related to Mr. Buzdor’s career as a special inspector, we do not have confidence that he has done so.

In his appeal letter dated May 10, 2017, Mr. Buzdor states Mr. Gisler illegally suspended Mr. Buzdor’s approval as special inspector. In fact, Mr. Gisler’s letter states in part:

"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..." (emphasis added)

While Mr. Gisler did state at the meeting his intent that Mr. Buzdor's approval be suspended permanently, that statement did not constitute a decision of the Building Official. Mr. Buzdor's approval was not formally suspended until my letter dated April 13, 2017.

Mr. Buzdor also suggests that I consider a suspension of time served. I would point out that by backdating the 6-month suspension to start on the date of Mr. Gisler's letter, I effectively granted Mr. Buzdor nearly 2 months of time served against his suspension.

Mr. Buzdor states there is a bias against him in the department. To my recollection, I have never interacted with Mr. Buzdor before this situation arose. I have been the acting Building Official for about 1 year. Mr. Gisler has been the Chief of Inspections for about 16 months, when he began his employment with the Municipality. I have no knowledge of any issues related to concrete testing by special inspectors, as Mr. Buzdor alleges.

Mr. Buzdor states that although his employer sent me the letter appealing his suspension on March 16, I did not respond by letter until April 13. That is technically correct, although I did inform Mr. Linnell of my decision to suspend Mr. Buzdor's approval for 6 months in an email dated March 24, not an unreasonable period of time after Mr. Linnell's letter was received.

Mr. Buzdor was afforded due process. He was provided written notification. He was heard by the Building Official. He is now exercising the next step in the due process, appealing to this body.

A 6-month suspension is appropriate in this situation. We respectfully request you find in favor of the Municipality on this matter.



Kent Kohlhase, P.E.  
Acting Building Official