

**CIVIL CODE REQUIRES INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS TRAINING BY THE STATE OF STAFF PLANNERS HANDLING PERMITS AND OF CODE ENFORCEMENT PERSONNEL. SANTA CRUZ COUNTY PLANNING DIRECTOR AND STAFF ARE UNTRAINED AND UNCERTIFIED AND REMAIN EVEN AFTER ACTIVISTS POINT OUT IN DOZENS OF PROTESTS TO BOARD OF SUPERVISORS 2008 – 2010. ELLEN PIRIE CONTINUES ILLEGAL CORRUPTION SCHEME AGAINST PROPERTY OWNERS TO EXTORT FEES AND FALSIFIED PENALTIES WITH UNCERTIFIED PLANNING DEPARTMENT AND CONTINUES TO EVADE OFFERING STATE REQUIRED CITIZEN OCCUPIED APPEALS BOARD.**

CIVIL CODE 43.99. (a) There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any person or other legal entity that is under contract with an applicant for a residential building permit to provide independent quality review of the plans and specifications provided with the application in order to determine compliance with all applicable requirements imposed pursuant to the State Housing Law (Part 1.5 (commencing with Section 17910) of Division 13 of the Health and Safety **Code**), or any rules or regulations adopted pursuant to that law, or under contract with that applicant to provide independent quality review of the work of improvement to determine compliance with these plans and specifications, if the person or other legal entity meets the requirements of this section and one of the following applies:

(1) The person, or a person employed by any other legal entity, performing the work as described in this subdivision, has completed not less than five years of verifiable experience in the appropriate field and has obtained certification as a building inspector, combination inspector, or combination dwelling inspector from the **International Conference of Building Officials (ICBO)** and has successfully passed the technical written examination promulgated by ICBO for those certification categories.

(2) The person, or a person employed by any other legal entity, performing the work as described in this subdivision, has completed not less than five years of verifiable experience in the appropriate field and is a registered professional engineer, licensed general contractor, or a licensed architect rendering

independent quality review of the work of improvement or plan examination services within the scope of his or her registration or licensure.

(3) The immunity provided under this section does not apply to any action initiated by the applicant who retained the qualified person.

(4) A "qualified person" for purposes of this section means a person holding a valid certification as one of those inspectors.

(b) Except for qualified persons, this section shall not relieve from, excuse, or lessen in any manner, the responsibility or liability of any person, company, contractor, builder, developer, architect, engineer, designer, or other individual or entity who develops, improves, owns, operates, or manages any residential building for any damages to persons or property caused by construction or design defects. The fact that an inspection by a qualified person has taken place may not be introduced as evidence in a construction defect action, including any reports or other items generated by the qualified person. This subdivision shall not apply in any action initiated by the applicant who retained the qualified person.

(c) Nothing in this section, as it relates to construction inspectors or plans examiners, shall be construed to alter the requirements for licensure, or the jurisdiction, authority, or scope of practice, of architects pursuant to Chapter 3 (commencing with Section 5500) of Division 3 of the Business and Professions **Code**, professional engineers pursuant to Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions **Code**, or general contractors pursuant to Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions **Code**.

(d) Nothing in this section shall be construed to alter the immunity of employees of the Department of Housing and Community Development under the Tort Claims Act (Division 3.6 (commencing with Section 810) of Title 1 of the Government **Code**) when acting pursuant to Section 17965 of the Health and Safety **Code**.

(e) The qualifying person shall engage in no other construction, design, planning, supervision, or activities of any kind on the work of improvement, nor

provide quality review services for any other party on the work of improvement.

(f) The qualifying person, or other legal entity, shall maintain professional errors and omissions insurance coverage in an amount not less than two million dollars (\$2,000,000).

(g) The immunity provided by subdivision (a) does not inure to the benefit of the qualified person for damages caused to the applicant solely by the negligence or willful misconduct of the qualified person resulting from the provision of services under the contract with the applicant.