

MINUTES
BOARD OF ARCHITECTURE AND INTERIOR DESIGN

TELEPHONE CONFERENCE CALL

December 14, 2006
2:00 p.m. Eastern Time

Toll Free 888.808.6959 conference code 9218690

Call to Order

Roll Call – identify excused absences

Ms. Grigsby, Chair, called the meeting to order at 2:11 p.m.

Board Members Present:

Rick Gonzalez

Neil Hall

Rossana Dolan

Lourdes Solera

Mary Jane Grigsby, Chair

Sharon Del Bianco

Joyce Shore

Garrick Gustafson

Board Members Absent:

Kenneth Horstmyer

Eric Kuritzky

Roymi Membiela

Others Present:

Mary Ellen Clark, Board Counsel

David Minacci, Prosecuting Attorney

Juanita Chastain, Executive Director

Terri Estes, Government Analyst

Les Smith

Dwight Chastain

Jeffrey Jacobs

David Ser

Michael Donaldson

Kimberly Bewley

Jack Berry

Richard Opalinsky

Taylor Wells

June Pugliese

Court Reporter: Tina Crews, For the Record Reporting, 1500 Mahan Drive, Tallahassee, Florida 32308, telephone 850.224.0728

Application Review

Architect
Jack Berry

Mr. Berry was present. Mr. Hicks presented the application and commented that Mr. Berry did not meet the minimum education requirements for licensure set forth in Chapter 481.213(3)(b), Florida Statutes. Mr. Berry provided information regarding his licensure status in other states and information on how he gained licensure in those states based on an education equivalency.

Ms. Clark commented that the Section 4703-1-07(b), Ohio law allowed substitution of the education with experience. She asked Mr. Hicks if he agreed that the Ohio law was not substantially equivalent to the Florida law at the time of licensure and Mr. Hicks agreed.

Mr. Berry thanked the board for reviewing his application. He reviewed the information that he submitted regarding his documentation of his education against a NAAB accredited degree and that he used to appeal to the state of Michigan for licensure. He commented that it was not practical for him to return to school for additional education. He commented that the Florida law was frustrating because it did not allow architects with over twenty-six years of experience an avenue to gain licensure.

Ms. Clark advised the board that they should deny the application based on the agenda materials or allow Mr. Berry to withdraw.

Mr. Berry requested to withdraw his application.

Richard A. Opalinsky

Mr. Opalinsky was present. Mr. Hicks presented the application and commented that Mr. Opalinsky did not meet the minimum education requirements set forth in Chapter 481.213(3)(c), Florida Statutes with reference to Chapter 481.209, Florida Statutes.

Mr. Opalinsky commented that he wanted to be able to practice architecture and that the statute should address experience as well as education. He commented that he was certified by NCARB via the broadly experienced architect. He commented that he felt individuals should be able to be licensed based on reciprocity for any one that received an NCARB certificate prior to 2000. He commented that he did not want to withdraw his application because he wanted to pursue litigation to change the statute.

Motion: Mr. Gonzalez moved to deny Mr. Opalinsky's application based on the fact that he does not meet the minimum education requirements set forth in Chapter 481.213(3)(c) and 481.209, Florida Statutes.

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

Discipline review

DBPR vs. David Ser

Case Numbers 2005-027946 and 2005-013168

PCP: Rodriguez, Wirtz, and Bullock

Mr. Ser was present and represented by Mr. Jacobs. Mr. Minacci advised that the application was held in abeyance until the disciplinary case was resolved. He commented that Mr. Ser's license lapsed into null and void status and he continued to practice. He commented that Mr. Ser appeared before the probable cause panel and they recommended a \$6,000 fine plus costs. He commented that the settlement stipulation reflected the recommendation of the panel and therefore, requested that the board approved the settlement stipulation as presented.

Mr. Jacobs commented that Mr. Ser agreed to and complied with the panel's recommendation. Mr. Gonzalez asked if the allegation of the funds that were taken resolved. Mr. Minacci replied that Mr. Ser provided evidence to the panel that issue was resolved.

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

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

David Ser – application review

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

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

DBPR vs. Kimberly Nicole Bewley

Case Numbers 2006-044410 and 2006-044408

PCP: Rodriguez, Wirtz, and Bullock

Ms. Bewley was present and represented by Mr. Donaldson. Mr. Minacci advised that the application was held in abeyance until the disciplinary case was resolved. He commented that the probable cause panel recommended at \$2,500 fine plus cost and Ms. Bewley had complied. He requested that the board approve the settlement stipulation as presented.

Motion: Mr. Gustafson moved that the board approve the settlement stipulation as presented.

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

Kimberly Bewley – application review

Ms. Del Bianco asked if the case was a result of the practice reflected in the application. Mr. Minacci replied in the positive. Mr. Donaldson commented that Ms. Bewley applied for licensure and that the case was not based on a complaint.

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

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

Continuing Education Reviews

Art of Digital Imaging and Digital Photography
Effectively Working with Interior Photographers

Taylor Wells and June Pugliese were present. Ms. Shore commented that the applications were reviewed at the October board meeting and recommended for denial but in order to write the denial order the reasons needed to be clearly stated. She commented that the reason for the denial was stated that it was not health, safety, or welfare related but Ms. Clark informed the board that was not a basis for denial. Ms. Shore offered that the course be denied for failing to meet rule 61G1-21.003, F.A.C., that the course be submitted in a complete format to include all handouts, schedules, and course content information.

Ms. Del Bianco commented that even if they complied with the reasons for denial she was of the opinion that the courses should not be approved for twenty hours or eight hours because she does not feel they are health, safety, or welfare related. Ms. Grigsby commented that the course could be approved for the number of hours requested regardless of whether it was health, safety, or welfare related. Ms. Clark agreed.

Mr. Taylor commented that they wanted to comply with the requirements and agreed to make it clear that the course would only be eligible for four hours of credit. Ms. Shore commented that approving them for four hours would require the additional information to complete the course application.

Mr. Taylor requested that his application be held and waived the application processing rights pursuant to Chapter 120.60, Florida Statutes, to be able to comply with the application requirements.

Motion: Ms. Del Bianco moved to continue the application.

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

Ratification List

Licensure list (faxed/e-mailed)

Interior Design applicants by endorsement and exam
Items 1-15

Interior Design Businesses
Items 16-26

Architecture applicants by passage of examination
Items 27-43

Architecture by endorsement
Items 44-101

Architecture Businesses
Items 102-140

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

Discussion/For information

Letter from the Department of Community Affairs regarding the Florida Building Code advance course requirement

Ms. Chastain commented that the board reviewed a letter from Region 3 Southern Conference NCARB at their last meeting regarding the Florida Building Code advance course requirement. She advised that the letter in the agenda materials was a response from the Department of Community Affairs to Region 3 Southern Conference NCARB. She advised that she did not write a letter response to Region 3 because she felt this one was adequate.

Ms. Del Bianco asked if the board was going to monitor the advanced course for one hundred percent compliance like they did for the core course. Ms. Chastain replied in the negative and advised that the board would audit a percentage of the licensees based and that information would be verified at that time.

Future Board meeting dates and locations

Ms. Del Bianco commented that she would not be available January 16, 2007.

January 16, 2007 at 2:00 p.m. telephone conference call

February 5-7, 2007 St. Augustine

May 14-16, 2007 St. Petersburg

July 9-11, 2007 Ft. Myers area

October 10-12, 2007 Key West area

New Business

No new business.

Old Business

No old business.

Adjourn

The meeting adjourned at 3:14 p.m.