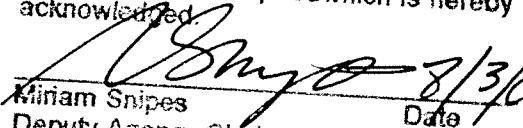


STATE OF FLORIDA
BUILDING COMMISSION

FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Agency Clerk, receipt of which is hereby
acknowledged.


Minam Snipes
Deputy Agency Clerk

Date 8/3/07

In the Matter of

CLEMONS-RUTHERFORD
& ASSOCIATES,

Case #: DCA07-DEC-136

Petitioner.
_____ /

PETITION FOR LEAVE TO INTERVENE

McGrath Rent Corp., d/b/a Mobile Modular Management Corporation, by and through undersigned counsel, pursuant to Sections 120.569 and 120.57, Florida Statutes, and Rule 28-107.205, Florida Administrative Code, hereby petitions for leave to intervene as a party in the Petition for Declaratory Statement filed July 17, 2007, and states as follows:

PARTIES

1. McGrath Rent Corp., d/b/a Mobile Modular Management Corporation (MMM), is a California corporation with its principal business address at 57 Las Positas Road, Livermore, California 94551. MMM is authorized to do business in the state of Florida. For purposes of this proceeding, MMM's address and telephone number are that of its undersigned counsel.
2. Petitioner is Clemons-Rutherford & Associates, Inc. (CRA). The address of CRA as represented by CRA in its formal written Petition for Declaratory Statement is 2027 Thomasville Road, Tallahassee, Florida 32308.
3. The Department of Community Affairs, Florida Building Commission is the agency affected by these proceedings. The Building Commission's principal address is

Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard,
Tallahassee, Florida 32399-2100.

STATEMENT OF ULTIMATE FACTS

4. On or about July 17, 2007, CRA filed a Petition for Declaratory Statement.
5. CRA currently performs a State Regulated Education Facility (SREF) Modular School Building plan review for the Department of Community Affairs (DCA). The building plan being reviewed is a single story, eight hundred forty (840) square foot unit, Construction Type IIB. The structural floor assembly is constructed with a steel I beam perimeter, eight inch (8") steel joist and a nine-sixteenths (9/16") twenty-six (26) gauge steel "B" deck.
6. CRA presented the FBC with a question as to whether cement based particle board (CBPB), used as a sleeper-underlayment for the finished floor material, on a structural floor assembly, where the CBPB is not a part of the structural floor assembly, or structural diaphragm, have to be non-combustible according to Florida Building Commission Declaratory Statement DCA 07-DEC-011.
7. Pursuant to Section 553.775, Florida Statutes, the Florida Building Commission has 90 days to address this Petition for Declaratory Statement.
8. It is anticipated that the Florida Building Commission will address the subject Petition for Declaratory Statement at its August 2007 meeting.

SUBSTANTIAL INTEREST AFFECTED

9. Founded in 1979, MMM rents and sells modular buildings to fulfill customers' temporary and permanent space needs in the state of Florida. Specifically,

MMM sells and/or leases relocatable classrooms to school districts for grades K-12 in Florida.

10. The structural floor assemblies for the relocatable classrooms MMM sells or leases have a structural assembly constructed with an 8" C Channel perimeter chassis, six inch (6") steel joists and a fifteen-sixteenths (15/16") twenty-six (26) gauge steel "H" deck.

11. All plans for these type of structures must be reviewed and approved by DCA, and satisfactorily inspected prior to any of these structures being sold. Currently, all of MMM's buildings being used in the state of Florida for relocatable classrooms have been approved by the DCA and an insignia of such approval has been placed on all such structures.

12. The decision FBC makes regarding the subject Declaratory Statement may require MMM to take action to have the buildings comply with FBC's new interpretation of the Florida Building Code, even though these buildings had been previously approved as being in compliance therewith.

13. Further, as an owner and distributor of such structures, MMM may be financially impacted if DCA interprets the code in such a way that deems these structures are not in compliance with the building code. Additionally, MMM will be impacted as to what code standards the buildings will be required to meet in the future.

14. Based upon the above, MMM will be substantially affected by FBC's response to the Petition for Declaratory Statement.

STATUTES AND RULES REQUIRING AGENCY ACTION

15. The statutes and rules that require DCA/FBC's action with regard to the Declaratory Statement and entitle MMM to relief include Sections 120.569, 120.565, 120.57(3), Chapter 553, Florida Statutes, the Florida Building Code, the established decisional law of Florida courts, the orders of Division of Administrative Hearing, and administrative agencies.

16. Undersigned counsel has contacted CRA and is authorized to represent that CRA does not object to MMM's intervention in this proceeding.

DEMAND FOR RELIEF

WHEREFORE, McGrath Rent Corp., d/b/a Mobile Modular Management Corporation requests that it be granted intervention as a party to this proceeding; and that a Declaratory Statement be entered pursuant and in accordance with the statutory laws and the building code.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished, this *3rd*
day of August, 2007, to the following

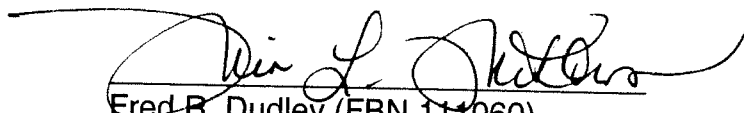
by Hand Delivery to:

Paula P. Ford, Agency Clerk
Florida Department of Community Affairs
Sadowski Building
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

Jim Richmond
Florida Building Commission
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

and by United States Mail to:

Billy Tyson
Clemons-Rutherford & Associates, Inc.
2027 Thomasville Road
Tallahassee, FL 32308



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Counsel for McGrath Rent Corp., d/b/a
Mobile Modular Management Corp.