

MINUTES
BOARD OF ARCHITECTURE AND INTERIOR DESIGN

TELEPHONE CONFERENCE CALL
December 17, 2003
10:00 A.M.

(850) 410-0960 or Suncom 210-0960

Call to Order

Ms. Del Bianco called the meeting to order at 10:10 a.m.

Board Members Present:

Ellis Bullock
Rick Gonzalez
Neil Hall
Stephen Schreiber
Sharon Del Bianco, Chair
Joyce Shore
Garrick Gustafson
Roymi Membiela

Board Members Absent:

Miguel Rodriguez
Mary Jane Grigsby
Kenneth Horstmyer

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Juanita Chastain, Executive Director
Terri Estes, Government Analyst
G.W. Harrell, DBPR Special Counsel
Leon Biegalski, DBPR General Counsel
Jerry Hicks
Les Smith, Investigator
Scott Shalley
John Ruth
Roger Neuenschwander
Rainaldo Borges
Tom Greene
David M. Schwartz
Jim Dunn
George Ayrish, DBPR Bureau of Education and Testing

Application Review

Architecture Endorsement

Ernest H. Clay

Mr. Clay was not present or represented by counsel. Mr. Hicks reviewed and recommended approval, however, Mr. Minacci requested that the application appear before the board. Mr. Minacci commented that there was a disciplinary case where probable cause was found against Mr. Clay, which was being settled and did not feel that his application should be held up. He commented that he wanted the board to be aware of the situation prior to approval. Ms. Clark commented that granting Mr. Clay licensure today would not prevent the board from handling any outstanding disciplinary matters at a later date.

MOTION: Mr. Gonzalez moved to approve the application as presented.

SECOND: Mr. Hall seconded the motion and it passed unanimously.

Discussion

Privatization

Mr. Shalley commented that AIA Florida remains engaged on the privatization issue and process. He commented Mr. Hughey was performing an analysis of the department's Management Privatization Act language. He commented that the intent of the language was in common with AIA direction but there were some areas that may be considered as barriers. Mr. Shalley commented that they would file for a bill sponsor for placeholders for language in the event they need to pursue independent privatization language.

Mr. Shalley commented that Mr. Hughey was familiar with the intent and desire of the board. He commented that Mr. Hughey was reviewing the department's language to determine if it needed word-smithing or if there were philosophical differences. Mr. Harrell commented that he looked forward to dialogue with AIA and the board members. He commented that the Governor had approved the Management Privatization Act language as presented. He commented that they would be reluctant to make substantial changes to the language.

Non-Core Course Takers

Mr. Schreiber commented that he was on a research team regarding hurricane litigation and one of the questions on their survey was the awareness of the Florida Building Code and the required course. He commented that the numbers they had were different from what the department was reporting. Ms. Chastain commented that Mr. Rodriguez had mentioned he had concerns regarding the list and numbers.

Mr. Ayrish commented that he had received the list from the Department of Community Affairs (DCA) because they were considered the core courses. He commented that the list was bounced off of the department's licensure base and there were 3,095 architects and 1,062 interior designers that had not taken the course. He commented that the department must rely on DCA for the information because this profession was not required to electronically submit course information. Mr. Ayrish commented that of 8,766 architects 3,095 and 2,770 interior designers 1,062 had not taken the core course.

Ms. Del Bianco asked Mr. Shalley if the licensees that had taken the core course with AIA were reported to DCA or the department. Mr. Shalley replied in the positive. Mr. Shalley commented that the department was in an unfortunate situation because DCA was the keeper of the records and if their information was incorrect then the department's list would be inaccurate.

Mr. Bullock commented that he felt there was an issue regarding in state and out of state licensees. Mr. Shalley commented that they marketed to out of state licensees. He commented that the course was an absolute requirement and DCA extended the deadline. Ms. Chastain commented that the deadline to meet the requirement was not extended only the course availability.

Mr. Shalley commented that DCA had conveyed to him that the deadline was extended. He commented that individuals that were not in compliance should be notified and disciplined. He commented that there should be a mechanism in place for the newly licensed individuals for compliance. He commented that the original vision of the Florida Building Commission was that officials could go online and verify if the licensee had taken the required course.

Ms. Del Bianco asked if AIA could cross-reference their list with the departments or DCA's to verify the information for accuracy. Mr. Shalley commented that the numbers seemed high and the list merited a review or audit prior to sending a letter to licensees. Mr. Biegalski commented that the department's list was from DCA. Mr. Ayrish commented that the list from DCA only included names of licensees that had taken the course. Mr. Shalley commented that both AIA and the department had to rely on DCA's information. Mr. Shalley commented that if the deadline had not been extended then the board had an obligation to notify licensees to come into compliance within a certain time frame or they would be disciplined.

Ms. Del Bianco commented that the board voted to send letters to non-compliant licensees and moved forward with disciplining licensees that had not completed the course. Mr. Harrell commented that the board should review the letter before sending it out because it could mean a lot of cases for disciplinary action.

Ms. Del Bianco commented that the board discussed either disciplinary action or non-renewal of licensure. Mr. Beigalski commented that if they discussed non-renewal then it would be up to Ms. Clark to defend.

Architecture Certificate of Authorization Borges & Associates, P.A.

Mr. Borges was present. Mr. Hicks presented the file and referred the board to a letter in the packet. He commented that the firm appeared to have practiced without a certificate of authorization in 2002 and a fine might be due. Mr. Borges commented that he understood that because the firm had his name in the title he did not need a business license. He commented that the projects listed were early conceptual projects and he did not sign or seal projects.

MOTION: Mr. Gonzalez moved to approve with a \$3,000 fine.

SECOND: Mr. Gustafson seconded the motion.

Ms. Clark asked the board if they would consider mitigating circumstances such as the size of the firm, the applicant came forward, and the title contained Mr. Borges' name. The board discussed, called the question and it passed unanimously.

David M. Schwarz/Architectural Services, Inc.

Mr. Greene was present and represented by counsel. Mr. Hicks presented the file and commented that the application reflected marketing that began prior to licensure. Counsel commented that they were licensed in Florida and an application was made to recognize the structural change in the firm from a Professional Corporation to Incorporation. He commented that they answered the question on the application based on their office lease agreement.

MOTION: Mr. Gustafson moved to approve as presented.

SECOND: Mr. Bullock seconded the motion and it passed unanimously.

Goody, Clancy & Associates, Inc.

Ms. Del Bianco commented that this application was pulled from the October ratification list for further information. Mr. Dunn was present and commented that they never practiced or solicited under the business name. Mr. Dunn commented that they provided a master plan but no architecture design in conjunction with another firm. Mr. Smith commented that his concern was that the company incorporated in 2000 and did not apply for the certificate of authorization until now. Mr. Dunn commented that at the time they registered the corporation they did not intend to work or offer architectural services in Florida it was strictly for planning purposes. He commented that they did not practice architecture.

MOTION: Mr. Bullock moved to approve as presented.

SECOND: Mr. Gustafson seconded the motion and it passed unanimously.

Perkins Eastman Architects. P.C.

No one was present. Mr. Hicks presented the file and commented that the firm's license went null and void in 1999 for lack of renewal. Ms. Del Bianco commented that the license went delinquent in 1997. The application was tabled and the Chair directed staff to contact the applicant.

Ruth and Dunavant Architects, Inc.

Mr. Ruth and Mr. Dunavant were present. Mr. Hicks presented the file and commented that the application reflected that they solicited for a project prior to licensure. Mr. Dunavant commented that once they realized they needed the certificate of authorization they applied immediately.

MOTION: Mr. Gustafson moved to approve with a \$500 fine.

SECOND: Mr. Bullock seconded the motion and it passed unanimously.

Thompson, Ventulett, Stainback & Associates, Inc.

Mr. Neuenschwander was present. Mr. Bullock commented that Mr. Ventulett contacted him when he realized their license had lapsed into a null and void status. Mr. Bullock advised them to reapply for licensure and they would probably be fined. He commented that they neglected to renew the license administratively. Ms. Estes commented that she spoke with Mr. Stack indicated they practiced under this license not realizing that their license had lapsed. She commented that Mr. Stack indicated that they had not practiced under the new TVS name. Mr. Neuenschwander confirmed Ms. Estes' comments.

MOTION: Mr. Gustafson moved to approve with a \$2,000 fine.

SECOND: Mr. Bullock seconded the motion.

Mr. Bullock commented that he would like the board to consider the fact that they came forward and cut the fine to \$1,000.

MOTION: Mr. Gustafson moved to approve with a \$1,000 fine.

SECOND: Mr. Bullock seconded the motion and it passed unanimously.

Ms. Membiela left the meeting.

TVS Florida, Inc.

Mr. Neuenschwander was present and commented that they had not practiced or solicited for services under the fictitious name of TVS Florida, Inc.

MOTION: Mr. Gustafson moved to approve as presented.

SECOND: Mr. Bullock seconded the motion and it passed unanimously.

Perkins Eastman Architects. P.C.

Mr. Perkins was present. Ms. Del Bianco asked if they had practiced since the license lapsed into a delinquent status in 1997 and then null and void status in 1999. Mr. Perkins commented that they had performed some consulting work and was surprised to find out that their license was not maintained. Mr. Perkins apologized for the lapse in licensure and it was an administrative oversight. He commented that he had practiced and wanted to continue practicing in Florida. The firm discovered that the license had lapsed and came forward.

MOTION: Mr. Gustafson moved to approve with a \$3,000 fine.

SECOND: Mr. Bullock seconded the motion and it passed unanimously.

Wendy Sider Pierce, Architect P.A.

Ms. Pierce was present. Ms. Del Bianco commented that the incorporation date was 1995 and projects were listed. Ms. Pierce commented that she spoke with an attorney to open a firm on her own. She commented that the attorney set up her corporation and she was not aware that she needed the certificate of authorization. She commented that when she registered the name she

was unable to find work and put the business aside because she had small children. She commented that she designed her home in 1996 and then solicited two other home projects. She commented that another professional advised her that she needed a certificate of authorization. She commented that she was confused whether she needed a certificate of authorization because she provided residential services and was practicing under her own name. She commented that she worked alone.

MOTION: Mr. Gonzalez moved to approve.

SECOND: Ms. Shore seconded the motion and it passed unanimously.

Ratification List – (faxed/e-mailed)

Ms. Del Bianco read the list for one motion.

MOTION: Mr. Gustafson moved to approve as presented.

SECOND: Ms. Shore seconded the motion and it passed unanimously.

For the Board's Information

E-mail from Karen Owen

Mr. Rodriguez and Mr. Bullock were confirmed for the upcoming NCARB meeting.

New Business

Ms. Del Bianco requested that staff confirm with Mr. Wirtz regarding the NCIDQ ballot for New Jersey and Kentucky.

Old Business

No old business.

Adjourn

MOTION: Mr. Gonzalez moved to adjourn.

SECOND: Mr. Bullock seconded the motion and it passed unanimously.

The meeting adjourned at 11:50 a.m.