

FILED
Department of Business and Professional Regulation
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**PETITION FOR DECLARATORY STATEMENT
BEFORE THE FLORIDA BUILDING COMMISSION**

Company: Al-Farooq Corporation
Address: 9360 Sunset Dr., Ste. 220
Miami FL, 33173

DS 2024-040

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Statute(s), Agency Rule(s), Agency Order(s) and/or Code Section(s) on which the Declaratory Statement is sought:

61G20-3.009 Criteria for Certification of Independence.
FBC 2023 – TAS 301 Section 7: Independence.

Background:

Al-Farooq Corporation (AFC) is a FL licensed specialty engineering firm specializing primarily in hurricane-resistant glass and glazing. In this aspect, AFC is well known in preparing a substantial quantity of Florida Approvals for a wide range of customers. AFC primarily prepares FL approval applications following compliance Method 1D.

AFC is contemplating a relationship with a testing laboratory in which AFC would be hired as a consultant to become their signing engineer for various products subject to impact testing. In many instances, AFC would then propose to prepare a Method 1D Florida approval for the product manufacturer at the completion of testing.

AFC is seeking clarification regarding rule 61G20-3.009 Criteria for Certification of Independence in connection to this work.

61G20-3.009 Criteria for Certification of Independence.

A certification of independence shall be provided by a Florida registered architect or licensed professional engineer as applicable or by an officer of the entity, agency or laboratory who is responsible for operation of said entity, agency or laboratory that attests to the following:

- (1) The entity, agency or laboratory does not have, nor does it intend to acquire or will it acquire, a financial interest in any company manufacturing or distributing products tested or labeled by the agency.
- (2) The entity, agency or laboratory is not owned, operated or controlled by any company manufacturing or distributing products it tests or labels.
- (3) The Florida registered architect or licensed professional engineer performing an evaluation does not have nor will acquire, a financial interest in any company manufacturing or distributing products for which the reports are being issued.

(4) The Florida registered architect or licensed professional engineer performing an evaluation does not have, nor will acquire, a financial interest in any other entity involved in the approval process of the product.

Testing Application Standard (TAS) 301-94 Testing Laboratory – 7. Independence

- 7.1 The statement of independence shall be submitted on testing laboratory’s stationary and signed by an official of the testing laboratory. The statement shall include the following:
 - 7.1.1 A statement indicating that the laboratory or agency, its associates, entities or legal persons employed or under contract do not have any financial interest in any product manufacturing company other than providing professional testing services.
 - 7.1.2 A statement indicating that the laboratory or agency is not owned, operated or controlled by any company manufacturing or distributing any portion of the product inspected or tested.

Question:

Can an engineer from AFC prepare Method 1D And/or Method 1A product approvals for the product manufacturer if the same engineer from AFC signed the test report being used to prepare the product approval, while staying in compliance with Rule 61G20-3.009, excluding products rated for High-Velocity Hurricane Zones?

Summary:

Petitioner respectfully believes the answer to this question is “YES”. Petitioner believes that Rule G20-3.009 (1) and (2) are not applicable to this situation. Rule G20-3.009 (3) will be maintained and therefore is also not in question.

Petitioner also believes that Rule G20-3.009 (4) does not apply for a number of reasons:

- A. Petitioner is not an owner, officer, or employee of the laboratory, but will act as an outside consultant, and therefore has no financial interest in the success of the laboratory.
- B. The testing laboratory is not part of the approval process for Method 1D or Method 1A Florida approval applications.

Note that based on TAS 301 Section 7. Independence, petitioner believes that it is not permissible to do same when considering products to be rated for the High-Velocity Hurricane Zone (HVHZ).

Respectfully Submitted,

Al-Farooq Corporation



By: Jalal Farooq, P.E.
CFO