

MINUTES

**Board of Architecture and Interior Design
Department of Business and Professional Regulation
Profession's Board Room
1940 North Monroe Street
Tallahassee, FL 32399**

November 29, 2005

**General Business
9:00 a.m.**

Call to Order

Mr. Gonzalez, Chair called the meeting to order at 9:10 a.m.

Board Members Present:

Miguel Rodriguez
Ellis Bullock
Rick Gonzalez, Chair
Neil Hall
Mary Jane Grigsby, Vice-Chair
Sharon Del Bianco
Joyce Shore

Board Members Absent:

Stephen Schreiber, excused
Kenneth Horstmeyer
Garrick Gustafson
Roymi Membiela

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Juanita Chastain, Executive Director
Terri Estes, board staff
Emory Johnson
Trent Manausa
George Bouza
Allison Paladino
Robert S. Lewis

Court Reporter: Accurate Stenotype Reporters, Inc., 2894 Remington Green Lane,
Tallahassee, FL 32308, 850.878.2221.

Ms. Chastain advised the board that Mr. Horstmyer and Mr. Gustafson were unable to attend for medical reasons and Ms. Membiela was unable to attend because of a prior commitment.

Reconsideration

Jacqueline Williams

Ms. Estes informed the board that Ms. Williams provided additional information for the board to consider and requested an extension because she was unable to attend the meeting.

Motion: Mr. Rodriguez moved to continue the request.

The motion failed for lack of a second.

Ms. Clark commented that this was a request for the board to reconsider her notice of intent to deny her continuing education request. She commented that Ms. Williams applied for approval of continuing education credit for a 2 hour course she instructed entitled "Building and Barrier Free Design". She commented that the board reviewed and denied the course application at the June 28, 2005 meeting because it was determined that the course was elementary in nature. She advised the board that Ms. Williams did not timely dispute the facts alleged in the notice of intent to deny and therefore had no hearing rights.

Ms. Clark advised the board that they could reconsider the matter if they determined that there was new information that would overturn their notice of intent to deny. She advised that if there was no new information to change the outcome of the denial then there was no need for the board to reconsider the matter.

The board chose not to reconsider

Application Review

Architecture Endorsement

Stephen Thompson

Mr. Thompson submitted a letter requesting to withdraw his application.

Architecture Certificate of Authorization

Bouza & Associates, Inc.

Mr. Bouza was present and sworn in. Mr. Minacci advised the board that Mr. Bouza had prior discipline which the board reviewed on February 25, 2004. He advised that Mr. Bouza was still serving probation and had paid the fines and costs imposed by discipline.

Mr. Bouza commented that he was no longer the qualifier or responsible supervisor in control for Mummaw and Associates. Mr. Minacci provided the board with some background regarding the disciplinary case and felt that Mr. Bouza should appear before the board prior to granting his certificate of authorization.

Motion: Mr. Hall moved to approve the certificate of authorization.
Second: Mr. Bullock seconded the motion

Form Group Florida, LLC

Ms. Estes advised the board that a citation was issued and the firm had complied.

Motion: Mr. Hall moved to approve the certificate of authorization.
Second: Ms. Grigsby seconded the motion and it passed unanimously.

Interior Design Endorsement

Judd Brown

No one was present. Ms. Clark advised the board that Mr. Brown applied pursuant to Chapter 481.213(3)(b), Florida Statutes with reference to Chapter 481.209, Florida Statutes. She commented that Mr. Brown was licensed in Connecticut and New York but the department did not ask for the other states' laws and rules to perform a comparison to determine if they were substantially equivalent. Ms. Clark commented that the department's application unit did not timely request that information and therefore she could not use that as a deficiency for denial purposes.

Mr. Rodriguez commented that this was an interior design application and the education submitted was a Bachelor of Architecture which would not qualify for Florida interior design licensure. He commented that the applicant could obtain an architecture license then receive the interior design license.

Ms. Clark advised the board they could deny on the basis that the criteria for issuance was not substantially equivalent.

Mr. Manausa commented that the board could assume that the other states allowed other methods of licensure which was not equivalent for Florida's requirements. Ms. Del Bianco commented that Connecticut and New York were title act states not practice act states.

Mr. Johnson commented that the board was provided the title act from 2005 Chapter 396(a), Connecticut Statutes which is not equivalent to the practice act in Florida.

Motion: Mr. Rodriguez moved to deny based on failure to comply with requirements of Section 481.213(3)(b), Florida Statutes because Connecticut and New York's interior design profession is regulated by title acts not practice acts and therefore are not substantially equivalent to the requirements in Florida.

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

Interior Design Certificate of Authorization

MPA Design Inc

Mr. Allen submitted a letter for the board to review. Ms. Grigsby asked if there was a record that the firm had applied for licensure 3 times. Ms. Estes commented that she was not aware of that information but offered to review the department's records.

Reconsideration

Ralph Windle

Mr. Windle was not present but provided a letter requesting the opportunity to withdraw his application instead of being denied. Ms. Clark advised the board that Mr. Windle's application was reviewed July 26, 2005 and denied at which time he was not able to attend the meeting. She commented that the board allowed for that request when individuals were present.

Motion: Mr. Bullock moved to reconsider the matter.

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

Motion: Mr. Rodriguez moved to allow Mr. Windle to withdraw his application.

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

Portions of the tape were inaudible.

Application Review

Interior Design Individuals

Allison Paladino

Ms. Estes commented that Ms. Paladino applied pursuant to Section 481.213(3)(a), Florida Statutes and was previously licensed in Florida. She commented that Ms. Paladino's license went null and void for lack of renewal. Ms. Clark commented that the reason the application was not placed on the ratification list was because there was an open disciplinary matter. She advised the board if they proceeded with the application then the disciplinary matter would need to be addressed.

Ms. Paladino was present and sworn. Ms. Paladino commented that she did not renew her license because she did not receive the renewal notice. She assumed that the form would be forwarded by mail since she had an address change and registered a forwarding notice with the postal service. She commented that she completed her continuing education credits but did not realize her license was not renewed.

The board determined that she was eligible for licensure but the disciplinary matter would need to be resolved.

Mr. Minacci commented that a case was opened and that Mr. Smith, the investigator, notified Ms. Paladino that her license was null and void and she immediately took steps to remove the title "interior designer" and "interior design" from advertisements, web sites, etc. He commented that the disciplinary case was presented to the probable cause panel and they recommended that an administrative complaint be filed and a \$2,500 fine plus costs be imposed. He commented that it would take months for Ms. Paladino to receive her license because the disciplinary case would not be considered until the next board meeting which would be February.

Mr. Minacci requested that if the board agreed to the fines and costs imposed then they could incorporate that requirement as a condition of licensure for her personal license to be approved.

Ms. Clark commented that the board's choices were to deny the application or ask the applicant to waive their application processing rights to allow the disciplinary matter to be resolved. She commented that the case was unlicensed and public. She advised the board of the normal process of an administrative complaint and hearing rights.

Ms. Clark commented that Ms. Paladino was present today and would like the board to proceed with the application and disciplinary case. Mr. Minacci provided a copy of the administrative complaint issued November 28, 2005.

Ms. Clark offered that Ms. Paladino could waive Mr. Rodriguez's and Mr. Bullock's participation in the probable cause panel meeting and recusal so the disciplinary matter could be resolved today with members present.

Ms. Paladino requested that the board review her application and disciplinary matter to move forward.

The board determined to incorporate the administrative complaint into the approval of the individual license as a condition of licensure.

Portions of the tape were inaudible. A copy of the court reporter's tape has been requested.

Motion: Ms. Del Bianco moved to incorporate the administrative complaint with fines and costs imposed as a condition of licensure.

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

Motion: Mr. Rodriguez moved to approve the application for licensure

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

Art and Architecture, Inc.

Mr. Steve Urbanek was present and sworn. Mr. Hicks presented the application and commented that he offered services prior to receiving the certificate of authorization.

Motion: Mr. Bullock moved to approve the application with a \$250.00 fine.

Second: Mr. Hall seconded the motion, it passed with Ms. Del Bianco opposed.

Patrick Knowles

Mr. Knowles was not present.

The board determined this was a similar case as the Paladino case, unlicensed activity and using a delinquent or null and void license.

Motion: Ms. Del Bianco moved to deny based on the open disciplinary matter.

Second: Mr. Rodriguez seconded the motion.

The motion failed.

The board discussed the possibility of continuing the matter but since Mr. Knowles was not present to waive the application processing timeframe the board determined there was a need to proceed with the review of the application.

Motion: Mr. Rodriguez moved to deny based on pending disciplinary case.

Second: Ms. Grigsby seconded the motion, it passed with Mr. Hall and Mr. Gonzalez opposed.

Interior Design Business
The Gershon Group

Motion: Mr. Rodriguez moved to approve with a \$500.00 fine.

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

Pedonti Webb Studio, Inc.

No one was present. Ms. Estes advised the board that Mr. Hicks reviewed the application but it was an interior design business application.

Motion: Ms. Del Bianco moved to approve with a \$500.00 fine as a condition of licensure.

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

Architect Individual
Jon Baker

No one was present. Ms. Estes commented that a page was missing from the original NCARB council record and that page was now included to verify 5 educational credits. Mr. Hicks commented that he reviewed the documents and recommended approval of the application.

Motion: Mr. Rodriguez moved to approve the application.

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

Architecture Business
Benavente Design Associates, Inc.

No one was present. Ms. Estes advised that a letter was submitted for the board to review.

Ms. Del Bianco commented that Benavente was not a licensed architect. She commented that they were practicing interior design and they must have a dual license. Mr. Rodriguez commented that they did not need the dual license because as an architecture firm they could perform both services.

The board discussed that there were 2 different letterheads submitted and the need for a responsible supervisor to be in control of the different offices. The board requested that a

disciplinary case be opened due to numerous concerns regarding the application. Mr. Rodriguez read the letter submitted to clearly understand the issues regarding the application. He commented that based on the letter the firm name was an issue because Benavente was not a licensed architect or engineer. Ms. Estes clarified for the board that there were not numerous offices and that both firms Mr. Pozzuoli was qualifying were located at the same address and then there was a marketing office which did not require an additional supervisor in control.

Motion: Mr. Rodriguez moved to deny the application pursuant Rule 61G1-12.001(3), Florida Administrative Code.

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

Lawrence I. Janssen, AIA Architect, Inc.

No one was present but a letter was submitted for board review. The firm had a license but it lapsed into a null and void status. The board reviewed the letter and application. Mr. Rodriguez had additional questions regarding his hardship and would like to continue the application to allow him an appearance.

Motion: Ms. Del Bianco moved to approve the application with a \$250 fine as a condition of licensure based on hardship.

Second: Ms. Bullock seconded the motion and the motion failed.

Ms. Grigsby commented that she did not feel the fine should be reduced.

Motion: Mr. Hall moved to approve the application with a \$500 fine as a condition of licensure.

Second: Ms. Grigsby seconded the motion, it passed with Mr. Rodriguez and Mr. Bullock opposed.

Robert L. Bell Architect PA

No one was present. Ms. Estes advised the board that a citation was issued and the firm complied.

Motion: Mr. Rodriguez moved to approve.

Second: Mr. Hall seconded the motion.

Robert S. Lewis PA dba Building Ideas

Mr. Lewis was present, sworn in and provided a letter of explanation. He commented that he sought advice from other licensed individuals and lawyers. He commented that he was working for someone else but began the process of creating Building Ideas. He commented that he was performing projects under his personal name. He commented that both firms were formed at the same time for tax purposes.

Motion: Ms. Del Bianco moved to approve both firms as presented.

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

Schwab Architecture, PA

No one was present. Mr. Hicks presented that application and commented that the application reflected practice prior to receiving the certificate of authorization.

Motion: Ms. Del Bianco moved to approve the application with a \$500.00 fine as a condition of licensure.

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

Discussion

Letter from the Southern Conference NCARB from Blakely Dunn

Mr. Bullock commented that Mr. Dunn authored a letter with the attorney of Southern NCARB and felt it was critical of Florida and the actions taken relating to reciprocity. He commented that he contacted Mr. Dunn and relayed that the letter was not appropriate in the present form. He requested that Mr. Dunn withdraw the letter and advised that he would present the letter to the Florida board. He commented that he did not feel they were treating Florida fairly and that the board was trying to address the issue with the Florida Building Commission.

The board discussed the fact that they advised NCARB at the Miami meeting this requirement was legislatively mandated.

Ms. Del Bianco pointed out that all southern region states require 4 more hours per biennium than Florida and Texas. Mr. Rodriguez commented that he was requested to review the letter prior to issuance. He commented that the letter was addressed to the Florida Building Commission and it was issued as support to try and help the Florida Board resolve the requirement. He commented that it was intended to make the Commission aware that they were creating a problem for architects with regards to reciprocity.

Mr. Rodriguez commented that the number of hours required by other states was not germane to this issue because the issue is the requirement of 2 specific hours on a specific subject that are approved by the Building Commission. He commented that he did not feel the letter would hurt the board's efforts. Mr. Bullock commented that he felt the letter was derogatory in tone.

Mr. Manausa commented that NCARB was off base. He commented that Florida should have the right to make sure that an individual that practices in Florida knows the Florida codes. He commented that the board should be strong with NCARB and tell them that the board is looking out for the health, safety, and welfare of the Florida public.

Mr. Bullock commented that NCARB's priority was reciprocity without restrictions.

Mr. Manausa advised the board that Georgia was going to require specific hours as well. The board discussed the need to make sure individuals take the required number of hours within a specific timeframe for other states.

Mr. Rodriguez commented that he had a problem with being forced to take advanced code coursework. He commented that codes were reference documents and did not need to be memorized.

Mr. Manausa agreed that there was no need to memorize the codes but if Florida residents had to take the course then out of state residents should be required to take the course.

The board requested that the Chair respond to the letter.

Mr. Bullock commented that there was not one person from Florida on any of the NCARB National Committees and Florida is the 4th largest jurisdiction.

The board recessed at 11:00 a.m.
The board reconvened at 11:10 a.m.

Application Review

MPA Design, Inc.

No one was present. Ms. Estes confirmed for the board that she found no evidence of the department receiving any previous applications or fees.

Motion: Ms. Del Bianco moved to approve the application with a \$500.00 fine as a condition of licensure.

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

Discussion

E-mail from Louisiana regarding continuing education waiver due to Hurricane Katrina and Rita

Ms. Chastain commented that Florida's rules do not provide for what Louisiana was requesting. The board discussed and requested that the issue be handled on a case by case basis.

Ms. Chastain advised the board that the Governor waived the application fees for residents of Louisiana, Alabama, and Mississippi but did not address the continuing education requirement. She commented that the intent of the Executive Order was to expedite licensure.

The board discussed the statute and rules regarding the continuing education requirement. Ms. Clark recommended that individuals could submit a letter describing their hardship.

Letter from John Barley

Ms. Clark advised Mr. Barley that he would need to ask for a declaratory statement. Mr. Manausa commented that the issue would not go away. Ms. Clark offered to send Mr. Barley another letter.

For the board's information

NCARB Board of Directors Meeting Minutes October 2005

NCARB Regional Chairs Committee Meeting Minutes November 2005
NCIDQ Board of Directors Meeting Minutes September 2005
Licensure totals

Review and Approval of Meeting Minutes

September 21, 2004 telephone conference call

Motion: Mr. Hall moved to approve as presented.

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

October 27, 2004 telephone conference call

Motion: Mr. Hall moved to approve as presented.

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

February 15, 2005 telephone conference call

Motion: Ms. Grigsby moved to approve as presented.

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

Electronic Signing and Sealing Presentation – Begins at 1:00 p.m. or shortly thereafter

Bruce Dana with the Department of Transportation

During the presentation the board reviewed the rule language proposed.

Mr. Dana presented PEDDS and commented that it was software that could be used to implement the board's rules and requirements for electronic signing and sealing. He commented that it was currently available for Geologists, Surveyors and Mappers and Professional Engineers. He advised that PEDDS was available on the Department of Transportation's web site.

Ms. Clark advised that the rule language other professions utilize was in the agenda packets for review.

Mr. Dana commented that PEDDS was software that was used to secure data. He commented that it used the Federal Government's secured hash algorithm to calculate the fingerprint for a file.

Mr. Dana demonstrated for the board how to submit numerous files, documents, multiple disciplines, and signature security issues.

Rules Report

Letter from William H. Harrold with JAPC

Rule drafted by Board and Challenged by JAPC in 2000

Preliminary Text of the Proposed Rule Development

61G10-11.010, Landscape language

Uniform Resource Locators (URL)

The Foreword, Abstract, and Key Words follow

Ms. Clark asked Mr. Dana to review the language that was submitted in 2000 and verify if the program will accommodate the rule. Mr. Dana reviewed the rule language proposed in the agenda packets. He verified that the rule written in 2000 contained the information in the Pedds file that he presented. Mr. Rodriguez and Mr. Dana commented that they may want to verify the links noted in the rule.

Motion: Ms. Del Bianco moved to approve draft language as presented in 2000 for electronic signing and sealing.

Second: Mr. Hall seconded the motion.

Mr. Rodriguez requested that the board consider the engineer's rule language on page 5, item 2, which allowed for a computer generated representation of a seal on a drawing. He commented this would allow for the architect to not have to emboss every page because the seal would print on the page and the architect would only have to sign.

The board voiced concerns about the ability to duplicate or steal the seal.

The question was called and it passed unanimously.

Architecture Discussion

NCARB Letter from H. Carleton Godsey
NCARB web site Letter from Lenore Lucey
NCARB Strategic Plan
NCARB Summary Report of Resolutions

Ms. Chastain commented that the letter from Mr. Godsey was regarding when a candidate could begin sitting for the Architectural Registration Examination (ARE). Mr. Bullock commented that at the last NCARB meeting there was a discussion regarding this requirement and the consensus was other states did not see a need for uniformity on the requirement.

Ms. Chastain commented that the letter from Ms. Lucey was in reference to Florida candidate's eligibility to begin sitting for the ARE after 1 year of Intern Development Program (IDP). She commented that NCARB's position was not to allow a candidate eligibility to sit for the exam until they complete 3 years of IDP. She commented that at the NCARB Member Board Executive's meeting, AIA was present and they were in favor of testing after 1 year. Mr. Rodriguez commented that they were in favor of taking the ARE concurrent with IDP, anytime subsequent to graduation.

Continuing Education Task Force – Begins at 2:00 p.m. or shortly thereafter

Continuing Education handbooks - Architecture and Interior Design

Ms. Chastain asked the board for direction regarding acceptance of AIA certificates for interior designers. Ms. Del Bianco replied that it would have to be reviewed and approved by IDCEC or the board. Mr. Rodriguez commented that the board could make AIA an approved provider for interior designers without going through the IDCEC process.

Ms. Grigsby commented that the reason IDCEC did not accept reciprocity for AIA courses was the criteria for course review was not as stringent as IDCEC. Ms. Del Bianco commented that IDCEC was stringent about course providers not promoting products.

Ms. Estes advised that Mr. Matthias was the only task force member that was able to attend the meeting. She requested that the meeting with the task force be rescheduled for February.

Mr. Matthias provided Ms. Estes some architecture handbook changes and comments.

Mr. Matthias commented that automatic providers are required to have their courses reviewed and approved by the task force with the only exception of AIA CES.

Mr. Matthias suggested that they clarify the dates regarding the advance course requirement.

The board discussed the need to review both handbooks at the same time.

Ms. Del Bianco commented that there should be a process or method in place to revoke providerships.

Mr. Rodriguez commented that the AIA National was an automatic provider and their courses were acceptable but the Florida Chapters are automatic providers but their courses are not automatically accepted.

Ms. Del Bianco commented that they would have to be careful with universities because some courses may not build upon the knowledge or practice of the profession.

Mr. Rodriguez commented that changing the definitions from core, intermediate, and advanced to Level 1, 2, or 3 may not assist the practitioner. Ms. Estes commented that Ms. Auguste suggested that they leave the definitions the same and add the options of Florida Building Code Core Course and Florida Building Code Advanced Course to alleviate the confusion between the other definitions and computer inquiries.

Mr. Rodriguez discussed the need for the Department of Community Affairs accreditors information. He recommended Mr. Matthias as an accreditor for architecture. The board discussed the need for an interior designer accreditor.

Ms. Chastain advised the board how the Board of Landscape Architecture handled the Florida Building Code advanced courses.

Motion: Mr. Rodriguez recommended Mr. Matthias as an accreditor for architecture and the need to designate someone for interior design, to apply and be approved for both disciplines.

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

Ms. Chastain advised that Landscape Architecture accepted courses that have been reviewed and approved by DCA if the provider is already approved by the board they do not have an additional approval system.

AIA Report – Vicki Long

Ms. Long introduced her staff.

Tricia Arnold Buchanan introduced herself and advised she was the comptroller, the liaison to the Florida AIA Foundation, general office manager, and other support staff.

Eileen Johnson introduced herself and advised that she was the director of professional development, took care of continuing education, conventions, and board meetings. She commented that Florida AIA provided services to architects and interior designers, 1150 including non AIA members. She commented that Florida AIA offered the Florida Building Code video to numerous licensees. She commented that their plan for the future was to concentrate on DVD and online courses for advanced building code.

Michele Straw introduced herself and advised she was the director of communications and public relations. She commented that she had oversight of their web site, Friday Facts, newsletters, staff liaison for the Communications Commission and Member Benefits Commission, and firm directory.

Robin Wilson introduced herself and advised that she was the manager of membership and marketing. She commented that she was responsible for recruitment of membership and retention, advertising and ad sells. She advised that they had approximately 2,400 members as of today and would like to improve those numbers.

Ms. Long commented that she, Mr. Huey, Ms. Salaga, and Mr. Jacob met with Secretary Marsteller and Ms. Chastain. She advised that they provided some constructive criticism regarding the Customer Contact Center. She commented that the Customer Contact Center continued to be a bone of contention for bad information. She commented that she advised they had a positive working relationship with the board and staff. She commented that they requested that the department expedite paperwork for Hurricane Katrina victims by waiving fees and continuing education.

Ms. Long advised AIA created a database of firms that needed employees as an effort to assist hurricane victims. She advised that NCARB was going to assist in duplicating records for individuals that lost everything.

Ms. Long advised that Florida AIA created two task forces, one for firm ownership and one for mandatory construction. She commented that there was a concern for the need of 100% ownership of firms and determined that qualifiers should be substantial owners. She commented that they feel a substantial ownership without defining would be less restrictive but would assist with the goal of regulation. She commented that it is not a viable option this year but would be working with Mr. Minacci for future legislative sessions.

Ms. Long commented that there was a task force dedicated to mandatory construction administration and they would like to pursue it but still had some questions and concern with other professions supporting the requirement.

Mr. Manausa commented that they met with engineers and they were positive of construction administration and wanted to work together to have a positive outcome during the legislative session.

Ms. Long advised that Florida AIA was going to pursue a retired status for architects. Ms. Clark advised that the health professions enacted a provision in Chapter 456, Florida Statutes.

Ms. Long advised that the upcoming Florida AIA meeting would be held July 28-31, 2006 in Boca Raton and it would be an extended convention. She advised that the National AIA Convention would be held in Miami, Florida 2010. She advised that AIA would be celebrating its 150th Anniversary in 2007. She commented that the local components would establish legacy programs or public relations programs to increase awareness of AIA. She commented that under the legacy program there was blueprint for America which was designed to engage architects with local governmental entities to establish relationships. She commented that they would like to see community service programs and establish a shared vision for livable communities

Mr. Gonzalez thanked Ms. Long for the AIA leads. He recommended that the local AIA chapters should have a listing of architects and firms in that specific local area because that is the first exposure to the local community. Ms. Long commented that they were working on that suggestion and were working with local and regional areas.

Mr. Gonzalez feels that they may be getting mixed messages regarding design guidelines. He commented that not all architects were against design guidelines. Ms. Long welcomed Mr. Gonzalez to the task force regarding the issue.

Mr. Gonzalez recommended that Florida AIA look at Miami-Dade and Broward because construction administration was mandatory in those areas.

Mr. Bullock asked about the Florida AIA efforts regarding the privatization of the board administrative functions. Ms. Long replied that they supported the effort but it was an issue of timing, if it could take place, opposition, etc. He asked if the efforts were still moving forward and asked if it was possible for the upcoming legislation. Ms. Long replied it was a possibility.

Interior Design Discussion

NCIDQ 2005 Annual Meeting

NCIDQ Bylaw revisions to be voted on at the 2005 Council of Delegates meeting

Board of Directors meeting minutes for May and June 2005

Board of Directors meeting minutes for August 2005

NCIDQ Press Release

Ms. Del Bianco commented that NCIDQ instituted a new policy providing any order of education and experience for applicants prior to 2007 then they would require experience be obtained after education. She advised that they would be revising the certification program.

Ms. Del Bianco commented that FIDER supported NCIDQ performing equivalency evaluations for non-FIDER accredited programs.

Rules Report and Discussion

Rule Tracking

61G1-17.001, Professional Fees and Penalties for Architects

61G1-17.002, Professional Fees and Penalties for Interior Designers

Discussion on Null and Void language/application

Ms. Clark advised that the board would need to review and approve an application and set the fee for the application. She commented that the application required that the applicant include the reason for hardship, appear before the board and the board would decide if it was a valid reason to reinstate the license.

Mr. Bullock commented that other states allow for lapsed licenses to be reinstated especially when an architect is not working or living in that particular state. Mr. Gonzalez commented that he understood Mr. Bullock's explanation but also felt there were some people were out there that just let their licenses go null and void.

Ms. Del Bianco asked if they would look at the applicant as a new licensee. Ms. Clark replied in the negative.

Mr. Rodriguez commented that the statute language was an avenue for unusual or extenuating circumstances. He commented that the language was not meant for individuals that forgot to change their address, it was meant for illnesses, etc. He commented that he did not feel the application reflected that it was meant for extenuating circumstances. He commented that he did not want to impose a penalty when considering the fee.

Mr. Bullock commented that they would have to consider whether the applicant was practicing without a license. Mr. Rodriguez commented that they could handle through the disciplinary method. He commented that if an individual was practicing without a license then there was not an unusual hardship that scenario would be someone that just forgot to renew their license. He commented that an unusual hardship was physically ill or the individual's house was blown away.

Mr. Rodriguez suggested that the application fee be the same as the renewal fee.

Motion: Mr. Rodriguez moved to impose a \$125.00 reinstatement application fee for both architect and interior design.

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

The board discussed the need to remove the NCIDQ and NCARB examination fees.

Ms. Grigsby suggested that the application reflect that this was for extreme hardships. Ms. Clark referred the board to the checklist on the application which reflected illness or undue hardship. Mr. Gonzalez commented that the application required a statement demonstrating a good faith effort to comply with renewal and an explanation of the illness or undue hardship.

Mr. Rodriguez commented that he was at the legislative meeting when this was presented and thought there was more specific language regarding the criteria for reinstatement.

The board discussed the fact the individuals would apply and not read the requirements.

Ms. Del Bianco asked if they would be considering individual and businesses and voiced a concern about them practicing without a current valid license. It was determined that the application was for individuals only.

Ms. Clark referred the board to Section 455.217(6)(b), Florida Statutes. She commented that the application could be titled "Application to Reinstate Null and Void Certification based on Illness or Unusual Hardship".

Ms. Del Bianco requested that a question regarding practice be on the application. Mr. Rodriguez suggested investigating all applicants regarding practice without a license.

Motion: Mr. Rodriguez moved to approve application and impose 20 hours of continuing education must be taken within 120 days of the application approval.

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

61G1-21, Continuing Education/Interior Designers

This item was postponed to the February meeting.

61G1-23.015, Responsible Supervising Control over Architectural Practice Outside of the Architect's Office

Ms. Clark commented that JAPC was rejecting every proposed change that the board made at the July meeting. She advised the board that she felt that JAPC would prevail in removing this rule because the board did not have statutory authority. She commented that the number one issue was that there was no statutory authority for making different requirements for individual that exercised responsible supervisory whether inside versus outside of the office.

Ms. Clark advised that they could impose the same requirements whether exercising responsible supervisory control for inside or outside of the office. She advised that the board could tighten Rule 61G1-23.010, Florida Administrative Code that would impose the same supervisory control requirements for both inside or outside of the office.

Mr. Rodriguez suggested taking paragraph 4 of Rule 61G1-23.015 and adding it as paragraph 4 to Rule 61G1-23.010. Ms. Clark commented that JAPC was challenging that paragraph separately. She advised that JAPC determined that the efforts to provide supervisory control were the same inside or outside of an office.

Mr. Bullock suggested removing the language "in the architect's office". The board discussed merging Rule 61G1-23.015 and 23.010. Mr. Manausa suggested removing the language "throughout their preparation".

Ms. Clark suggested adding paragraph 4 to Rule 61G1-23.010, Florida Administrative Code, and remove "throughout their preparation".

Motion: Mr. Rodriguez moved to approve Ms. Clark's suggestion.
Second: Ms. Grigsby seconded the motion and it passed unanimously.

Mr. Manausa stated that the professional responsibility should still be in the language.

Ms. Clark commented that they could not have the words "personally" or "directly" written so the board agreed to remove. They discussed removing the last sentence "outside of the architect's office".

Mr. Rodriguez suggested moving paragraph 3 from Rule 61G1-23.015 to Rule 61G1-23.010 and remove the language "outside of the architect's office".

Mr. Minacci asked Ms. Clark if JAPC was challenging paragraph 1 of Rule 61G1-23.015, Florida Administrative Code because it was important when prosecuting and proving responsible supervisory control. He commented that the individual must provide some form or level of documentation regarding responsible supervision. Ms. Del Bianco suggested that the language read "which may include". Ms. Clark advised that they had tried that language.

Mr. Rodriguez suggested language that would convince her to accept a level or reasonable or standard of care.

Mr. Minacci suggested that the board should pursue working with Florida AIA regarding supervisory control since they would be opening the statute this legislative session. He commented that they would be better off to have the responsible supervisory control requirement in the statute.

Mr. Rodriguez suggested under item 1 that the architect document the exercise of responsible supervisory control as concurrent with standards of professional practice which is not specific and allows a broad range.

Ms. Clark read the letter from JAPC which asks the board to provide the law that requires and allows the board to impose a rule that requires an architect to prepare and maintain evidence of responsible supervisory control.

Ms. Grigsby referred the board to Chapter 481.225(1)(g), Florida Statutes and asked how they could ensure the responsible supervising control of services or projects, as required by board rule, if they could not ask for documentation of such. Ms. Clark replied that they apparently had been assuring it over the practice in the architect's office without evidence all this time.

Ms. Clark commented that JAPC does not believe the board has the authority to require "evidence". Mr. Rodriguez commented that he felt JAPC needed to be challenged. Ms. Clark commented that she would put the language in again and the board could determine which board member would appear for hearing regarding the matter.

Mr. Hall commented that members that have sat on the probable cause panel felt the responsible supervisory control issue was important.

Mr. Minacci suggested that they work with Florida AIA and move the language from the rule to statute during this upcoming session. He commented that he did not feel that anyone would challenge the language because it protected the health, safety, and welfare of the public.

The board discussed the need to respond to JAPC's concerns and the board could work with Florida AIA on implementing the language in statute.

Mr. Rodriguez and Ms. Del Bianco felt that JAPC was right that it should be the same supervisory control requirement inside or outside of the office. Mr. Rodriguez commented that the rule language specific to outside of the office was implemented because of unlicensed activity.

Motion: Mr. Rodriguez moved to accept the recommendation of moving a majority of Rule 61G1-23.015 into Rule 61G1-23.010 and work with her on the other language question.
Second: Ms. Grigsby seconded the motion.

Ms. Clark commented that she would not notice the repeal of Rule 61G1-23.015 until she agrees to the changes of Rule 61G1-23.010.

Mr. Johnson asked Ms. Clark if she had received any feedback on Rule 61G1-.23040 or 050. Ms. Clark replied in the negative.

Rule 61G1-24, Continuing Education for Architects

This was discussed previously.

Ms. Del Bianco requested that a rule be noticed for an architect or interior designer license number should be legible for advertisements. Ms. Clark commented that Rule 61G1-11.013(3)(c), Florida Administrative Code covered her request or concern.

Continuing Education Applications

Contract & Project Management

Contract & Project Management – Internet Version

Financial Management

Financial Management – Internet Version

Mr. Hall felt the courses were relevant to the profession. The board discussed the processing timeframe and suggested that a copy go to two reviewers at the same time to cut down on the processing timeframe.

Motion: Mr. Rodriguez moved to approve Contract & Project Management, Contract & Project Management – Internet Version, Financial Management, and Financial Management – Internet Version.

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

Regulatory Compliance

Regulatory Compliance – Internet Format

Mr. Rodriguez commented that the courses were on Chapter 489, Florida Statutes, workers compensation, OSHA, accessibility, fair housing act, building inspectors and lien law.

Motion: Mr. Rodriguez moved to deny majority of material is directed to contractors as noted on page 6 of the continuing education handbook.

The motion failed for lack of a second.

Motion: Mr. Hall moved to approve Regulatory Compliance and Regulatory Compliance – Internet Version.

Second: Mr. Bullock seconded the motion, it passed with Mr. Rodriguez opposed.

Mr. Manausa voiced his concern about individuals taking the same names or knowledge based course and getting credit.

Ratification Lists

Applications (handout)

Ms. Estes requested that the application ratification list be held until tomorrow's meeting.

Continuing Education

Motion: Ms. Del Bianco moved to approve the continuing education ratification list as presented.

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

General Discussion

DCA Building Code Education and Outreach Council meeting - Sharon Del Bianco

Provided a handout and reviewed the information. She advised that Mr. Rodriguez was appointed alternate Chair. She reminded the board that the professions are required to obtain 2 hours of advanced courses.

Election of Officers

Motion: Mr. Hall moved to elect Mr. Gonzalez as Chair.

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

Motion: Mr. Rodriguez moved to elect Ms. Grigsby as Vice-Chair.

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

Future Board Meeting Dates

January 17, 2005 telephone conference call

February 22-24, 2006 Fernandina Beach

May 1-3, 2006 Tampa

Reports

Chair's Report – Rick Gonzalez

Mr. Gonzalez commented that they needed help with the call center and approving applications quicker. He commented that he would like newsletters done twice a year. Mr. Gonzalez requested that Mr. Hall or Mr. Bullock get more involved with NCARB.

Mr. Gonzalez commented that Florida had a busy hurricane season and they need to be prepared and plan more appropriately. He suggested a strategic plan. Mr. Bullock commented that they should be supportive of the new building codes.

Executive Director's Report – Juanita Chastain

Financial Report June 30, 2005

Ms. Chastain reviewed the report with the board. They discussed the increases and decreases in costs and the reallocation of services. Mr. Bullock asked about the services regarding the continuing education audit.

Mr. Johnson complimented the department on the quick turn around on the continuing education audit.

IDAF Report – Steve Hefner

Mr. Hefner was not present.

Board Counsel's Report – Mary Ellen Clark

No report.

Prosecuting Attorney's Report – David K. Minacci

Status Report of Core Curriculum Courses

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

Citation Tracking Sheet

Fines Chart

Licensed/Administrative Hours

- June 2005
- July 2005
- August 2005

Unlicensed Billable Hours

- June 2005
- July 2005
- August 2005

Results of June 3, 2005 PCP Meeting

Results of July 25, 2005 PCP Meeting

Results of July 27, 2005 Board Meeting

Results of September 16, 2005 PCP Meeting

Press Releases/Speaking Engagements/Other Correspondence

Mr. Minacci advised the board that he would have a report on his service for the first three years of his contract available at the February meeting. He expressed his desire to obtain the contract again.

Ms. Del Bianco asked Mr. Minacci if he would follow-up on firms that were issued citations for practice without of certificate of authorization. Mr. Minacci replied that they either stop offering services or obtain the certificate.

Ms. Del Bianco commended Mr. Minacci on collecting fines.

The meeting recessed at 5:32 p.m.

AGENDA

**Board of Architecture and Interior Design
Department of Business and Professional Regulation
Profession's Board Room
1940 North Monroe Street
Tallahassee, FL 32399**

**November 30, 2005
9:00 a.m.**

General Business Meeting

Call to Order

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

Board Members Present:

Ellis Bullock
Rick Gonzalez, Chair
Neil Hall
Mary Jane Grigsby, Vice-Chair
Sharon Del Bianco
Joyce Shore

Board Members Absent:

Stephen Schreiber, excused
Kenneth Horstmyer
Garrick Gustafson
Roymi Membiela
Miguel Rodriguez

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Dennis Yecke, Deputy Secretary
Juanita Chastain, Executive Director
Terri Estes, board staff
Emory Johnson
Trent Manausa
Les Smith
W. R. "Buddy" Braren

Court Reporter: Accurate Stenotype Reporters, Inc., 2894 Remington Green Lane, Tallahassee, FL 32308, 850.878.2221.

Mr. Yecke advised the board that he had been with the department for a month. He commented that he moved to Florida from Minnesota where he served as the Deputy Commissioner of the Minnesota Department of Employment and Economic Development and prior to that he was with the Virginia State Government with the Department of Planning and Budget, Profession and Occupational Regulation. He also served 20 years in the military.

Mr. Yecke commented that he was aware there was turmoil in the department but his and the Secretary's agenda was customer service. He commented that they were going to be focusing on customer service.

Disciplinary Cases

Disciplinary Case

DBPR vs. Charles Scott Hughes

Case Number 2005-005480

PCP: Rodriguez, Wirtz, and Schreiber

Mr. Hughes was present and represented by Ed Bayo. Mr. Minacci commented that he would like to place this case on the settlement stipulation consent agenda.

Settlement Stipulation

Licensed

DBPR vs. Patricia Crawford

Case Number 2005-019590

PCP: Rodriguez, Wirtz, and Schreiber

DBPR vs. Randall Marks

Case Number 2003-081766

PCP: Rodriguez, Wirtz, Hall and Schreiber

DBPR vs. Ruben Travieso

Case Number 2004-032031

PCP: Rodriguez, Wirtz, and Schreiber

DBPR vs. Roman Yurkiewicz

Case Number 2005-002759

PCP: Rodriguez and Schreiber

DBPR vs. Charles Scott Hughes

Case Number 2005-005480

PCP: Rodriguez, Wirtz, and Schreiber

DBPR vs. Ames Bennett
Case Number 2004-059998
PCP: Rodriguez, Wirtz, and Schreiber

DBPR vs. Jacek Schindler
Case Number 2004-059441
PCP: Rodriguez, Wirtz, and Schreiber

Mr. Minacci requested that the board accept the settlement stipulations as presented.

Motion: Mr. Hall moved to approve the settlement stipulations on consent agenda.

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

Voluntarily Relinquishments

Items 1-58 removing #29

Items 1-12 on the Addendum

1. DBPR vs. Bruce Arneill
Case Number 2005-014770
2. DBPR vs. Roger Barton
Case Number 2005-020444
3. DBPR vs. Richard Behr
Case Number 2005-020078
4. DBPR vs. Robert Bell
Case Number 2005-020314
5. DBPR vs. Richard A. Benzaquen
Case Number 2005-020051
6. DBPR vs. Rita Blanck
Case Number 2005-020255
7. DBPR vs. Richard H. Bradfield
Case Number 2005-020226
8. DBPR vs. Luis R. Buenaventura
Case Number 2005-018858
9. DBPR vs. Frank J. Bull
Case Number 2005-016325
10. DBPR vs. Glenn Bullock
Case Number 2005-021242

11. DBPR vs. Richard Carter
Case Number 2005-020069
12. DBPR vs. Cary B. Cook
Case Number 2005-015036
13. DBPR vs. Nel David
Case Number 2005-019516
14. DBPR vs. Orlando Diaz-Amador
Case Number 2005-019546
15. DBPR vs. John H. Dickerson
Case Number 2005-018177
16. DBPR vs. Patricia A. Dunston
Case Number 2005-09584
17. DBPR vs. Warren M. Epstein
Case Number 2005-021255
18. DBPR vs. Tammy Flippo
Case Number 2005-020917
19. DBPR vs. Jeffrey Folinus
Case Number 2005-017936
20. DBPR vs. Christopher Giattina
Case Number 2005-015127
21. DBPR vs. Steven Goggans
Case Number 2005-020786
22. DBPR vs. Michael B. Gordon
Case Number 2005-019148
23. DBPR vs. William Hopkins
Case Number 2005-021341
24. DBPR vs. Robert W. Hoyer
Case Number 2005-020419
25. DBPR vs. Russell S. Johnson
Case Number 2005-020567

26. DBPR vs. Michael Konopka
Case Number 2005-019259
27. DBPR vs. Oscar E. Leidenfrost
Case Number 2005-019555
28. DBPR vs. Robert McMillan
Case Number 2005-20287
29. DBPR vs. Malcolm O. McQuaig (this item was pulled)
Case Number 2005-018883
30. DBPR vs. Keith O. Miller
Case Number 2005-018555
31. DBPR vs. Keith P. Miller
Case Number 2005-018556
32. DBPR vs. Ralph S. Moe, Jr.
Case Number 2005-019976
33. DBPR vs. Carl Ordemann
Case Number 2005-04889
34. DBPR vs. Charles Parrot
Case Number 2005-015051
35. DBPR vs. Sherri Poliakoff
Case Number 2005-020770
36. DBPR vs. James F. Porter
Case Number 2005-017526
37. DBPR vs. Janet Reynolds
Case Number 2005-017819
38. DBPR vs. Walter J. Richardson
Case Number 2005-021249
39. DBPR vs. Roland D. Roberts, Jr.
Case Number 2005-020456
40. DBPR vs. Richard Robinson
Case Number 2005-020250
41. DBPR vs. Charles Rogers

Case Number 2005-015055

42. DBPR vs. Ira J. Sanchick
Case Number 2005-017063
43. DBPR vs. Salvatore Saccoccio
Case Number 2005-020622
44. DBPR vs. Louis Schneider
Case Number 2005-018827
45. DBPR vs. Stephen Schneider
Case Number 2005-020835
46. DBPR vs. Warren H. Smith
Case Number 2005-021251
47. DBPR vs. Thomas Stauffer
Case Number 2005-020988
48. DBPR vs. Michael J. Stoker
Case Number 2005-019304
49. DBPR vs. Norris Strawbridge
Case Number 2005-019544
50. DBPR vs. Larry Stricker
Case Number 2005-018699
51. DBPR vs. Niles Sutphin
Case Number 2005-019530
52. DBPR vs. Melody Suzor
Case Number 2005-019137
53. DBPR vs. Joann R. Thornsby
Case Number 2005-018036
54. DBPR vs. Spartaco Tinucci
Case Number 2005-020804
55. DBPR vs. Ralph E. Warman
Case Number 2005-019948
56. DBPR vs. Beverly Weiter
Case Number 2005-014687

57. DBPR vs. Robert Whitton
Case Number 2005-020422

58. DBPR vs. Wilbur Yoder
Case Number 2005-021267

Addendum
Voluntary Relinquishments

1. DBPR vs. Rudolph Beuc, Jr.
Case Number 2005-020559

2. DBPR vs. John Chaney
Case Number 2005-018070

3. DBPR vs. Jamie B. Christ
Case Number 2005-017783

4. DBPR vs. Roger Franks
Case Number 2005-020439

5. DBPR vs. James P. Goodwin
Case Number 2005-017640

6. DBPRR vs. Richard S. Granfield
Case Number 2005-020240

7. DBPRR vs. Michael Landau
Case Number 2005-019364

8. DBPR vs. Gretchen Minnhaar
Case Number 2005-016738

9. DBPR vs. Lydia Ortiz De Negron
Case Number 2005-018867

10. DBPR vs. Robert Payne
Case Number 2005-020370

11. DBPR vs. Barbara Schroeder
Case Number 2005-014641

12. DBPR vs. Daniel P. Stauder
Case Number 2005-015347

Motion: Mr. Bullock moved to accept the voluntary relinquishments.
Second: Ms. Grigsby seconded the motion and it passed unanimously.

Mr. Hall asked Mr. Minacci the status of the individuals. Mr. Minacci replied that he would characterize the relinquishments from retired individuals or out of state individuals.

Hearing on the Recommended Order and Respondent's Written Exceptions to the Recommended Order

Unlicensed
DBPR vs. W.R. "Buddy" Braren, III
Case Number 2004-043609
PCP: Rodriguez, Wirtz, and Hall
Mr. Braren was present and sworn in.

It was determined that the board did not have a quorum to proceed with the hearing. Mr. Minacci commented that he would schedule the case for the February meeting. The board apologized to Mr. Braren for the inconvenience.

Settlement Stipulation
DBPR vs. Robert L. Carelli
Case Number 2004-057911
PCP: Rodriguez and Schreiber
Mr. Carelli was not present but was represented by Tim Fiedler. Mr. Miancci commented that a 2 count administrative complaint was filed for offering services not licensed to perform and the probable cause panel recommended a \$10,000 fine plus costs. He commented that the settlement stipulation before the board was for a \$5,000 fine plus costs and that the fine and costs were being held in trust.

Mr. Fiedler commented that there was no intent to violate the statutes and Mr. Carelli had changed his business practices. Mr. Fiedler confirmed for Mr. Gonzalez that Mr. Carelli's work was mostly drafting and residential work. Mr. Minacci confirmed for Mr. Gonzalez that Mr. Carelli understood the contractual issues more clearly.

Mr. Minacci requested that the board approve the settlement stipulation as presented.

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

DBPR vs. Brian P. Fredley
Case Number 2005-002422
PCP: Rodriguez and Schreiber
Mr. Fredley was present, sworn in and represented by Fred Dudley. Mr. Minacci presented the case and commented that the respondent entered contracts to offer architectural services. He commented that probable cause was found to file a 4 count administrative complaint and the panel recommended a \$20,000 fine plus costs.

Mr. Minacci commented that the settlement stipulation was for a \$10,000 fine plus costs and he requested that the board approve the stipulation as presented.

Mr. Dudley commented that Mr. Fredley associated with a licensed architect and thought he was in compliance with the laws and rules. He commented that Mr. Fredley had taken and passed 6 of the 9 parts of the ARE, is an AIA associate for 15 years, and has completed the NCARB IDP. He commented that the settlement stipulation notes that this would not adversely affect Mr. Fredley upon completing all requirements for licensure.

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

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

It was determined that the following cases would be continued to the February meeting because of quorum issues.

Motion for Order Waiving Formal Hearing

Licensed

DBPR vs. Lawrence M. Dixon

Case Number 2004-055332

PCP: Rodriguez and Hall

Unlicensed

DBPR vs. Stacey Goldman

Case Number 2004-002097

PCP: Rodriguez, Wirtz, Bullock, and Schreiber

DBPR vs. Christine Seoane

Case Number 2004-037290

PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Robert S. Thomas

Case Number 2004-016482

PCP: Rodriguez, Wirtz, and Hall

Settlement Stipulations

DBPR vs. Randall Marks

Case Number 2003-081766

PCP: Rodriguez, Wirtz, Hall and Schreiber

This case was pulled from the approval consent agenda.

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

Licensed

DBPR vs. Marc-Michaels Interior Design, Inc.

Case Number 2004-057801

PCP: Rodriguez, Wirtz, and Schreiber

This case requested a continuance.

Voluntary Relinquishment (Addendum)
DBPR vs. Henry F. Fountain
Case Number 2005-016917

Motion: Mr. Bullock moved to approve the voluntary relinquishment as presented.
Second: Mr. Hall seconded the motion and it passed unanimously.

Motion for Order Waiving Formal Hearing

Unlicensed
DBPR vs. Jarvis Nelson Osorio
Case Number 2004-045403
PCP: Rodriguez, Wirtz, and Schreiber

No one was present. Ms. Clark advised the board how to proceed with a motion for order waiving formal hearing. Mr. Minacci presented the case and commented that probable cause was found to file a 2 count administrative complaint and service of the administrative complaint was achieved on May 26, 2005 by hand delivery. He commented that as of today there has been no response from the respondent.

Mr. Minacci advised that the panel recommended that a \$10,000 fine plus costs be imposed. He requested that the board accept the panel's recommendation.

Motion: Mr. Bullock moved that Mr. Osorio waived his hearing rights by failing to respond to the administrative complaint.
Second: Ms. Shore seconded the motion and it passed unanimously.

Motion: Ms. Del Bianco moved to adopt the findings of fact and conclusions of law as found in the administrative complaint.
Second: Ms. Grigsby seconded the motion and it passed unanimously.

Motion: Mr. Bullock moved to accept the panel's recommendation.
Second: Ms. Grigsby seconded the motion.

Mr. Hall commented that he was practicing fraud and wondered why there were not more charges. Mr. Minacci commented that this was unlicensed activity and they were limited but the panel imposed the maximum allowed by law.

Ms. Clark advised the board that the construction and electrical boards raised their fines to \$10,000 per offense.

The question was called and it passed unanimously.

Settlement Stipulation

Unlicensed

DBPR vs. William Tony Davenport

Case Number 2004-048815

PCP: Rodriguez and Schreiber

No one was present. Mr. Minacci presented the case and commented that probable cause was found to file a 2 count administrative complaint and the panel recommended a \$10,000 fine plus costs. He commented that the settlement stipulation was for \$4,000 fine plus costs. He requested that the board approve the settlement stipulation and provided background as to the reason for the difference in the panel's recommendation and the settlement stipulation fine amount.

Motion: Mr. Bullock moved to accept the settlement stipulation as presented.

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

DBPR vs. Huston's Office Furniture and Supplies

Case Number 2004-054895

PCP: Rodriguez, Wirtz, and Schreiber

No one was present. Mr. Minacci presented the case and commented that probable cause was found to file a 3 count administrative complaint and the panel recommended a \$15,000 fine plus costs. He commented that the settlement stipulation was a \$5,000 fine plus costs. He requested that the board accept the settlement stipulation and provided background as to the reason for the difference in the panel's recommendation and the settlement stipulation fine amount.

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

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

DBPR vs. Louis Canales/Canales Designs

Case Number 2004-039283

PCP: Rodriguez, Wirtz, and Schreiber

No one was present. Mr. Minacci presented the case and commented that probable cause was found to file a 2 count administrative complaint and recommended a \$10,000 fine plus costs. He commented that the settlement stipulation was a \$5,000 fine plus costs. He requested that the board approve the settlement stipulation as presented.

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

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

Ratification list

Applications (handout)

Interior Design by Endorsement

Items 1-5 and Items 7-11

Motion: Mr. Hall moved to approve items 1-5 and 7-11, removing item 6.

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

Interior Design Business
Items 12-14

Motion: Mr. Hall moved to approve items 12-14.
Second: Ms. Grigsby seconded the motion and it passed unanimously.

Architecture Applicants by Passage of Examination
Items 15-20

Motion: Mr. Hall moved to approve items 15-20.
Second: Ms. Grigsby seconded the motion and it passed unanimously.

Architecture by Endorsement
Items 21-46

Motion: Mr. Hall moved to approve items 21-46.
Second: Mr. Bullock seconded the motion and it passed unanimously.

Architecture Business
Items 47-60

Motion: Mr. Hall moved to approve items 47-60.
Second: Ms. Grigsby seconded the motion and it passed unanimously.

Interior Design Applicants by Passage of Examination
Item 1

Motion: Mr. Hall moved to approve item 1.
Second: Ms. Shore seconded the motion and it passed unanimously.

Interior Design Endorsement
Items 2-13

Motion: Mr. Hall moved to approve items 2-13.
Second: Mr. Bullock seconded the motion and it passed unanimously.

Interior Design Business
Items 14-22

Motion: Mr. Hall moved to approve items 14-22.
Second: Ms. Grigsby seconded the motion and it passed unanimously.

Architecture Business Name Change
Item 23

Motion: Mr. Hall moved to approve item 23.
Second: Mr. Bullock seconded the motion and it passed unanimously.

Architecture Applicants by Passage of Examination
Items 24-36

Motion: Mr. Hall moved to approve items 24-36.
Second: Ms. Shore seconded the motion and it passed unanimously.

Architecture by Endorsement
Items 37-70

Motion: Mr. Hall moved to approve items 37-70.
Second: Ms. Grigsby seconded the motion and it passed unanimously.

Architecture Business
Items 71-79

Motion: Mr. Hall moved to approve items 71-79.
Second: Ms. Grigsby seconded the motion and it passed unanimously.

Discussion

Supplemental Order relating to licensing fees
Discussed at the November 29, 2005 meeting.

Review and Approval of Minutes

Board Meeting July 26-27, 2005 – General Business

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

New Business

No new business.

Old Business

No old business.

Adjourn

The meeting adjourned at 10:10 a.m.