

MINUTES

**Board of Architecture and Interior Design
Hilton Cocoa Beach Oceanfront
1550 N Atlantic Avenue
Cocoa Beach, FL 32931
321.799.0003**

**October 24, 2006
9:00 a.m.**

General Business Meeting

1. Call to Order

Ms. Grigsby, Vice-Chair called the meeting to order at 9:03 a.m.

Roll Call – identify excused absences

Board Members Present:

Rick Gonzalez, Chair

Neil Hall

Rossana Dolan

Eric Kuritzky

Mary Jane Grigsby

Sharon Del Bianco

Joyce Shore

Roymi Membiela

Lourdes Solera

Board Members Absent:

Garrick Gustafson, excused

Kenneth Horstmyer, excused

Others Present:

Mary Ellen Clark, Board Counsel

David Minacci, Prosecuting Attorney

Juanita Chastain, Executive Director

Terri Estes, Board Staff

Michael Wirtz

Barbara Marcus

Bob Marcus

Jim Colson

Conrad Bonet

Vicki Long

Laurence Maxwell
Linda Noble Welch
Steven Hefner
Lorraine Bragg
Shelley Siegel
Shari Silkoff
Bill Kobrynich
Nancy Bredemeyer
Paul Kurshinwikov
Taryn Blackenship
Dhana McDonald
Donald Conlon
Peter Jones
Wanda Gozdz
Terry Zyto
Aido Bao-Garciga

Court Reporter: Maria Majiros, King reporting & video conference center, 14 Suntree Place, Suite 101, Melbourne Viera, FL 32940, 321.242.8080 or 800.892.1742

Ms. Grigsby welcomed Mr. Kuritzky to the board.

General Discussion / For Information

Florida Building Code and Education Outreach Council (Miguel Rodriguez)

Mr. Rodriguez requested to report on the Florida Building Code Education and Outreach Council meetings. He advised that the building code courses must be reviewed by the Department of Community Affairs (DCA) and the respective boards. Mr. Rodriguez advised that the Education and Outreach Council are to report to the Florida Building Commission regarding important course topics as requested or recommended by the practitioner's boards. This allows the Commission to allocate funds to create courses requested and notify the providers of the board's course requests.

Mr. Rodriguez requested that the board provide him direction as to the topics and types of courses they would like to see created specific to their profession. Ms. Del Bianco commented that there was a need for on line courses for the core and advanced course requirements for out of state licensees.

Mr. Rodriguez commented that Florida American Institute of Architects (AIA) purchased an accessibility course from DCA and video taped the classroom offering of the course for DVD purposes. However, AIA Florida was not aware that in order to offer the course on line or via DVD they would have to have the course re-approved because they changed the classroom format that was purchased i.e. instructor lead. Mr. Rodriguez advised that AIA Florida had submitted the DVD program for approval but did not anticipate approval until October or later.

Mr. Rodriguez commented that he would take back to the Commission the on line course request. Mr. Kuritzky commented that there were other professions that are required to complete the course and could the Commission look at the similarities of other courses that could be accepted for the architecture profession. Mr. Rodriguez commented that the Commission had discussed the need for the boards to work together and utilize similar courses to meet the requirement. He commented that board rules define the specifics required in the different professions some more strict than others.

Mr. Rodriguez advised that the advanced courses must be submitted to DCA and the accrediting reviewer for approval. Once the course is approved for building code advanced course content then the course must be submitted to the individual professional boards for review and approval. He commented that he would like to see the courses cross over from profession to profession. Mr. Kuritzky commented that some of the other professionals that are required to take the course review architects work. He commented that the course content that other professionals are required to complete are code related and would be beneficial to architects as well.

Ms. Siegel commented that there was real problem with the approval process. She commented that there were not enough advanced courses available for interior designers. She commented that she was still waiting for answer from DCA because they do not meet until December for approval and that it could take 6 months to receive an approval. She commented that she was going to have to cancel a seminar because of the delay. She advised that there was a longer delay if a provider submits a new course instead of purchasing a created and accredited DCA course.

Mr. Rodriguez commented that when a provider purchases a course from DCA and the code changes then the provider has 60 days to update the course and resubmit for approval. He commented that this causes some confusion because it should be updated within 60 days of the adoption of the language. He commented that DCA would not update the course when the language changed so the provider would purchase the course and then update it so they can offer it to the licensees.

Ms. Siegel asked if she as a provider was allowed to offer the core course. Mr. Rodriguez commented that the only core course available is the online course through FSU. He advised that if she had the most up to date version then she could deliver the course.

Ms. Solera asked if there was anything the board could do to assist the providers regarding the need for courses and the DCA approval process. Ms. Long requested that the board send a letter to DCA regarding the problem with the courses and approval process. She commented that you purchase the core course from DCA and then you can't offer the course.

Ms. Dolan asked if the letter from Mr. Dunn with the National Council of Architecture Registration Boards (NCARB) was in reference to the discussion. Ms. Chastain commented that Mr. Dunn's letter was about NCARB's concern with continuing education reciprocity and there were inaccuracies with his letter. She commented that there were on line

advanced courses available to out of state licensees and the board does accept other state's continuing education.

Mr. Rodriguez commented that NCARB Region 3 agreed that all of the involved states would work toward continuing education reciprocity. He commented that the board accepts others states continuing education, however, the requirement for the core and advanced courses are absolute. He commented that Alabama's attorney determined that reciprocity could only occur when states are equal and there were no further requirements placed upon a licensee. Therefore, they no longer accept reciprocity for Florida licensees.

Mr. Rodriguez commented that any changes would have to occur at legislative level. He commented that he would advise the Commission of the board's position.

Motion: Ms. Shore moved that a letter be written to the Commission that they act in a speedier manner, update the core course and encourage more online courses.

Mr. Rodriguez commented that the letter should be simple and urged that the board be the one making the decision and the commission should get out of the business of education. Ms. Solera recommended that the commission utilize the board's regulating and application review process since the board already had a process in place. Ms. Chastain asked that Mr. Rodriguez take the board's point to the Commission.

Ms. Solera seconded the motion. Ms. Clark commented that the language was put in the engineers, contractors, etc and they must be enforced and reach out to other board's to unify the effort of allowing the board's to review and approve course content.

Mr. Rodriguez commented that every board was in the same boat and they feel the same way and the boards should come together and work together.

Ms. Siegel requested that the board consider allowing retroactive credit since the review and accreditation process was lengthy. She advised that if a provider purchased a course it did not take as long for the approval process but for newly created courses there was not a mechanism on the web to apply for approval and it took much longer.

Motion: Ms. Shore moved that a letter be written to the commission requesting a more timely review of the applications, update the advanced and course courses, encourage more on line courses, and utilize the board's resources.

Ms. Chastain commented that she did not feel that the commission did not respond or act quickly. She advised that once the course is accredited then it was ratified at the next commission meeting. Mr. Rodriguez commented that there was a timing issue with the updates and being scheduled on the commission meetings.

Mr. Rodriguez commented that the board should keep the letter to the commission simple and urge them to utilize the boards since the boards already have a continuing education

review and approval process that works well. He commented that the commission should get out of the continuing education business.

Ms. Chastain requested that Mr. Rodriguez take the concerns of the board to the council and commission.

Copy the letter to other boards to encourage them to be on the same page. The motion was called and it passed unanimously.

Second: Ms. Solera seconded the motion.

Mr. Hall commented that he would like the board to meet with the commission. Ms. Clark reminded the board that the statutory language was imposed on this board as well as others and encourage the board to reach out to other professions to address the issue at the same time.

The board requested that the letter be copied to the other professional boards.

The question was called and it passed unanimously.

Mr. Gonzalez, Chair arrived at the meeting.

2. Application Review

Architect Endorsement

Jack Berry– state

Mr. Berry was not present but submitted an e-mail requesting a continuance and waived his application processing rights. Mr. Berry would like his education re-reviewed.

Motion: Mr. Hall moved to approve the continuance request.

Second: Ms. Solera seconded the motion and it passed unanimously.

Douglas Corley – NCARB

Mr. Corley was not present but submitted a letter requesting to withdraw his application.

Architect Certificate of Authorization

Dougherty Schroeder & Associates, Inc.

No one was present. Mr. Minacci advised that a \$500 citation was issued and the business complied.

Motion: Mr. Hall moved to approve the application as presented.

Second: Ms. Membiela seconded the motion and it passed unanimously.

Keith Martin Architect, Inc.

No one was present. Mr. Minacci advised that a \$500 citation was issued and the business complied.

Motion: Mr. Hall moved to approve the application as presented.

Second: Ms. Membiela seconded the motion passed unanimously.

John W. Burt Architecture, Inc. dba JWB Architect

No one was present. Mr. Minacci advised that a \$500 citation was issued and the business complied.

Motion: Mr. Hall moved to approve the application as presented.

Second: Ms. Grigsby seconded the motion and it passed unanimously.

Richard E. Siegfried Architect, Inc. dba RSA Architects, Inc.

No one was present. Mr. Minacci advised that a \$500 citation was issued and the business complied.

Motion: Mr. Hall moved to approve the application as presented.

Second: Ms. Solera seconded the motion and it passed unanimously.

Interior Design

Cynthia Bodnar – direct endorsement

Ms. Bodnar was not present but submitted a letter requesting a continuance and waived her application processing rights. Mr. Minacci advised that there was outstanding discipline against the applicant.

Motion: Mr. Solera moved to continue the application.

Second: Ms. Grigsby seconded the motion and it passed unanimously.

Interior Design Business

American Office Systems, Inc.

No one was present. Mr. Minacci advised that a \$500 citation was issued and the business complied.

Motion: Ms. Dolan move to approve as presented.

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

Ms. Del Bianco asked if a case was opened against the individual of the location since it was the licensee's responsibility to make sure the business was properly licensed. Mr. Minacci responded that cases were only opened against the business. Ms. Del Bianco commented that a licensed individual was facilitating unlicensed activity. Mr. Minacci commented that the business had a licensed individual on staff and there was less harm to the public in this scenario than if there was no licensed individual at the business.

Whitney Design & Associates, Inc.

No one was present. Mr. Minacci advised that a \$500 citation was issued and the business complied.

Motion: Mr. Hall moved to approve the application as presented.

Second: Ms. Membiela seconded the motion and it passed unanimously.

3. Reconsideration

Jeffrey Magnuson

Mr. Magnuson was not present but submitted a letter to reconsider his application. Ms. Estes advised the board that Mr. Magnuson's application was reviewed at the July board meeting and based on erroneous information provided by Mr. Magnuson's educational institution the board approved his application for licensure. Mr. Magnuson did not want to obtain a license since he did not meet the requirements and he requested that the board allow him to withdraw his application.

Motion: Ms. Solera moved to reconsider the application.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Mr. Gonzalez requested that a thank you letter be sent to Mr. Magnuson for his honesty and request to withdraw.

Motion: Ms. Solera moved to allow Mr. Magnuson to withdraw his application.

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

Anderson Design Studios, Inc.

No one was present but there was a letter from the applicant requesting reconsideration of the previous order of denial. Mr. Minacci advised that the application was denied based on a pending disciplinary case that had been resolved.

Motion: Mr. Hall moved to reconsider the application.

Second: Mr. Grigsby seconded the motion and it passed unanimously.

Motion: Mr. Hall moved to approve the application.

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

4. Hearing pursuant to Chapter 120.57(2), Florida Statutes

Jennifer Schoening

Ms. Schoening was not present but submitted a letter requesting that her hearing be postponed to allow her education to be evaluated and because she was not able to attend the meeting due to family issues. Ms. Del Bianco asked why she had an architectural business license listed on her application. The board determined that she could be an owner of an architectural business and not be licensed. The board requested that Ms. Estes verify the information prior to voting on the request.

5. Addendum

Discussion

Request for reinstatement of a null license - letter from Barbara Marcus
Barbara Marcus and Robert Marcus were present.

Mr. Marcus was a qualified representative for Ms. Marcus. Mr. Marcus commented that he was unaware that the personal license was not renewed. He commented that Ms. Marcus maintained the business license in the county, city, and she maintained her continuing education.

Mr. Marcus commented that he lost his job and Ms. Marcus shut down her business to assist him full time in obtaining new employment. He commented that they moved and did not receive the renewal notice. They believed that she had a personal license during the moving process. They know it is the licensee's responsibility to renew the license regardless of not receiving the renewal notice. They believed they had a license and practiced as if they had a license.

Mr. Marcus commented that they received the renewal notices for the business license and maintained that license. He commented that in Connecticut there was only one license to maintain and in Florida they had four licenses to maintain for one business. He commented that with the confusion of moving and unemployment in their personal lives they overlooked the license renewal. Mr. Marcus commented that they just didn't know that they did not renew the license or have a current license.

Mr. Marcus commented that by Ms. Marcus maintaining her continuing education, maintaining the business license, and maintaining the local county and city licenses was evidentiary evidence that she believed she was licensed. He requested that the board reinstate Ms. Marcus' personal license. Mr. Marcus offered to pay back licensure fees.

Ms. Clark commented that Chapter 455.271(6)(b), Florida Statutes, the board in its discretion may reinstate the license of an individual whose license has become void if the board, as applicable, determines that the individual has made a good faith effort to comply with this section but has failed to comply because of illness or unusual hardship. She advised that because the reinstatement application was not finalized the board could accept the letter presented. She advised the board must determine if Ms. Marcus made good faith effort to comply and if she failed to comply due to illness or unusual hardship. Ms. Clark advised that the reason Ms. Marcus made this request was because she was initially licensed under the grandfathering clause and she would not meet current requirements to gain licensure.

Ms. Estes confirmed that Ms. Marcus' license lapsed into delinquent status in 2001 and then null and void in 2003 due to lack of renewal. Ms. Grigsby commented that she practiced for two years without a valid license. Ms. Marcus commented that she had a valid business license and did not realize she needed the personal license even though she

completed continuing education hours. Mr. Marcus commented that they moved in 1998 and 2003.

Mr. Marcus advised the board that since he had difficulty finding new employment they purchased and invested in a furniture retail business that would financially support them both.

Ms. Grigsby advised that she could perform residential services. Ms. Marcus commented that she took pride in having the interior design license and she had a current license in Connecticut even though she did not practice there.

Mr. Gonzalez asked Ms. Marcus if she employed staff. Ms. Marcus replied in the positive. Mr. Marcus commented that they employed design consultants and did not offer interior design services and they offer retail services. He commented that their life savings and home were tied up in the business investment.

Mr. Johnson requested that the board approve the reinstatement of her license. He commented that they made all attempts to comply and included a financial hardship.

Ms. Clark reviewed the requirements that must be met to grant the reinstatement as well as cautioned them because the board would be setting a precedent with this first application for reinstatement of a void license. She commented that there was a grandfathering provision that was phased out and education requirements were implemented which would limit those individuals from regaining licensure since they would not be able to meet current requirements. She requested that the board focus on the good faith effort and the unusual hardship.

Motion: Ms. Membiela moved that the board determine that a good faith effort was made by Ms. Marcus maintaining her Connecticut license, maintaining the local and state business license, maintaining continuing education and that the unusual hardship was the extensive financial investment in the furniture franchise.

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

The board heard and considered Mr. Johnson's opinion and recommendation regarding the approval of the reinstatement

Jennifer Schoening

Ms. Estes advised the board that the architectural license indicated in her application was a valid architectural business with a licensed architect qualifying the business.

Motion: Ms. Grigsby moved to continue the hearing request to the next meeting.

Second: Mr. Kurtizky seconded the motion and it passed unanimously.

6. Ratification Lists

Applicants (handout)

Interior Design applicants by endorsement
Items 1-26

Interior Design Businesses
Items 27-38

Architecture applicants by passage of examination
Items 39-59

Architecture by endorsement
Items 60-129

Architecture Businesses
Items 130-165

Motion: Ms. Del Bianco moved to approve the ratification list as presented.
Second: Ms. Membiela seconded the motion and it passed unanimously.

Continuing Education

Motion: Ms. Del Bianco moved to approve the architecture and interior design continuing education ratification list as presented.
Second: Ms. Shore seconded the motion and it passed unanimously.

7. Continuing Education Applications

Architecture Environmental Design Studio

Motion: Ms. Shore moved to deny based on Chapter 481.215(3), Florida Statutes, and Rule 61G1-21.003, Florida Administrative Code, because the course does not relate to interior design or the respected area of practice.
Second: Ms. Solera seconded the motion and it passed unanimously.

Art of Digital Imaging and Digital Photography

Motion: Ms. Shore moved to deny the application because it was incomplete and because the amount of hours exceeds the numbers allowable for health, safety, and welfare credit based on Chapter 481.215(3), Florida Statutes and Rule 61G1-21.003, Florida Administrative Code because the course does not relate to interior design or the respected area of practice.
Second: Ms. Del Bianco seconded the motion and it passed unanimously.

Effectively Working with Interior Photographers

Motion: Ms. Shore moved to deny the application because it was incomplete and because the amount of hours exceeds the numbers allowable for health, safety, and welfare credit based on Chapter 481.215(3), Florida Statutes and Rule 61G1-21.003, Florida Administrative Code because the course does not relate to interior design or the respected area of practice.

Second: Ms. Del Bianco seconded the motion and it passed unanimously.

8. Architecture Discussion

National Council of Architectural Registration Boards (NCARB)

NCARB Region 3 letter from Mr. Dunn

Ms. Chastain contacted Ms. Jones with the Department of Community Affairs regarding the letter and they had not had an opportunity to review and respond. She commented that she contacted Mr. Dunn regarding the inaccuracies in the letter.

Mr. Hall commented that he was troubled by the fact that he, Mr. Gonzalez, and Ms. Chastain attended the NCARB meeting and addressed the issues mentioned in the letter and they continue to send letters about the Florida Building Code requirements. Mr. Gonzalez commented that they were provided the statutory requirements and how to obtain the course information.

Mr. Gonzalez commented that he would like a letter sent to Mr. Dunn addressing the issue again and provide step by step instructions on how to obtain the courses. Mr. Manusa commented that the letter should address that this is a legislative issue that impacts this profession as well as all other construction professionals and not a board issue.

Ms. Chastain advised that other states were implementing additional requirements regarding hurricane issues.

Motion: Ms. Solera moved that Mr. Gonzalez respond to Mr. Dunn.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

9. Interior Design Discussion

NCIDQ Bylaw Amendments

Ms. Del Bianco reviewed the amendments, provided brief overviews and asked the board for direction.

1. Identification of Corporate Secretary and Treasurer
2. Election of Officers
3. Past President Vacancy
4. Composition of the Board of Directors
5. Public Member Director

6. Rotation of Terms
7. Board Vacancies
8. Composition of Nominating Committee
9. Renaming "Record Maintenance" and Reordering of Article XII Sub Sections

Motion: Ms. Solera moved to authorize Ms. Shore to vote as she felt appropriate and the board would support her vote.

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

NCIDQ Board of Directors' Meeting July 2006

For the board's information and there was no discussion.

Review of Florida International University's Masters Program

The program was placed on the agenda for the board to review as a board approved program of study for interior design curriculum.

Motion: Ms Grigsby moved to approve the program as presented.

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

Letter of Validation for Southwest Florida College

The program was placed on the agenda for the board to review as a board approved program of study for interior design curriculum. Ms. Del Bianco requested to be recused from the vote since the college had asked her to serve on their Advisory Committee. The board clarified that they were not considering their program as the Foundation of Interior Design Education Research (FIDER) equivalent but board approved program of study.

Motion: Mr. Grigsby moved to approve the program as a board approved program of study.

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

10. Rules Report and Discussion

Rule Tracking

Ms. Clark reviewed the rules report and proposed language.

61G1-12.005 citations

Ms. Clark advised that the board requested at the July board that the rule be notice for development. She requested that the board review the proposed rule language presented.

61G1-12.005(3)(b), firm practicing without a certificate of authorization - \$500 fine for up to 5 years unauthorized practice. \$750 fine for 5 years up to 10 years. \$1,000 fine for 10 or more years. (Penalty required firm to obtain certificate of authorization or cease practice.)

The board discussed the fines, adding an additional penalty to the fine, and changing the language to go up to the maximum of \$5,000. Ms. Clark advised the board that they could

not add an additional penalty on top of the fine or penalty. She requested the board to consider that this was a technical fine, considered discipline and there was no harm to the public.

Motion: Mr. Hall moved to approve the language as presented.
Second: Ms. Solera seconded the motion.

Ms. Del Bianco commented that the citation did not always deal with licensed individuals in the firm. Mr. Minacci assured Ms. Del Bianco that if there was no licensed individual at the firm the case would be an administrative complaint not a citation. He commented that the citations were only issued to unlicensed firms that had licensed individual.

Ms. Del Bianco asked if the penalty imposed would cover the prosecutors cost for issuing the citation. Mr. Minacci replied in the positive.

61G1-12.005(3)(e) failure to timely respond to a continuing education audit - \$500 fine

The board discussed the continuing education audit process.

Motion: Ms. Solera moved to approve the language as presented.
Second: Ms. Grigsby seconded the motion and it passed unanimously.

61G1-16.002 Description of seal, have authority to add language
The rule was noticed for development to add "an impression-type metal seal" to the rule which was removed from the statute when the electronic signing and sealing ability was implemented.

Motion: Ms. Solera moved to approve the language as presented.
Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Rule 61G1-17.001(13), Professional fees and penalties for architects
Ms. Clark advised that the language was on the agenda for information only. The language was, the application fee to reinstate a void license is \$500, which was adopted October 23, 2006.

Rule 61G1-17.002(15), Professional fees and penalties for interior designers
Ms. Clark advised that the language was on the agenda for information only. She advised that the Joint Administrative Procedures Committee (JAPC) questioned the rule language. Ms. Clark advised that she had responded to their concerns and the language should take effect soon.

Mr. Gonzalez requested that he or the future chair person receive copies of Ms. Clark's letters when she responds to JAPC. Ms. Clark agreed.

61G1-21.003 Interior Design Continuing Education approval of subjects and providers
61G1-24.002 Architecture Continuing Education approval of subjects and providers

Ms. Estes requested that the board consider changing the course definitions specific to the profession from core, intermediate, and advanced to levels I, II, and III. The board agreed.

Ms. Estes requested that the board consider changing the language from providers are required to update any changes to a program in writing to the board within "30 days" instead of "as soon as possible". The board agreed.

Ms. Clark advised that once the final version was complete the board must vote and approve the final version to take the JAPC.

Ms. Clark commented that the board had requested that she research the fees listed in rule 61G1-17.001(1) regarding the examination fees for architects. She provided the board language that was adopted in 1997 when the examination changed. She commented the Ms. Chastain and Ms. Estes would work on creating language that would reflect the current practice by the board regarding the administration of the examination.

Ms. Del Bianco asked why there was a need to have the specific examination sections listed when the department no longer administered the exam. Ms. Chastain replied that there was a statute that required the examination sections be listed. The board would like to take the sections and fees out of the rule because every time the exam fee changed the board would be updating the rule.

Ms. Del Bianco requested that rule language be developed similar to the architect's language that required proper names in the company titles. The rule referenced was 61G1-12.001(3), Florida Administrative Code. Ms. Clark commented that that rule had not been updated in some time. She reminded the board of the responsible supervisory control rule that was turned down by JAPC. She cautioned the board on creating that language because it could be vulnerable with JAPC. She commented that rule 61G1-12.001 was authorized under Chapter 481.2055, authority to make rules which was the general rule making authority and now boards are required to have specific rule making authority to pass a rule.

Mr. Gonzalez requested that language be drafted and brought to the board at the next meeting.

11. Reports

IDAF – Steve Hefner

Mr. Hefner commented that he was no longer President of IDAF and introduced Aida Bao-Garciga as the new IDAF President. Ms. Bao-Garciga advised the board that 4 states have practice acts and 23 states with title acts including Puerto Rico, and 6 of the 10 Canadian Province's have practice acts. She provided this information to show how the interior design profession was growing.

Ms. Bao-Garciga advised that another indication of the respect for the interior design profession was that Miami-Dade elevated interior designers by 3 pay grades putting them on the level with other construction professionals.

Ms. Bao-Garciga advised that IIDA awarded \$10,000 scholarships including students pursuing a Masters in Interior Design and for students to take the LEED testing. She advised that ASID provided approximately 135 free memberships to students and ASID West gave \$5,000 in scholarships as well.

Ms. Bao-Garciga commented that IDAF and ASID were providing many opportunities regarding continuing education courses and Florida Building Code courses advanced and core. She commented IIDA was presenting continuing education at several city centers throughout the state offering 8 hours of credit including the Florida Building Code advanced course.

Ms. Bao-Garciga advised that IIDA has supported the LEED initiative by sponsoring and organizing with USGBC, workshops. She commented that the first commercial interior (CI) workshop was presented in Miami. She commented that licensed interior designers were represented on task forces and at municipalities for LEED certification.

Ms. Bao-Garciga commented that IDAF's activities were recognized by IIDA National by receiving an award.

Ms. Bao-Garciga commented that IDAF's issues and priorities for 2007 was statutory language clean-up and implementation of contract/contract administration.

Mr. Johnson commented that the board looks to the professional organizations to help move legislative language through the process. He requested statutory language or input regarding the upcoming legislative session and advised that IDAF's lobbyist was prepared to move forward with the clean-up language from last year. He commented that there was some opposition from the office supply dealers. He commented that they were prepared to move forward with contract/construction administration and realized that there was going to be opposition and that there would be an educational element regarding the need for the language.

Mr. Johnson commented that if the board wanted to pursue the clean-up and the contract/construction administration language their lobbyist was prepared and ready. He requested that the board listen to the AIA Florida report and then determine what action the organizations should take to assist the board.

AIA Florida Report – Vicki Long

Ms. Long reported that the DVD AIA Florida produced for the advanced course was pulled to have the course reaccredited by the Department of Community Affairs (DCA). She reported that there were several legislative issues discussed at AIA Florida's board meeting regarding the need for continuing education pursued through the appropriate boards. She reported that there were several issues pending before the Legislature this year which would

affect building in the future. She reported that sustainable design would grow in importance and affordable housing should be attractive, energy efficient and sustainable. She reported that they would be involved in the dialogue so they would have a voice in the growth management process.

Ms. Long reported that AIA Florida was working to educate members on the Constitutional Amendment process which she briefly reviewed.

Ms. Long commented that Chapter 481, Florida Statutes had been opened the past four years and every time the statute is opened to anyone to make amendments and changes. She commented that she understood IDAF's desire to pursue language clean-up, however, she reminded the board they would be opening the practice act for anyone to make changes.

Ms. Long reported that the contract/construction administration language failed during the last session due to heavy opposition. She reported that more education was needed to pass that legislative language which could take a few years. She commented that she agreed that contract/construction administration was a good thing but they needed a strategy and it would be a multi year effort.

Ms. Solera asked Ms. Long if AIA Florida would pursue the language this legislative session. Ms. Long replied in the negative and they would not pursue that language until they do the ground work for educating the legislators regarding the issue.

Mr. Hall asked Ms. Long if they pursued partnering with other associations or memberships such as the insurance industry and had she received any feedback. Ms. Long replied that they had been working with Lieutenant Governor Toni Jennings and was invited to join in coalition with Associated Industries of Florida. She commented that they were working to look at grading buildings to assist insurance companies.

Mr. Hall commented that when an agenda is pursued then the professions should pursue it together. Mr. Hall requested that IDAF remove the contract/construction administration item from their agenda because he would like it pursued for both professions at the same time. Ms. Bao-Garciga commented that she had received comments from developers where they have requested that interior designers to handle and perform construction administration for them. She commented because of that they have made that request they felt there was a need to pursue the language.

Mr. Hall commented that the professions dealt with two different types of construction administration. He commented that there appeared to be a disconnect as to what construction administration meant to the developers if they opposed architects providing the service but were pursuing interior designers to provide the service.

Ms. Bao-Garciga commented that IDAF and AIA Florida should collaborate to present to the developers the educational information regarding the professions specific contract/

construction administration definition. She commented that an outreach would be help to move forward with the issue.

Mr. Hall requested that IDAF not move forward with contract/construction administration until both professions were addressed at the same time the associations had properly educated the legislators.

Ms. Bao-Garciga commented that IDAF was reporting to the board that they were prepared to move forward but only at the direction of the board and that they would like to work together with AIA Florida.

Mr. Gonzalez commented that he was pleased that IDAF was ready to move forward and would like AIA Florida to catch up to IDAF. He commented that the board and AIA Florida have been discussing preparedness for the past couple of years and what better to be prepared if an architect is involved in the construction process to avoid the post event work that must be done. He commented that Florida was fortunate that there were no hurricanes but what about the future.

Mr. Gonzalez commented that builders do not want construction administration from architects but it would be very beneficial during times of disasters. He commented that he thought Ms. Jennings was involved in the construction community and could be educated on the value of construction administration services. He commented that he had a concern with the professional practice insurance perspective because building departments were allowing threshold inspectors to perform inspections and they have no liability or even worse that government jobs were allowing owner's representatives that have no liability regarding projects. He commented that architects maintain all professional liability regarding the projects and the state associations and builders can't move forward on the issue.

Mr. Gonzalez commented that he understands that the building officials and insurance companies were in favor of construction administration. He requested AIA Florida to move forward with this item and would like to see it implemented before 2010, even if it was proposed and failed.

Ms. Long reported that AIA Florida was up to speed on the issue and supported the language. She commented that if they proposed the language this upcoming session they would be pursuing language with the same circumstances as last year because no outreach or education has been done with the Florida Homebuilders Association, Developers Corporation, ABC, AGC, etc. since the last legislative session. She commented that it was not just an education issue it was considered an impediment to their economic situation. She commented that until those associations are on board the language would not move forward.

Ms. Long commented that the board needed to see what was going to happen with the Governor's position and proposing language to a fresh legislative body would be difficult. Mr. Gonzalez commented that Ms. Long provided the same answer six to nine months ago

and that everyone was screaming about insurance costs. He commented that architects could be part of the solution prior instead post event. He commented that AIA Florida was performing a wonderful service and job on growth management and other areas that had great progress. He commented that nothing had changed when it came to making sure things were done better on the front end of construction.

Mr. Manausa asked Ms. Long what educational outreach services had been performed since the last legislative session. Ms. Long replied that it was an outreach effort by the association, licensees and the board. Ms. Solera requested that Ms. Long to bring a plan on how to educate the opponents of the language. She commented that she understood that this year may not be the best to pursue the language but she would like to see an action plan. Mr. Gonzalez commented that he would like to a plan similar to obtainable housing.

Larry Maxwell, Secretary and Treasurer, AIA Florida commented that they had been working on the language for some time and felt that mandatory contract/construction administration was needed. He commented that Ms. Long was correct that addressing the language during this session it would fail. He commented that the education process would take time and it would be a loss of political contacts and capital if it failed.

Ms. Dolan asked Mr. Maxwell to provide information on how they were educating associations that were against the language. Mr. Maxwell commented that it was not just education but a change in thought process because the language was a direct attack on other professional's business. Mr. Maxwell commented that they perceive the language as increasing the fees for architects as well as telling them how to manage their business.

Mr. Gonzalez commented that he was frustrated because other states and other countries have the necessary construction administration language. He commented that since last year insurance had increased tremendously. He commented that there are a lot of wonderful certifications such as LEED certified building, he proposed working with realtors to have an architect certified structure.

Mr. Gonzalez commented that, for him after seven years, there had been no progress on the issue. Mr. Manausa commented that there was too much emphasis on the negative people and not the positive people. He commented that they should work and move forward with the positive people such as insurance, sustainable housing, etc. He commented that he did not feel that they would win every association or group over but they should start somewhere.

Ms. Long requested a case or example of a "smoking gun" where contract/construction administration would have been beneficial to take as an example to the legislature. She commented that currently that they did not have a case or testimony that they could give that directly related to the need for contract/construction administration. She commented that if she could obtain that she felt her legislative group could move forward with the language.

Mr. Gonzalez asked if they only wanted cases for failure for lack of construction administration or for excellent work because construction administration. Ms. Long replied either. Mr. Gonzalez commented that in 2004 he provided construction administration for Sebastian City Hall and prior to completion there were two major hurricanes. He commented that the Florida Guard set up operations at that building because the construction administration was provided to a quality construction company and the building was worthy.

Ms. Solera commented that in 1992 that her firm was finishing the South Dade Courthouse and that was where FEMA set up operations as the firm worked on the punch list for the building. Ms. Del Bianco recommended that they look at other states that passed construction administration for case work.

Ms. Dolan asked if the board could assist lobbying the legislature. Ms. Clark advised the board that each of them had the right to encourage the passage, defeat, or mediation of any legislation by personal appearance or attendance before the Florida House of Representatives, Florida Senate, or any Committee thereof. In doing so the individual could identify themselves as a member of the board and represent that the opinions you represent are shared by other board members provided that it is in fact true. They must abide by the Sunshine Law which would prevent them going as a team or group.

Motion: Ms. Grigsby moved that the board supports and strongly encourages the adoption of the contract/construction administration language.

Second: Ms. Solera seconded the motion and it passed unanimously.

Ms. Dolan suggested that the board lobby the legislator and gain support from the respective professions and associations first.

Ms. Solera requested that Ms. Long return to the next meeting with a process and plan to get this language through the Legislature. Mr. Kuritzky commented that AIA Florida only represented half of the architects in Florida. He commented that they needed to gain the support of the registered architect and interior designers in Florida. Ms. Long commented that AIA Florida received negative responses from their membership because they did not want to provide construction administration services. Mr. Kuritzky commented that having the licensees support is critical and they were looking at individual licensee insurance issues.

Ms. Dolan requested that AIA Florida send a survey to architects regarding their support.

Mr. Gonzalez commented that Miami-Dade and Broward require architects to certify all buildings to obtain a certificate of occupancy. Ms. Solera commented that was driven by the county. Mr. Hall confirmed that issue.

Ms. Long thanked Mr. Gonzalez for his service on the board and for his comments in the latest department's newsletter. She introduced Mr. Maxwell and Mr. Jones. She provided

information on some of AIA Florida continuing education courses that would be offered in Jacksonville, Palm Beach, and Tampa areas.

The board recessed for lunch

12. General Discussion / For Information

New Board Member Orientation

Ms. Chastain provided a new board member orientation handbook as well as reviewed the information with a power point presentation. Ms. Clark and Mr. Minacci presented the legal portions of the training as specific to their roles.

ITN Contract

Ms. Chastain reported that Smith, Thompson, Shaw & Manausa was awarded the contract and the Mr. Gonzalez, Chair signed the contract on behalf of the board.

Number of licensees

Ms. Chastain reviewed the information and there was no additional discussion.

13. Election of Officers

Motion: Ms. Shore nominated Mary Jane Grigsby as Chair.

Second: Ms. Membiela seconded the motion and it passed unanimously.

Motion: Ms. Membiela nominated Neil Hall for Vice-Chair.

Second: The tape was inaudible to determine who seconded the motion and the board voted on the motion and it passed unanimously.

14. Future Board Meeting Dates

Set upcoming telephone conference calls and future meeting dates

The board held this discussion item until the next day.

15. Reports

Chair's Report – Rick Gonzalez

Mr. Gonzalez commented that he had been on the board seven years and served as the Chair for two years. He thanked the board for their support and Ms. Clark, Ms. Chastain, and Ms. Estes. He thanked Mr. Minacci, Mr. Manausa, and Mr. Johnson for their work regarding the disciplinary issues. He encouraged the architect board members to stay involved with NCARB.

Mr. Gonzalez commented that NCARB presented information on CADD/CAM and he felt it would change how they would practice architecture in approximately five to ten years.

Mr. Gonzalez commented that the board would need to continue to pursue the insurance issues, growth management, sustainability, and contract/construction administration. He commented that he would like to see contract/construction administration addressed in the near future. He commented that historic structures were not able to obtain insurance at this time and he felt historic buildings were important.

Mr. Gonzalez commented that he saw the AIA Florida's video on "design matters" and complimented them on their video.

Executive Director's Report – Juanita Chastain
Financial Report June 30, 2006

Ms. Chastain reviewed the financial report for June 30, 2006. She reviewed the difference between 2005 and 2006 by pointing out that they were in a renewal year in 2005. She reported that they were in good financial shape and that historically their revenues have been more than their expenses.

Ms. Chastain advised the board and audience that there were board appointment applications for consumer members.

Board Counsel's Report – Mary Ellen Clark

Advisory Legal Opinion (Formal), Building inspection, use of private providers

Ms. Clark reported that her rules report was part of her report and referred the board to her letter in the materials. She advised that the letter was requesting an opinion as to whether a private inspector could be utilized as a substitute if the building department had began an inspection. Her opinion was yes.

Prosecuting Attorney's Report – David K. Minacci
Annual Report

Licensed Architects Legal Cases

Licensed Interior Designers Legal Cases

Unlicensed Architects Legal Cases

Unlicensed Interior Designers Legal Cases

Licensed Architects Investigative Cases

Licensed Interior Designers Investigative Cases

Unlicensed Architects Investigative Cases

Unlicensed Interior Designers Investigative Cases

Fines Chart

Citations

Licensed/Administrative Hours

June 2006

July 2006

August 2006

Unlicensed Billable Hours

May 2006

June 2006

July 2006

August 2006

Results of June 15, 2006 PCP Meeting

Results of July 24, 2006 PCP Meeting

Results of July 26, 2006 Board Meeting

Results of August 28, 2006 PCP Meeting

Press Releases/Speaking Engagements/Other Correspondence

Mr. Minacci commented that he was busy with cases and they continued to increase. The board complimented Mr. Minacci on his speaking engagements.

The meeting recessed at 3:33 p.m.

MINUTES

**Board of Architecture and Interior Design
Hilton Cocoa Beach Oceanfront
1550 N Atlantic Avenue
Cocoa Beach, FL 32931
321.799.0003**

**October 25, 2006
9:00 a.m.**

General Business Meeting

1. Call to Order

Mr. Gonzalez called the meeting to order at 9:05 a.m.

Roll Call – identify excused absences

Board Members Present:

Rick Gonzalez, Chair

Neil Hall

Rossana Dolan

Eric Kuritzky

Mary Jane Grigsby

Sharon Del Bianco

Joyce Shore

Roymi Membiela

Lourdes Solera

Board Members Absent:

Garrick Gustafson, excused

Kenneth Horstmyer, excused

Others Present:

Mary Ellen Clark, Board Counsel

David Minacci, Prosecuting Attorney

Juanita Chastain, Executive Director

Terri Estes, Board Staff

Don Duer

Shelley Siegel

Shari Silkoff

Linda Noble

Susan Perers

Tiffany Woodridge

Clifford Pearson
Suzanne Brownless

Court Reporter: Maria Majiros, King reporting & video conference center, 14 Suntree Place, Suite 101, Melbourne Viera, FL 32940, 321.242.8080 or 800.892.1742

Mr. Minacci requested that the following cases be approved on a consent agenda since the settlement stipulations mirrored the probable cause panel's recommendation and the cases of voluntary relinquishment in lieu of further disciplinary action.

Mr. Hall was recused from voting on all cases where he served on the probable cause panel.

2. Consent Agenda

Settlement Stipulations

Licensed
DBPR vs. Gary M. Acord
Case Number 2005-016507
PCP: Rodriguez and Wirtz

DBPR vs. Elaine Baer
Case Number 2005-016031
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Richard Clay
Case Number 2005-043358
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Don Duer
Case Number 2005-015767
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Frederick Goglia / Arcvision, Inc.
Case Numbers 2004-057431 and 2004-057480
PCP: Rodriguez, Wirtz, Schreiber and Hall

DBPR vs. Arthur Gensler
Case Number 2005-014631
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Dennis Hughes
Case Number 2005-045997
PCP: Rodriguez and Wirtz

DBPR vs. Janet Jarvis
Case Number 2005-061885
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Rebecca Lehde
Case Number 2005-05687
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Faunce R. McCully
Case Number 2005-016293
PCP: Rodriguez and Wirtz

DBPR vs. Rabanni Muhammad
Case Number 2005-052201
PCP: Rodriguez, Wirtz, and Schreiber

DBPR vs. Robert Pilla
Case Number 2005-015148
PCP: Rodriguez and Wirtz

DBPR vs. William A. Romberger
Case Number 2005-046001
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Jose Sanchez
Case Number 2005-018316
PCP: Rodriguez and Wirtz

DBPR vs. Laura Turlington
Case Number 2005-045949
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Connie Turner
Case Number 2005-046696
PCP: Rodriguez and Wirtz

DBPR vs. D. Macartney Wilson
Case Number 2005056986
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Nikita Zukov
Case Number 2005-046716
PCP: Rodriguez, Wirtz, and Hall

Unlicensed

DBPR vs. Robert W. Gray
Case Number 2005-064204
PCP: Rodriguez and Hall

Voluntary Relinquishments

DBPR vs. Edward S. Lambeth
Case Number 2005-016057

DBPR vs. Kevin R. McDonald
Case Number 2005-018659

DBPR vs. Josephine Wood
Case Number 2005-018459

DBPR vs. D. Scott Howard
Case Number 2005-045955

Motion: Mr. Kuritzky moved to approve the settlement stipulations and voluntary relinquishments presented for the consent agenda.

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

3. Disciplinary Cases

Settlement Stipulation

Unlicensed

DBPR vs. Nikki Bowden
Case Number 2005-043163
PCP: Rodriguez, Wirtz, Schreiber and Hall

Ms. Bowden was present and represented by Suzanne Brownless. The case was before the board for an administrative complaint which reflected violations of practicing interior design without a license and using the title architect without a license. The probable cause panel recommended a \$10,000 fine plus cost and the settlement stipulation reflects a \$5,000 fine plus costs. Mr. Minacci advised that the fine was reduced based on the fact that the respondent obtained counsel, has agreed come into compliance, and there was no evidence of commercial practice.

Motion: Ms. Del Bianco moved to approve the settlement stipulation as presented.

Second: Ms. Grigsby seconded the motion and it passed unanimously.

Motion to Modify or Reconsider

Unlicensed

DBPR vs. Frederick A. Grantham
Case Number 2003-085876
PCP: Rodriguez, Wirtz, and Hall

Mr. Grantham was not present or represented by counsel but submitted a letter to the board requesting a continuance of the Motion to Modify or Reconsider his case due to health reasons. Mr. Minacci requested that the board grant his continuance request because Mr. Grantham was making payments towards the case and he had obtained counsel.

Motion: Ms. Solera moved to continue the case until the next meeting.
Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Motion for Order Waiving Formal Hearing

Licensed
DBPR vs. Harvey G. Burns
Case Number 2005-016887
PCP: Rodriguez and Wirtz

Mr. Burns was not present or represented by counsel. The case was before the board for an administrative complaint filed June 29, 2006 for an alleged violation of Chapter 481.215(5), Florida Statutes. The administrative complaint was properly served on July 25, 2006 via certified mail and Mr. Burns failed to respond timely. The probable cause panel's recommendation was a \$500 fine, complete the course, and the license would be suspended until compliance.

Motion: Ms. Del Bianco moved that the administrative complaint was properly served upon the respondent and waived his right to a hearing.
Second: Ms. Solera seconded the motion and it passed unanimously.

Motion: Ms. Del Bianco moved that the board accept the findings of fact and conclusions of law set forth in the administrative complaint.
Second: Ms. Shore seconded the motion and it passed unanimously.

Motion: Ms. Del Bianco moved to impose a \$500 fine, provide proof of course completion, and suspension until compliance.
Second: Ms. Grigsby seconded the motion and it passed unanimously.

DBPR vs. Evan Evans
Case Number 2005-061830
PCP: Rodriguez, Wirtz, and Hall

Mr. Evans was not present or represented by counsel. The case was before the board for an administrative complaint for failure to perform a statutory obligation which was served hand service on July 20, 2006 with no response. Mr. Minacci advised the board that the probable cause panel recommended a \$1,000 fine plus costs, 40 hours of continuing education, and suspension until compliance.

Motion: Ms. Del Bianco moved that the administrative complaint was properly served upon the respondent and waived his right to a hearing.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Motion: Ms. Del Bianco moved that the board accept the findings of fact and conclusions of law set forth in the administrative complaint.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Motion: Ms. Del Bianco moved to impose a \$1,000 fine plus costs, 40 hours of continuing education, and suspension until compliance.

Second: Ms. Grigsby seconded the motion and it passed unanimously.

Unlicensed

DBPR vs. Patty Castillo

Case Number 2005-047653

PCP: Rodriguez, Wirtz, and Bullock

Ms. Castillo was not present or represented by counsel. The case was before the board for an administrative complaint for violations of using the title interior designer when not licensed and practicing interior design without a certificate of authorization. Hand service of the administrative complaint failed so the notice was published May 31, 2006 in Broward County and a response was due by July 12, 2006. As of today there has been no response.

The probable cause panel recommended a \$10,000 fine plus costs. The board asked if the advertisement was published by Ethan Allen or the individual. Mr. Minacci replied by the individual without Ethan Allen corporate approval.

Motion: Ms. Del Bianco moved that the administrative complaint was properly served upon the respondent and waived her right to a hearing.

Second: Ms. Solera seconded the motion and it passed unanimously.

Motion: Ms. Solera moved that the board accept the findings of fact and conclusions of law set forth in the administrative complaint.

Second: Mr. Grigsby seconded the motion and it passed unanimously.

Motion: Ms. Solera moved to impose a \$10,000 fine plus costs.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

DBPR vs. Clifford Pearson / Pearson's Design Group

Case Number 2005-053539

PCP: Rodriguez and Wirtz

Mr. Pearson was not present or represented by counsel. The case was before the board for an administrative complaint alleging a violation of practicing architecture when not licensed. The administrative complaint was hand served on August 8, 2006 and the respondent has failed to respond. The probable cause panel recommended a \$5,000 fine plus costs. Ms. Solera commented that documents show Mr. Pearson is a reservist and

could be out of the country. Mr. Minacci replied that he had no additional information regarding his reserve status. Mr. Kuritzky asked if the individual would be given additional time. Mr. Minacci replied that when he was served the office attendant advised that he would be out of the office for two weeks and he had heard nothing from Mr. Pearson.

Motion: Ms. Del Bianco moved that the administrative complaint was properly served upon the respondent and waived his right to a hearing for failure to timely respond.

Second: Ms. Solera seconded the motion and it passed unanimously.

Motion: Ms. Del Bianco moved that the board accept the findings of fact and conclusions of law set forth in the administrative complaint.

Second: Mr. Grigsby seconded the motion and it passed unanimously.

Motion: Ms. Del Bianco moved to impose a \$5,000 fine plus \$363 costs.

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

Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact

Licensed

DBPR vs. David Hawke

Case Number 2005-015544

PCP: Rodriguez, Wirtz, and Hall

Mr. Hawke was not present or represented by counsel but a letter was provided for the board to review. The case was before the board for an administrative complaint filed June 2, 2006 for an alleged violation of Chapter 481.215(5), Florida Statutes. Mr. Hawke responded July 5, 2006 stating that he did not dispute the facts. Mr. Hawke has taken the required course but had not paid the \$500 fine. The probable cause panel's recommendation was a \$500 fine, complete the course, and the license would be suspended until compliance. Mr. Minacci confirmed for the board that since he had taken the course he would not be suspended but he would be required to pay the fine within 30 days. Failure to pay the fine timely would result in another administrative complaint.

Motion: Ms. Solera moved that the board accept the findings of fact and conclusions of law set forth in the administrative complaint.

Second: Mr. Shore seconded the motion and it passed unanimously.

Motion: Ms. Solera moved to impose a \$500 fine.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

DBPR vs. H A McCrory

Case Number 2005-016763

PCP: Rodriguez and Wirtz

The respondent was not present or represented by counsel. The case was before the board for an administrative complaint filed June 20, 2006 for an alleged violation of Chapter 481.215(5), Florida Statutes. The respondent filed an election of rights form on July 31,

2006 waiving his right to be heard. The probable cause panel's recommendation was a \$500 fine, complete the course, and the license would be suspended until compliance.

Motion: Ms. Del Bianco moved that the board accept the findings of fact and conclusions of law set forth in the administrative complaint.

Second: Mr. Solera seconded the motion and it passed unanimously.

Motion: Ms. Del Bianco moved to impose a \$500 fine, complete the course, and the license would be suspended until compliance.

Second: Ms. Solera seconded the motion and it passed unanimously.

DBPR vs. Donald Miller

Case Number 2005-015790

PCP: Rodriguez, Wirtz, and Hall

Mr. Miller was not present or represented by counsel. The case was before the board for an administrative complaint filed May 24, 2006 for an alleged violation of Chapter 481.215(5), Florida Statutes. The respondent filed an election of rights form on May 30, 2006 waiving his right to be heard. The probable cause panel's recommendation was a \$500 fine, complete the course, and the license would be suspended until compliance.

Motion: Ms. Del Bianco moved that the board accept the findings of fact and conclusions of law set forth in the administrative complaint.

Second: Mr. Shore seconded the motion and it passed unanimously.

Motion: Ms. Del Bianco moved to impose a \$500 fine, complete the course, and the license would be suspended until compliance.

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

DBPR vs. Pamela S. Novakovich

Case Number 2006-025028

PCP: Rodriguez, Wirtz, and Schreiber

Ms. Novakovich was not present or represented by counsel. The case was before the board for an administrative complaint alleging a violation of an interior designer offering to render architecture services without a license. The administrative complaint was served August 10, 2006 and the respondent filed an election of rights form on September 12, 2006 waiving her right to be heard. The probable cause panel recommended a \$1,500 fine plus \$90 costs. Mr. Minacci advised that Mr. Hall was recused from voting.

Motion: Ms. Del Bianco moved that the board accept the findings of fact and conclusions of law set forth in the administrative complaint.

Second: Mr. Shore seconded the motion and it passed unanimously.

Motion: Ms. Del Bianco moved to impose a \$1,500 fine plus \$90 costs.

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

Unlicensed

DBPR vs. Juan C. Diaz / Dream Key Designs, Inc.

Case Number 2005-046906

PCP: Rodriguez, Wirtz, and Hall

Mr. Diaz was not present or represented by counsel. The case was before the board for an administrative complaint alleging violations of practicing architecture without a license, using the title of architect when not licensed, and practicing without a certificate of authorization. The administrative complaint was served August 8, 2006 and the respondent filed an election of rights form August 31, 2006 waiving his right to be heard. The probable cause panel recommended a \$15,000 fine plus \$426 costs. Ms. Clark requested that the board review Mr. Diaz's letter submitted in the agenda materials prior to voting on the case since he responded to the allegations but was not able to appear before the board. She reminded the board that the panel recommends the maximum penalty and the board had the discretion to impose a lower penalty if they felt the respondent addressed issues alleged in the complaint. Ms. Clark commented that the respondent has had no prior complaints and they should take that into consideration.

Motion: Ms. Del Bianco moved that the board accept the findings of fact and conclusions of law set forth in the administrative complaint.

Second: Mr. Grigsby seconded the motion and it passed unanimously.

Motion: Ms. Del Bianco moved to impose a \$15,000 fine plus \$426 costs.

Second: Ms. Shore seconded the motion.

The board discussed the history of the case and the fact that he was working with a licensed engineer. Mr. Manausa requested that the board look at the letter as a mitigating factor since the probable cause panel did not have this letter for consideration before they recommended the maximum fine.

Motion: Ms. Del Bianco amended her motion to impose a \$7,500 fine plus \$426 costs.

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

DBPR vs. Claudia Valdez / CV Interiors, Inc.

Case Numbers 2005-053230

PCP: Rodriguez, Wirtz, and Bullock

Ms. Valdez was not present or represented by counsel. The case was before the board for an administrative complaint filed March 3, 2006 alleging violations of practicing interior design without a license, using the title interior design when not licensed, and practicing without a certificate of authorization. The respondent filed an election of rights form dated May 15, 2006 disputing the facts and requested a formal hearing. The case was forwarded to the Division of Administrative Hearings (DOAH) and Mr. Minacci served her with a request for admissions on May 24, 2006. The respondent failed to respond to the request and on July 19, 2006, therefore, Mr. Minacci filed a motion to relinquish jurisdiction based on the fact that she failed to respond to the request for admissions everything was deemed admitted as true therefore there were no longer disputed issues of fact. The Division of Administrative Hearings granted Mr. Minacci's motion and entered an order that items in

the request for admissions was deemed admitted and they relinquished jurisdiction to the board.

Ms. Valdez nor her attorney had replied to the requests or the notice of the meeting. Ms. Clark advised the board to proceed with a hearing pursuant to Chapter 120.57(2), Florida Statutes.

Motion: Ms. Del Bianco moved that the board accept the findings of fact and conclusions of law set forth in the administrative complaint.

Second: Mr. Grigsby seconded the motion and it passed unanimously.

The probable cause panel's recommendation was a \$15,000 fine plus costs.

Motion: Ms. Del Bianco moved to impose a \$15,000 fine plus \$207 costs.

Second: Ms. Solera seconded the motion.

Mr. Kurtizky asked if the November 2005 e-mail was taken into consideration regarding the panel's penalty recommendation. Ms. Clark replied that the panel recommends the maximum fine for unlicensed activity cases and reminded the board that they could use their own discretion.

The question was called and the motion passed unanimously.

Settlement Stipulation

Unlicensed

DBPR vs. Bo Cseh / Bo Cseh Design

Case Number 2005-049670

PCP: Rodriguez, Wirtz, and Hall

The respondent was not present or represented by counsel. The case was before the board for an administrative complaint alleging a violation of using the title interior design when not licensed. The probable cause panel recommended a \$5,000 fine plus costs. The settlement stipulation reflected a \$2,500 fine plus costs. Mr. Minacci commented that there was no evidence that the respondent practiced and the respondent agreed to come into compliance.

Motion: Ms. Grigsby moved that the board accept the settlement stipulation as presented.

Second: Ms. Del Bianco seconded the motion and it passed unanimously.

DBPR vs. Juan Montoya

Case Number 2005-055870

PCP: Rodriguez and Wirtz

Mr. Montoya was not present or represented by counsel. The case was before the board for an administrative complaint alleging violations of practicing interior design when not licensed, using the title interior design when not licensed, and practicing without a

certificate of authorization. The probable cause panel recommended a \$15,000 fine plus costs. The settlement stipulation reflected a \$10,000 fine plus costs. Mr. Minacci advised that the respondent agreed to come into compliance.

Motion: Ms. Del Bianco moved that the board accept the settlement stipulation as presented.

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

DBPR vs. Kurt A. Petgrave

Case Number 2004-026590

PCP: Rodriguez and Wirtz

Mr. Petgrave was not present or represented by counsel. The case was before the board for an administrative complaint alleging violations of using the title architect when not licensed and practicing architecture when not licensed. The probable cause panel recommended a \$10,000 fine plus costs. The settlement stipulation reflected a \$5,000 fine plus costs. Mr. Minacci advised that he reviewed Chapter 481, Florida Statutes with Mr. Petgrave and his attorney.

Motion: Mr. Hall moved that the board accept the settlement stipulation as presented.

Second: Ms. Grigsby seconded the motion and it passed unanimously.

The board discussed the fact that Mr. Petgrave was employed by the Miami Airport as a Project Architect and the use of that title when he was not properly licensed. The board discussed the issue of the term "intern-architect" and based on the rule stated that if an intern was registered in NCARB IDP and was an exam candidate an individual could use the term "intern-architect".

DBPR vs. Edward Wikoff

Case Numbers 2006-007880 and 2006-008218

PCP: Rodriguez, Wirtz, and Hall

Mr. Wikoff was not present or represented by counsel. The case was before the board for an administrative complaint alleging violations of practicing architecture when not licensed, using the title architect when not licensed, and practicing without a certificate of authorization. The probable cause panel recommended a \$15,000 fine plus costs. The settlement stipulation reflected a \$9,500 fine plus costs. Mr. Minacci commented that the respondent agreed to come into compliance.

Motion: Ms. Solera moved that the board accept the settlement stipulation as presented.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

4. Addendum

Settlement Stipulation

Unlicensed

DBPR vs. Charles E. Hackbarth / CH Design, Inc.

Case Number 2005-060268

PCP: Rodriguez, Wirtz, and Hall

Mr. Hackbarth was not present or represented by counsel. The case was before the board for an administrative complaint alleging violations of practicing architecture when not licensed, using the title architect when not licensed, using the title interior designer when not licensed, and practicing without a certificate of authorization. The probable cause panel recommended a \$20,000 fine plus costs. The settlement stipulation reflected a \$12,000 fine plus costs.

Motion: Ms. Solera moved that the board accept the settlement stipulation as presented.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Mr. Gonzalez requested that Mr. Minacci advised the respondent that the word "commercial" needed to be removed from their letterhead.

DBPR vs. Clifford Pearson / Pearson's Design Group

Case Number 2005-053539

PCP: Rodriguez and Wirtz

Mr. Pearson arrived to the meeting late and requested that the board reconsider his case.

Motion: Ms. Membiela moved that the board reconsider Mr. Pearson's case.

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

Mr. Pearson advised that he hired an engineer for a project and that he only provided drafting services. He commented that he was not sure what the limitation where regarding working with engineers and architects. He requested direction from the board. Mr. Minacci asked Mr. Pearson if he understood that he could not contract to offer architectural services or commercial design work. Mr. Pearson replied in the positive.

Mr. Pearson commented that he was only providing drafting services. Mr. Gonzalez commented that he could draft for an engineer or architect but not directly to a client.

Ms. Clark requested that Mr. Pearson clarify if he did not dispute the facts alleged in the administrative complaint. Mr. Pearson replied in the positive. Ms. Clark advised that this would be a hearing pursuant to Chapter 120.57(2), Florida Statutes.

Motion: Ms. Membiela moved that the board adopt the findings of fact and conclusions of law as alleged in the administrative compliant.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Motion: Ms. Membiela moved to impose a \$1,000 fine plus costs.

Second: Ms. Grigsby seconded the motion and it passed unanimously.

Review and Approval of Minutes

March 27, 2006 Telephone Conference Call
June 5, 2006 Telephone Conference Call

Motion: Ms. Del Bianco moved to approve the minutes as presented.
Second: Ms. Shore seconded the motion and it passed unanimously.

5. Future Board Meeting Dates

The board scheduled a telephone conference call December 14, 2006 at 2:00 p.m.
The board scheduled a meeting February 5-7, 2007 in the Fernandina Beach area.
The board scheduled a meeting May 14-16, 2007 in the St. Petersburg area.
The board scheduled a meeting July 9-11, 2007 in conjunction with AIA if possible.

Ms. Chastain reminded the board about the upcoming February 2007 renewal period and advised that staff provided a "Did you know" section in the renewal notice flyer.

6. New Business

No new business.

7. Old Business

No old business.

8. Adjourn

The meeting adjourned at 10:30 a.m.