

## **MINUTES**

### **BOARD OF ARCHITECTURE AND INTERIOR DESIGN**

**Embassy Suites Hotel  
Orlando-North  
225 East Altamonte Drive  
Altamonte Springs, FL 32701**

**January 11, 2005**

**General Business**

**January 11, 2005**

**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, Jr.  
Rick Gonzalez, Chair  
Neil Hall  
Stephen Schreiber  
Sharon Del Bianco  
Joyce Shore  
Kenneth Horstmyer  
Garrick Gustafson

#### Board Members Absent:

Roymi Membiela  
Mary Jane Grigsby

#### Others Present:

Christine Arnold  
Kris Kolar  
Gloria Ellinwood  
Sandra Dyden  
Maura Dennison  
Andrew Ray  
Debora Fields  
Beth Gladden  
Ann Bettin  
Jill Smith  
Nancy Bredemeyer

Lisa Gielinski  
Rita Williams  
Bill Kobrynich  
Elyse Ostland  
Donna Kirby  
Jose Farinos  
Jan Pagano  
Jose Lozano  
Gail Griffin  
Aida Bao-Garciga  
Bethany Creamer  
Joyce Butts  
Steven Hefner  
Michael Wirtz  
Tony Marsh  
E. Ann McGee  
Prof. Zenaida Espinosa  
Shelley Siegel  
Other interested parties

**Court Reporter:**

Lorene Harris, American, Letha Wheeler & Associates, 1250 Mt. Homer Road, Suite 9, Eustis, FL 32726, telephone 352.589.8852.

**Application Review**

**Interior Design**

Christine Arnold (exam)

Christine Arnold and Kris Kolar were present and sworn in. Ms. Del Bianco presented the application and commented that Ms. Grigsby denied the application based on Mr. Butler's education review. She commented that Mr. Butler's evaluation reflected that transcripts were insufficient to determine the type of credits or quarter hours and there was no evidence of post secondary liberal studies. She commented that the degree reflected that the education was in interior design but it was questionable if the program met rule requirements.

Ms. Arnold commented that she had passed the NCIDQ, had additional information regarding the interior design program she attended, and that she was previously licensed in Florida. She commented that she moved and did not renew her license.

Mr. Butler reviewed his evaluation checklist based on the rule. Ms. Del Bianco commented that Ms. Arnold would have to meet today's requirements for licensure since her license went null and void.

Ms. Arnold commented that it was a mistake to allow her license to lapse into null and void status and she completed the education, continuing education, and passed the NCIDQ test.

She commented that she had liberal arts education prior to attending the interior design program.

Ms. Arnold waived her Chapter 120.60, F.S. rights to allow Mr. Butler to reevaluate her additional education information.

Motion: Mr. Rodriguez moved to continue the application to allow for an additional educational review based on new information.

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

Heriberto J. Brito (endorsement)

Mr. Brito was not present. Ms. Del Bianco presented the application and commented that there was no degree in interior design based on Mr. Butler's education evaluation. Therefore, the application was recommended for denial.

Mr. Schreiber commented that the applicant passed the NCIDQ examination and that would trigger a course by course evaluation. Mr. Butler commented that the requirement was that the degree be in interior design not architecture. Ms. Del Bianco commented that NCIDQ does not require a degree in interior design to be eligible for examination.

Motion: Mr. Hall moved to deny the application.

Second: Mr. Rodriguez seconded the motion, it passed with Mr. Gustafson and Mr. Schreiber opposed.

Maura Dennison (endorsement)

Maura Dennison was present and sworn in. Ms. Del Bianco presented the application and commented that the degree was in architecture not interior design. She commented that Mr. Butler evaluated the education and recommended denial. Therefore, the application was recommended for denial.

Mr. Johnson commented that the statute permitted licensure under two conditions, Chapter 481.213(1), F.S. when a candidate was licensed as an architect and Chapter 481.209(2), F.S. when an applicant meets the educational requirements in interior design. He commented that Ms. Dennison had a degree in architecture.

Ms. Dennison commented that the statute reflect an interior design program not degree. She provided a handout that reflected she completed the required course curriculum. Ms. Clark commented that she was referring to Chapter 481.209(2)(c), F.S. which allowed the board to certify a candidate that had completed at least 3 years in an interior design curriculum and had completed 3 years of diversified interior design experience.

Mr. Schreiber commented that her degree was in fine arts in architecture. Ms. Clark commented that they would need to determine if her program was an interior design curriculum of 3 years. Ms. Dennison commented that Rule 61G1-22.003, FAC, further defined the interior design curriculum.

Mr. Butler commented that the operative word was to graduate from an interior design program. He commented that he was the past Chairman of the Interior Design Program for Florida State University which was a degree granting program. He commented that he was bound by statute and the program that she submitted was an architecture program.

Ms. Dennison commented that the rule defined what the program was and the definition was based on course content. Mr. Schreiber commented that he was in favor of the candidate because she provided a course by course evaluation of the curriculum she completed. He commented that the information was convincing that it met the criteria.

Mr. Schreiber commented that the degrees have a range of titles and the reason that the degree had architecture in it was not basis for denial. Mr. Hall supported Mr. Schreiber and commented that he would like to review the previous application in light of this information.

Motion: Mr. Schreiber moved to approve the applicant.

Second: Mr. Hall seconded the motion.

Mr. Butler commented that based on the board's discussion they would need to revisit numerous applications that were previously denied.

Ms. Del Bianco commented that architecture degrees were not the same curriculum as an interior design curriculum. Ms. Dennison commented that she went to Cornell University and it was an all encompassing curriculum.

Mr. Butler commented that he had a coworker that was a graduate from Cornell University and was a licensed interior designer. He commented that the coworker stated that the curriculum did not include interior design. He commented that there were interiors to study in architecture but not the specialized study of interior design.

Mr. Gonzalez commented that the category she was applying for was for completion of 3 years of curriculum in interior design. Ms. Clark commented that she should be evaluated for all methods of endorsement. She commented that she was not granted an interior design degree but requested that the board consider her education for completion of 3 years of an interior design curriculum.

Ms. Dennison commented that she was applying under the 4 year degree program as set forth by rule. Ms. Clark commented that her legal advice to the board was that her degree did not meet the criteria set forth in the rule.

Ms. Del Bianco commented that the evaluation of the curriculum provided was from the applicant not the school.

Ms. Del Bianco asked Mr. Johnson if there was an intent when the statutory language was crafted to change the language of the 3 year curriculum. Mr. Johnson commented that there was no intent to change the language. He commented that the agreement between the architecture and interior design parties was an agreement in 1994 and was that the only

way an architect could enter the interior design profession which was reflected in the current statute. He commented that the language was if a person graduated from a program or granted a degree in architecture and if the individual was licensed to practice architecture then they were granted the privilege to practice interior design. He commented that it was discussed at that time if the individual did not meet the requirements of passing the architecture examination and receiving licensure as an architect then they would not be granted an easy way into the profession of interior design solely based on their architecture education.

Mr. Schreiber commented that the history was helpful but it was the board's job today to interpret the laws and rules. He commented that he did not feel that this candidate or any candidate should be penalized based on the title of a degree. He commented that there was a wide range of degree titles for appropriate curriculum in interior design. He commented that the word architecture in the degree title should not prevent a review of her education.

Mr. Johnson commented that he disagreed based on the advice of the board's counsel and educational consultant. Mr. Manausa recommended that the board table the application to allow a course by course review based on information from Cornell.

Mr. Butler commented that architecture was bound by rigid guidelines on a national and federal basis which interior design was not. He commented that interior design was not in the same position. He commented that the degree titles were addressed in the checklist review and he had performed course by course reviews for home economic degrees that included interior design curriculum. He commented that he had reviewed files for numerous years and did not recall an architecture degree meeting the interior design curriculum. He commented that he might have had an interior architecture degree and environmental architecture degree that had met the curriculum but this was clearly an architecture program.

Ms. Dennison commented that her degree should still be evaluated. Ms. Del Bianco commented that an architecture degree was not the same as an interior design program and historically the board has denied applicants with architecture degrees. She commented that they were bound by past policy.

Mr. Schreiber commented that just because she had an architecture degree did not exclude her from having interior design degree because they could coexist. He commented that she provided proof that they did in fact coexist. He commented that her degree was a Bachelor of Fine Arts in Architecture which was broader.

Mr. Gonzalez commented that she must show that her Cornell degree was a 3 year interior design curriculum and proof of 3 years of experience. Mr. Manausa commented that the board could not go against the statute. Mr. Johnson commented that he had visited programs for FIDER including architecture, home economics, art, trade schools, etc. and if they were looking at a program whether it was in a school of architecture they would be

reviewing programs or curriculum of interior design not a college of architecture. He commented that the college or school must have a specific program in interior design.

Mr. Johnson commented that reviewing Ms. Dennison's application he did not read where she took a program or curriculum of interior design. He commented that he could manipulate language of any program to read however they wanted. He commented that he did not see any documentation from Cornell University that indicates that the 4 year architecture program is a program or curriculum of interior design.

Mr. Rodriguez commented that because the board had always done evaluations a particular way did not mean they must continue that path. He commented that the statute allowed for a 3 year curriculum which was further defined by rule. He commented that as long as the statute and rule language was in place then an applicant had the right to a review of their curriculum. He commented that they should allow the educational consultant an opportunity to review the additional information regarding the curriculum. Mr. Butler commented that Rule 61G1-22.003(5), FAC, allowed for institutions to verify to the board in writing that the curriculum meets the minimum requirements of the rule.

Ms. Clark advised the board that the board should take into consideration the historical rulings of the board. She commented that the board should not be afraid to continue to follow the standing interpretation of the board if they believe it was a solid one because all individuals denied had the right to appeal. She commented that if the candidate could obtain additional information from Cornell University stating that her program was in interior design then she should be given the opportunity to do so before the board made a decision.

The question was called and it failed.

Ms. Dennison requested that her application be tabled until the next meeting and waived her Chapter 120.60, F.S. rights. Mr. Butler commented that he would refer the application to the board.

Ms. Del Bianco commented that the board was all over the place on their decision because this was a program in architecture. Mr. Rodriguez commented that the statute allowed for review for a 3 year curriculum.

Mr. Gonzalez requested that Chapter 481.209(2)(c), F.S. be placed on the March agenda for discussion to determine what an interior design curriculum was. Mr. Butler commented that he had performed similar reviews and would review the letter from Cornell University which should include course information.

The board reminded Ms. Dennison of the experience requirement. Mr. Rodriguez commented that a letter from the dean of Cornell University would not be sufficient for licensure but it would require a thorough review of the courses. Mr. Butler commented that it was left to the integrity of the institution and they would need to provide convincing evidence of equivalency in interior design.

Interior Design Certificate of Authorization

Lisa Gielincki Interior Design, Inc.

Merchandising Plus, Inc.

Lisa Gielincki was present and sworn in. Ms. Del Bianco presented the application and the application reflected that Ms. Gielincki was qualifying two firms at two separate locations which required two responsible supervisors. She commented that there was discipline against the firm and they had been practicing. Ms. Del Bianco commented that there was additional information that indicated Ms. Gielincki had moved both businesses to one location.

Ms. Gielincki commented that she set up her business through an attorney. She commented that both firms had been practicing. Mr. Minacci commented that Ms. Gielincki was very cooperative, received a cease and desist order and shut down her business. Ms. Gielincki commented that she filed her certificate of authorization application immediately when she realized she needed the license. The board determined that the cease and desist order was issued based on an advertisement not practice.

Mr. Rodriguez commented that this was an example of how the probable cause panel worked with the applicant to get them into compliance. He commented that in this case the panel relies on the board to levy a fine if so needed.

Motion: Ms. Del Bianco moved to approve Lisa Gielincki Interior Design, Inc.

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

Motion: Mr. Rodriguez moved to approve Merchandising Plus, Inc.

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

Northsouth Studios, LLC

Elyse Ostland was present and sworn in. Ms. Del Bianco presented the application and commented that the application appeared to reflect that the business had been practicing prior to licensure.

Ms. Ostland commented that she was a theme designer, fabricator, and she owned a hand painting furniture business. She commented that she was drafting for the theme industry while waiting on licensure. The board determined that it was concepts.

Motion: Ms. Del Bianco moved to approve.

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

R Shana Designs

Rebecca Felman was present and sworn in. Ms. Del Bianco presented the application and commented that the application reflected that it appeared that services had been offered since May 2002.

Ms. Felman commented that she applied for her personal license and didn't realize she needed the certificate of authorization. She commented that when she realized she was not in compliance she stopped practicing. She commented that she worked from her home with no employees. She commented that she performed both residential and commercial work.

Mr. Hall commented that the letterhead had numerous telephone numbers listed. Ms. Del Bianco asked what percentage of her work was commercial. Ms. Felman replied 75%.

Motion: Ms. Del Bianco moved to approve with a \$1,500 fine.

Second: Mr. Horstmyer seconded the motion.

Ms. Felman commented that the fine was large and she was trying to come into compliance and she was a one person firm. Ms. Clark asked if she applied on her own or due to a complaint. Ms. Felman replied that she applied on her own.

Motion: Ms. Del Bianco moved to amend her motion to approve with a \$1,000 fine.

Second: Mr. Horstmyer seconded the motion.

Ms. Felman commented that when she realized she was not in compliance she contacted that board office to make sure she was properly licensed. She agreed to modify her letterhead regarding the telephone numbers.

The question was called and it failed.

Motion: Mr. Schreiber moved to approve.

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

#### Architecture

##### Debora Fields

Debora Fields was present and sworn in. Mr. Manausa presented the application and commented that she did not have the required degree and was initially licensed in 1998. He commented that she was licensed in North Carolina under a grandfathering clause therefore her application was recommended for denial. Ms. Clark asked Mr. Manausa if the reason for denial was that the laws in North Carolina when she was initially licensed were not substantially equivalent to Florida. Mr. Manausa replied in the positive.

Ms. Fields commented that she disagreed. She commented that she received a 4 year degree from Florida A & M in 1978. She commented that NCARB reviewed her education, deemed her equivalent to a 5 year degree, and approved her eligible to sit for the examination. She brought letters from the dean, recommendations, drawings, etc. for board consideration.

Mr. Manausa commented that the board could review her education for equivalency but she had a 4 year degree not a 5 year degree which is what Florida required. Ms. Fields and the board reviewed the statutes and avenues for licensure. Ms. Clark commented that the



board sympathized with her situation but licensure was precluded by statute. She commented that her program would have to apply for board approval and she must have a 5 year professional degree.

Mr. Schreiber recommended that she contact a NAAB accredited school to have her education reviewed to complete the additional required hours to receive a bachelors or masters in architecture. Ms. Fields commented that she had already contacted 3 schools and because of a 7 year gap she would be required to retake 50% of her courses.

Ms. Clark reviewed for the board the Ellinwood case which was similar to Ms. Fields' application. The case was based on Mr. Ellinwood having a 4 year degree and it was determined that his education was not equivalent to Florida requirements which was a 5 year degree. She commented that the board won the case. Ms. Fields asked the board for any alternatives or methodology for licensure in Florida without a 5 year degree. The board confirmed for her that there was no method or alternatives to licensure in Florida without a 5 year degree. The only route available without a 5 year degree was through NCARB with licensure prior to 1984.

Ms. Fields requested to withdraw her application.

John Sather

No one was present. Mr. Manausa presented the application and commented that he was licensed in Arizona in 1983 with no degree. Mr. Manausa recommended that he apply through NCARB and be granted 5 educational credits since he was licensed prior to 1984.

Motion: Ms. Del Bianco moved to table to the next meeting.

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

The board requested that staff notify Mr. Sather of the next telephone conference call to allow Mr. Sather an opportunity to appear.

### **Review of Statutes Discussion**

Nevada Curriculum review

Interior Design Education language version 1

Interior Design Education language version 2

Ms. Del Bianco commented that she was assigned to be the liaison to work the community colleges regarding the statutory interior design education rewrite. She commented that version 2 or version A in the agenda packet was the language that the colleges endorsed.

Ann McGee, President of Seminole Community College and Beth Gladden with the Department of Education, Division of Community Colleges and workforce education were present to address the board regarding the interior design education changes. Ms. McGee commented that she was designated as the spokesperson for the 28 community colleges throughout the state. She commented that the community colleges and the Department of Education were in agreement on educational issues. She commented that they oppose a 4 year degree.

Ms. McGee commented the colleges have discussed adding the additional 5 credit hours in interior design program so it complied with the NCIDQ requirements for 60 semester hours and 5280 hours of work experience so students would be eligible to take the national licensure examination. She commented that this would be a revision to their current programs. She commented that their programs were great value.

Ms. McGee commented that in 2001-2002 the Florida Community College system revised all of the interior design performance standards to match the competencies required by FIDER. She commented that their curriculum was directly related to the FIDER curriculum. She commented that all of the community colleges with an interior design program had articulation agreements with 4 year institutions.

Ms. Gladden commented that the department was supportive of the ability of a 2 year student to sit for the interior design licensure examination. She commented that the concern was the wording of the statutes. She commented that they would offer technical assistance but they were not empowered to issue an evaluated report.

Ms. Pagano with Indian River Community College commented that they were requesting version 2 with modifications. Mr. Gonzalez confirmed the language to be version 2 with the following changes to subsection 2(b)(2), delete "Florida Board of Education" and replace with the language " a regionally or nationally accredited college or university with an interior design program meeting the requirements at a minimum". Ms. Gladden confirmed and stated that number 3 had suggested changes from 5280 to 3520 hours.

Ms. Del Bianco commented that version 2 language was new and the board had not had additional conversations regarding the language. She commented that the discussion from the beginning was to allow only Florida colleges this avenue and this language opened it up for colleges outside of Florida. She commented that the language allows for an evaluation of education to come from the community college and it should come from a third party source. She commented that NCIDQ was looking at providing an education evaluation program in early 2006. She commented that removing the language "Florida Board of Education" and leaving "a board approved source" would be a better avenue.

Ms. Del Bianco commented that the reason for the 5280 hours was for individuals that already hold a bachelor degree in an unrelated field and return to a 2 year degree in interior design should be held to the experience requirements not 3520 hours. Mr. Farinos with Indian River Community College commented that the main focus was the right for 2 year graduates the opportunity to the examination and the experience was a secondary issue. He commented that as long as a graduate with a bachelor's degree had the core number of hours required in interior design then they should not be required to complete the number of hours of experience as a 2 year degree person.

Mr. Gonzalez asked Mr. Farinos if the community colleges would have a problem with deleting the language "Florida Board of Education". Mr. Farinos replied that they would not have a problem with that deletion.

Ms. Del Bianco stated that the requested language being presented for version A or version 2 with the deletion of language "Florida Board of Education and" under 481.209(2)(b)(2) and the hours for 481.209(3) be changed to 3520. Mr. Rodriguez expressed concerns regarding individuals that have bachelors degrees unrelated to interior design and the need for certain experience hours needed.

Motion: Mr. Schreiber moved to approve the language in version A with the noted changes.

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

#### Architecture Certificate of Authorization SGC School, LLC

No one was present but a letter was presented. Mr. Manausa presented the application and commented that the application reflected practice prior to licensure. He referred the board to the additional letter from the applicant explaining the practice and recommended approval of the application.

Motion: Mr. Gustafson moved to approve.

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

#### Tichenor Group Architects, Inc.

No one was present but Mr. Tichnor provided a letter stating that he was not able to attend. Mr. Manausa presented the application and commented that the application reflected practice prior to licensure since 1994. Mr. Minacci commented that there was no discipline pending. Mr. Bullock commented that the applicant came forward.

Motion: Mr. Bullock moved to approve with a \$2,500 fine.

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

#### Walrath & White Architects, PA

No one was present but a letter was submitted by the applicant. Mr. Manausa presented the application and commented that the application reflected that there was practice prior to licensure. He commented that the letter submitted explained that they had not practiced prior to licensure and recommended approval.

Motion: Mr. Rodriguez moved to approve.

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

#### Continuing Education

##### Balinese Architecture A Spiritual & Spatial Orientation

Ms. Del Bianco commented that the course was self study and only 4 hours were permitted for self study. Ms. Shore presented the application and commented that the applicant was writing a book and it was not complete. Mr. Rodriguez commented that the applicant was applying prior to completion of the course or effort and once she completed writing the book she could submit for review.

Motion: Ms. Del Bianco moved to deny based on Rule 61G1-21.003, FAC.  
Second: Mr. Rodriguez seconded the motion and it passed unanimously.

## **Reports**

AIA Report – Vicki Long

Vicki Long, Executive Director and Micky Jacobs, President were present from AIA. Ms. Long commented that they were requested by the board to review the statutory revisions. Mr. Jacobs commented that the Executive Committee thanked Mr. Manausa, Mr. Johnson, and the board for their efforts to improve the profession through the statutory revisions. He commented that the Executive Committee's recommendation was to proceed with certain portions of the statutory revisions.

Mr. Jacobs commented that the Committee felt that a complete rewrite of the statutes would bring forth more risk than benefits at this time. He provided examples such as reactions from related professions to new practice definitions, legislature opposition to expansion of authority to impose higher fees or greater penalties, lack of support regarding construction administration, and lack of support to increased education criteria. He commented that they were proposing to move forward with the following revisions.

- Statutory authority of the board to implement responsible supervisory control
- Inclusion of limited liability companies as an accepted form of corporate practice
- Statutory authority of the board to allow for electronic seals as an alternative seal
- Requirement of a full time architect in all architectural offices
- Requirement of the qualifier of a corporation or partnership to insure responsible supervisory control for all project by that entity

Mr. Gonzalez asked Mr. Jacobs why AIA did not support the construction administration. Mr. Jacobs replied that this should not be construed as lack of support but they did not want the entire statutory revision to fail based on that one revision. He commented that AIA had created a task force to specifically study the proposal of construction administration.

Mr. Jacobs commented that they would like to revisit it in the future with the support of the current opposition. Mr. Gonzalez commented that they were referring to the opposition as the builders' associations. Mr. Hall commented that having construction administration was a plus to all professions.

Mr. Jacobs commented that he felt that the Insurance industry would be supportive of construction administration but felt it would take time to gain that support. He commented that they felt the supported items would add more benefit to what the board had been accomplishing through Mr. Minacci's efforts.

Mr. Jacobs commented that they were trying to position themselves politically and correctly so they would have proper support. Mr. Hall asked Mr. Jacobs what was the opposition to construction administration. Mr. Jacobs replied that they must carefully craft the language so there were not unintended consequences to professional groups.

Mr. Hall commented that there was a growing movement to provide construction services.

Mr. Gonzalez commented that Senator Pruitt trashed the field of architecture for the disasters of the schools in St. Lucie. He commented that it was due to a lack of construction supervision on job sites. He commented that Senator Pruitt could be turned around based regarding the need for construction administration.

Ms. Long commented that they should bear in mind the professions of Senate Presidents at the time they are trying to pass certain language.

Ms. Del Bianco thanked Mr. Jacobs for attending the meeting and invited continued attendance. She commented that the language was initially brought forward as clarification language and it was a package deal. She commented that she was hesitant to open the statute for a few items because they have them already with the exception of electronic seal.

Mr. Manausa commented that he was disappointed that AIA would not be supporting the entire package however he felt it would be beneficial if they supported and were able to pass the items they listed. He commented that it would give Mr. Minacci more authority than what he currently had and felt it was important. He commented that they should not be afraid of opening the statute. He commented that the board needed to have the support of the building code administrators, engineers, insurance industry, etc. regarding construction administration. He recommended that the board move forward with the items AIA presented.

Mr. Jacobs commented that there were other issues that they wanted to address. He commented that their first priority was to develop a task force to build a coalition to avoid opposition when they move forward with construction administration and other items. He commented that they were all important issues but they wanted to tackle them the right way one time.

Mr. Rodriguez commented that construction administration would be controversial but felt they could get it passed. He commented that he was contacted by engineers regarding the language because they felt they were being excluded. He commented that they needed to education people on the language and the intent.

Mr. Johnson commented that the proposed revisions included both professions interior design and architecture. He commented that at the last board meeting the interior designers requested construction administration for their profession. He urged the board to take into consideration comments made by the interior designers as well as engineers with regards to construction administration.

Mr. Johnson commented that he understood that AIA would be proposing other language regarding the ownerships of firms. He commented that he did not see that language in the

handout. Ms. Long commented that it was mentioned and they were working on language but it was not proposed for the 2005 legislative language.

Mr. Johnson commented that the board just accepted language changes from the community colleges and they had left with the understanding that the language agreed upon today would move forward this legislative session. Ms. Long commented that the handout was the extent of the language that AIA would be supporting during the 2005 legislative session.

Ms. Del Bianco commented that the only item she had heard that was going to be controversial was contract administration. She commented that all of the other issues had been resolved including the interior designers increase in education. Mr. Gonzalez commented that AIA was not against the interior designers increasing the educational requirements but it was not their issue to make policy. Ms. Del Bianco commented that prior to Ms. Long being a part of AIA they were supportive of representing both legislative changes for architects and interior designers while working with IDAF.

Mr. Manausa commented that there was a difference between supporting and defending the legislative language changes. He commented that AIA and IDAF would take the language together and defend the particular professions applicable to their associations.

Mr. Bullock asked where AIA was in regards to privatization of the board's administrative functions. Mr. Jacobs responded that they were developing a task force this year and would be addressing that issue at AIA's first meeting which was scheduled for later in January. He commented that they would not be addressing in this year's legislature but Senator Clary felt that it was an issue that needed to be addressed. He commented that they wanted to take a hard look at the issue while he was still in the legislature. He commented that they needed to perform an analysis and research to have the best results and outcome. Mr. Bullock commented that they dropped the issue last year and was told it would be addressed in 2005.

Mr. Gonzalez commented that there were 4 issues to work on, which were construction administration, administrative privatization, fees, and interior design education. Mr. Rodriguez commented that there needed to be communication between AIA and IDAF if they were going to present and defend the language it should move forward as one package. He commented that it should be presented harmoniously and unified otherwise it would not be moved through the legislature.

Mr. Gonzalez asked AIA if they had an issue with the interior designer's education increase. Ms. Long replied that the issue was that there was a lack of support from the community colleges. Mr. Gonzalez requested that Ms. Long relay to AIA that they had resolved the issues regarding the interior design educational increase and work with IDAF.

Mr. Manausa commented that there was a task force being formed to have firm ownership. Mr. Jacobs commented that the issue was making sure that firms had licensed individuals within the firms. He commented that they wanted to research and analyze the issue to

make sure they do not adopt language that would create more consequence and hurt existing practicing professionals. Mr. Rodriguez commented that if the firm ownership language was not carefully crafted it could be very controversial.

Ms. Long commented that the panel reviewed the legislative language rewrite that was submitted to them and they determined that it was an inappropriate area for AIA to be supporting or defending. Mr. Hall commented there seemed to be a holistic approach within the board meeting but when everyone leaves the meeting it appeared to be every man or woman for themselves.

Mr. Johnson commented that IDAF was willing to support the interior designer's issues but did not want to carry it forward if AIA was going to oppose. The board discussed the remaining issues including the interior designer's education and the need to craft the language for the department to support and submit to the legislature.

Mr. Jacobs commented that they were not in a position to readdress the language now but move forward with the language AIA presented today. He commented that AIA was going to work this year on the other items so they are in a position to move the language through session with complete support next year. He commented that the items they presented today were the items they believe that could get through this session in a positive way.

Mr. Manasa commented that he would like the department to accomplish the clarification language not the controversial issues.

Mr. Rodriguez commented that the discussion has been that the educational issue was one of the community colleges when in fact it was an issue of the board. He commented that he did not believe that the community colleges would move forward with the language discussed today because they would prefer status quo. He commented that it seemed to be a shame to lose a year and it would only bring the issue back up next year if it could not be considered during this year's session.

Mr. Rodriguez commented that the architect and interior design professions had worked hard at having a positive relationship. He commented that it was unfortunate to see the relationship between them deteriorate because of the legislative rewrite and lack of support from AIA for the interior designer's issues.

Mr. Jacobs commented that he would relay Mr. Rodriguez's comments and he did not want the board or the interior designer professionals to feel that they did not support their issues but they did not feel they were in a position to defend other organizations' issues.

Ms. Chastain commented that it was always her understanding that the legislative rewrite would be presented by the associations not the department. She commented that it was too late to present to the department for consideration this year. She commented that she would take the issue back to the department for consideration for next year.

Mr. Gonzalez asked AIA if they would oppose if IDAF piggy backed their bill to address their issues including the interior design education. Mr. Jacobs replied that he was familiar with the piggy backing issue but they walk a fine line in terms of lobbying and presenting other items than architecture. He commented that they needed to coordinate and lobby together regarding the interior design issues because AIA was not an expert on their issues.

Mr. Johnson commented that IDAF had positioned itself and was prepared to walk hand in hand with AIA to pursue the legislative language based on the last telephone conference call. He commented that now they have one association willing to support all of the board's issues and one association willing to support selected issues.

Mr. Hall commented that the professions should be working together and IDAF should have been allowed to meet with AIA during their language review. Mr. Wirtz commented that he specifically asked Ms. Long if the interior designers could meet with the AIA panel that reviewed the language and was turned down. Mr. Johnson commented that the AIA member that worked on the language for 2 years found out about the panel meeting after it had taken place.

Mr. Manausa commented that the board was of a regulatory nature and AIA was representing architecture membership with a different view point. He commented that AIA has reviewed the language and were prepared to move forward and wanted to work with IDAF to do the same. He commented that AIA was not opposed to the language presented but was not in a position to support the interior design profession.

Mr. Hefner commented that Ron Book was an IDAF lobbyist. He commented that he understood that the language would be presented together.

Ms. Long commented that the interior designers needed to give the items they want lobbied to IDAF's lobbyist and let them move forward. Ms. Garciga commented that AIA had interior architecture members and they where representing both interior designers and architects. Mr. Jacobs commented that the state organization did not have an interior architecture membership but she may have been referring to allied members. Mr. Rodriguez commented that Miami AIA had that type of membership but Florida AIA did not.

Mr. Johnson proposed that the board support AIA and IDAF regarding items presented today. He requested that AIA agree to work with and not oppose IDAF supporting the interior design language. He commented that the board should appeal to the community colleges to pursue the language agreed upon at today's meeting with IDAF and AIA not opposing.

Motion: Mr. Hall moved to accept Mr. Johnson's recommendation.

Second: Mr. Gustafson seconded the motion.



Mr. Bullock asked AIA why they could not support the clarification language. Ms. Long replied that their counsel and panel determined it would bring too much attention to the statute on a line by line basis.

Mr. Jacob commented that he did not have an issue with the motion and did not feel AIA would oppose.

Ms. Del Bianco commented that she did not feel the language submitted was substantially different than what was already in the statutes.

The question was called and it passed unanimously.

Mr. Jacobs commented that AIA's goal was to have representation at future meetings. Ms. Long commented that AIA Friday Facts were a great tool for the board to utilize because they publicize the board's meeting results to their members.

The board recessed at 1:00 p.m.  
The board reconvened at 2:20 p.m.

### **Interior Design Discussion**

IDCEC/NCIDQ meeting in Washington, DC November 12-14, 2004

Mr. Wirtz commented that they reviewed the restructuring and change of NCIDQ. He commented Janice Young was the current President and he was the Chairman for next year's conference. He commented that they learned that there was a proposal to investigate certification. He commented that FIDER was present and they received the message regarding the need for educational equivalencies.

Mr. Wirtz commented that the board had a copy of Nevada's solution to the equivalency evaluation. He commented that the board should review it but did not feel it was a solution.

Ms. Del Bianco commented that Ms. Young relayed to her that NCIDQ would be looking at performing 2 year equivalency evaluations and FIDER performing 4 year equivalency evaluations.

NCIDQ California membership

NCIDQ New York membership

Mr. Wirtz commented that California leaving the membership was mostly political.

### **Architecture Discussion**

National Council of Examiners for Engineering and Surveying (news release)

NCARB Regional Chairs meeting report

For information purposes and there was not discussion.

Southern Conference of NCARB – 2004 Survey of Continuing Education Requirements

Ms. Chastain commented that this was a survey the Southern Conference requested that she complete and she wanted to review her answers with the board. She requested the

board give her direction as to what was sufficient evidence regarding continuing education for out of state registrants. She commented that through discussions with Ms. Clark the board's rule required that the continuing education build upon the practice of the profession and they should review the out of state statutes or rules to determine equivalency.

Mr. Rodriguez commented that they should not ask any more than what they ask of Florida registrants. Ms. Chastain commented that she was referring to an audit of continuing education. Mr. Manausa commented that they may have a problem because not all states were on the same renewal cycle as Florida.

Ms. Chastain commented that the board pulls a random sample of licensees to audit. She commented that her understanding from other states was that the licensee is only required to sign an affidavit. She commented that it was not an actual review of certificates of course completion. She commented that some states do not review or approve courses.

Mr. Manausa commented that he felt out of state registrants should be required to do the same as Florida registrants. Ms. Clark commented that an out of state registrant would have to submit their state statutes to verify similarity or enhancement of the basic knowledge of the profession. She commented that the board would need to review to make sure they met their renewal cycle requirements.

Mr. Schreiber commented that it was a slippery slope because they were auditing other states' requirements.

Ms. Chastain reviewed that the board would be comfortable with receiving certificates of completion, their state statutes indicating what they review, and base it on their renewal cycle.

Ms. Chastain commented that based on the current rule the out of state registrants would not be required to complete the 2 hour of advanced building code. Mr. Manausa commented that they would be required to complete it because it was statute. Ms. Chastain commented that other states were not required to complete a core or an advance building code course therefore we could not automatically accept their 20 hours unless it included those courses. The board did not feel that out of state registrants should be exempt from the audit requirements.

Ms. Chastain confirmed for the board that there were advanced courses available. She requested clarification from the board whether an out of state registrant's courses would suffice for Florida's renewal audit or would they be required to complete the advanced course in addition to their out of state renewal requirements. Mr. Manausa commented that an out of state registrant should not be treated differently than in state registrants.

Ms. Clark commented that the board changed Rule 61G1-24.001(1) prior to the requirement of the 2 hours in advanced building code. She commented that if an out of state registrant read the current rule they would stop there and not realize they needed to complete the 2 hours of advanced building code. She commented that they should add

that requirement to the rule for clarification. The board discussed the impediment between the other states.

Ms. Clark commented that the requirement of the 2 hours of advanced building code course was added in December 2004 as paragraph 4. She recommended that they publicize to the licensees the requirement as opposed to reopening the rule. Mr. Minacci commented that out of state registrants could argue that they complied with paragraph 1 and that is all they needed.

The board discussed whether a registrant would move beyond paragraph 1 and realize they need compliance with paragraph 4. The board requested that Ms. Clark notice the rule for development to clarify the requirement.

ARE pass rates

For information only and there was no discussion.

Ms. Del Bianco asked if they needed to develop rules regarding the ARE rolling clock. Mr. Rodriguez replied in the negative because the board declared the administration of the examination to NCARB and they have that in their rules.

International Accreditation

Internship Summit

Mr. Schreiber commented that the International Accreditation was an avenue for facilitating global practice. He commented that NAAB was being asked to visit universities abroad and certify that the degrees foreign graduates receive are NAAB accredited or equivalent. He commented that he wanted to share this information with the board to determine the pros and cons.

Mr. Schreiber commented that NAAB does accredit schools and universities in the US and abroad. He commented that there were close relationship between NAAB and other accrediting bodies an example was Canada CACB. He commented that the Union of International Architects, UIA, allowed for an additional accreditation.

Mr. Manausa commented that his concern would be a grandfathering allowance. He commented that they currently have an issue with other states education.

The board discussed the engineer's current process.

Mr. Schreiber commented that he was asked to provide comments at an upcoming Internship Summit and wanted feedback or direction from the board. Mr. Hall commented that he was not sure how well the internship process was working. Mr. Rodriguez commented that California completed a study that reported that the internship development program does not work. He commented that they created and an overlay called Comprehensive Internship Development Program, CIDP. He commented that it was in addition to NCARB IDP. He commented that AIA was supportive of this report because NCARB IDP does not work.

Mr. Hall commented that the responsibility should be on the student or intern. Mr. Manausa commented that the practitioner needed to be involved and recommended a mentoring program. Ms. Del Bianco commented that there should be a checklist regarding what areas an intern accomplished.

Mr. Gonzalez commented that some firms do not want to invest time in an intern because they spend the time training them and then they leave. Mr. Hall commented that the positive side to that was the firm made a contribution to the profession because they trained the intern well.

Mr. Rodriguez commented that IDP began as a good idea and everyone depended on NCARB to make it a good program which had not happened. He commented that the board should bear the responsibility for that. He commented that part of the problem is that the liaisons were not funded to attend the meetings. He commented that the state needed to take a more active role to make sure IDP was beneficial and meaningful.

Mr. Rodriguez offered to attend the IDP meeting in Washington, DC on February 10, 2005 for Mr. Schreiber.

### **Rules Report and Discussion**

Rule Tracking (hand out)

Ms. Clark commented that all of the rules they have been working on had either gone into affect or would be shortly.

Citations – certificate of authorization

Mr. Minacci commented that he and Ms. Clark realized that there was a rule available for issuance of citations for firms that practiced without a certificate of authorization. He commented that they discussed issuing citations to firms that reveal on their applications that they practiced prior to the issuance of the certificate. He commented that the application would be forwarded to him for investigation if a violation was found they would issue a citation. He commented that once the firm complied with the citation they would continue with the application process. He commented that the case would not appear before the board.

Ms. Clark commented that the requirement for citations was that the applicant come into compliance so they would be required to get the certificate of authorization or cease operation.

### **Ratification Lists**

Applications (handout)

Architecture Examination

Items 1-4

Motion: Mr. Gustafson moved to approve as presented.

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

Architecture Endorsement  
Items 5-24

Motion: Mr. Hall moved to approve as presented.

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

Architecture Business  
Items 25-26

Motion: Mr. Bullock moved to approve as presented.

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

Architecture Business Name Change  
Item 27

Motion: Mr. Hall moved to approve as presented.

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

Architecture Dual licensure  
Items 28-31

Motion: Mr. Hall moved to approve as presented.

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

Interior Design Business  
Items 32-34

Ms. Del Bianco abstained from voting.

Motion: Mr. Hall moved to approve as presented.

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

Interior Design Exam  
Items 35-38

Motion: Mr. Hall moved to approve as presented.

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

Continuing Education

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

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

**General Discussion**  
Fictitious Name Registration

Mr. Minacci commented that the Secretary of State does not require a fictitious be registered if there is only one owner and that person's full name was in the title of the firm. He commented that based on that requirement they were not required to obtain a certificate of authorization and they would no longer prosecute cases of that nature.

Ms. Clark commented that this was a change from the board's past interpretation. She provided some examples of firm names.

Telephone advertisement (Sharon Del Bianco)

Ms. Del Bianco commented that she thought it was interesting regarding the disclaimer listed. She commented that it would be nice to utilize some of the unlicensed activity money to issue a disclaimer in some of the larger markets for their professions.

Florida Board of Professional Engineers – Laws and Rules study guide and questionnaire  
Ms. Chastain commented that the board had discussed the requirement for a laws and rules examination and she researched the Board of Engineers' requirements and that was what was provided to the board in the packet. She commented that their specific authority to require the laws and rules examination was in Chapter 455, Florida Statute. She commented that they formed a committee of the board and they created 50 +/- questions which the applicant must take and pass with a 90% or better. She commented that if they do not pass the examination they were notified and they were not licensed until they pass the examination.

Mr. Bullock commented that this would be an impediment for reciprocity. Mr. Rodriguez commented that NCARB determined if the examination was mailed or readily available it was not an impediment.

The board discussed the need for the applicant to open the laws and rules booklet. Mr. Manausa commented that he had already written an examination.

Motion: Ms. Del Bianco moved to develop a rule to allow for a laws and rules examination.

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

Proposed language regarding Florida Building Code Core Course

Ms. Chastain reviewed the language that the Department of Community Affairs proposed which required licensees to complete the core course by the date of license renewal in 2005. Mr. Minacci commented that to comply with the proposed language whether it passed or not they would wait and issue the citations after March 1, 2005.

Ms. Chastain asked if the board created a laws and rules examination and included some questions on the Florida Building if that would suffice for the Core Course. Ms. Clark replied that Chapter 455, Florida Statute gave the board authority to administer a laws and rules examination but it may not extend to the building code.

Ms. Chastain commented that if they made it a requirement prior to licensure then the board would know that everyone had complied with the Florida Building Code Core Course requirement and they would not have to audit for compliance 2 years later. She commented that she thought other professions were making it part of their laws and rules examination and she would research.

Ms. Clark commented that they would have to prove it was applicable to the profession.

Ms. Chastain reported that courses the board approved would be approved by the Department of Community Affairs.

Florida Building Code Citations, handling hardship cases

Mr. Minacci commented that initially it was determined to issue citations to individuals that hold an inactive license. He commented that staff began writing to individuals advising them that citations were going to be issued and some of the individuals on inactive status in their mind were retired and no longer practicing therefore their license was on inactive status. He commented that he did not feel it was in the best interest to pursue issuing citations to individuals on inactive status. He commented that the board could require that individuals take the core course prior to reactivating their license so there was in essence no harm to the public.

Ms. Del Bianco requested that the letter for Ms. Dennison be directly from the board office to Cornell verifying her curriculum. Ms. Estes confirmed for Ms. Del Bianco that she would send a letter to Cornell.

## **Reports**

Chair's Report – Rick Gonzalez

Mr. Gonzalez thanked Mr. Bullock for being last year's Chair during the difficult hurricane season. He congratulated Mr. Schreiber for receiving a grant from National AIA for research work he had been performing.

Mr. Gonzalez reviewed the need for committees. Mr. Schreiber commented that he was not sure that the way the educators' committee had operated in the past was effective. He commented that maybe a task force was not needed but an educational advisory committee.

Ms. Clark commented that they changed the format last year because the full board sat at the committee meetings and therefore they eliminated the committees which eliminated the report to the full board. The board discussed eliminating the committees, continuing to operate as a full board with discussion items, and when there was a need to assign a task force do so then.

Ms. Del Bianco commented that it was important to have a point person for the professions and make sure there were discussion items for the meetings. Ms. Shore was appointed to head the interior design discussions and Mr. Gonzalez was appointed to head the architecture discussions.

Mr. Gonzalez appointed Ms. Del Bianco and Mr. Hall to work with Mr. Hefner and Ms. Long as the AIA, IDAF, and board task force. Ms. Clark commented that those meetings would need to be noticed because of the sunshine law. The board discussed the need to have the task force meetings in conjunction with the board meetings.

Mr. Gonzalez commented that the current probable cause panel was Mr. Wirtz, Mr. Hall, and Mr. Rodriguez. He commented that he would like the board members to rotate. The board discussed not changing the entire panel at one time. Mr. Hall offered to allow Mr. Schreiber to sit in his place on the panel. Mr. Wirtz offered to allow another board member to take his place July 1, 2005. The board discussed the need not to have all current board members on the panel or adding to the panel in size.

Mr. Gonzalez determined to keep the panel at 3 members and asked Mr. Wirtz to allow Ms. Shore to take his place on the panel.

Mr. Gonzalez commented that there was a lack of Florida recognition at NCARB. Mr. Rodriguez was reappointed as the educational representative for the Florida Building Commission.

Mr. Gonzalez commented that the Congress for New Urbanism was having their conference in Orlando and they would be giving the board a presentation on January 12, 2005. He commented that architects used to be involved in the planning of cities and it was nice to see them involved again.

Mr. Gonzalez commented that a friend had been elected the Chairman of Region 3 of the Union of International Architects. He commented that their theme was sustainable tourism.

#### Executive Director's Report – Juanita Chastain

##### Financial Report – September 30, 2004 and 2003

Ms. Chastain reviewed the financials for the board. She commented that the fines were being allocated to the correct accounts and the consultant was being paid from the appropriate accounts.

#### Board Counsel's Report – Mary Ellen Clark

Ms. Clark commented that she was required to write a brief to the District Court of Appeals defending the board decision to deny Mr. Ellinwood's application for licensure. She commented that courts upheld the board's denial.

#### IDAF Report – Steve Hefner

Mr. Hefner commented that IDAF worked diligently with the educators regarding language changes. He referred the board to the Nevada language and IDAF would work on an equivalency if necessary.

#### Prosecuting Attorney's Report – David K. Minacci Summary of Activities for Privatization



## Status Report of Cases

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

Licensed/Administrative Hours

- September 2004
- October 2004
- November 2004

Unlicensed Billable Hours

- September 2004
- October 2004
- November 2004

Results of October 5, 2004 Board Meeting

Results of October 5, 2004 PCP Meeting

Press Releases/Speaking Engagements/Other Correspondence

Mr. Minacci referred the board to Summary of Activities report and was proud of his numbers compared to the department's numbers for the past 2 years under the privatization efforts. He commented that he was sending items to AIA Friday Facts for publication.

## **For the Board's Information**

Biennial Chart

Updated board members list

## **Application Reconsideration**

Rebecca Crosby

Ms. Estes commented that Ms. Crosby contacted her and that she would not be attending the meeting because she was going to reapply as an architect.

Mr. Rodriguez requested to be excused from the January 12, 2005 meeting because he would have to recuse himself from every case being presented and he would not be able to participate in the meeting.

The board recessed until January 12, 2005 at 9:00 a.m.

**MINUTES  
BOARD OF ARCHITECTURE AND INTERIOR DESIGN  
Embassy Suites Hotel  
Orlando-North  
225 East Altamonte Drive  
Altamonte Springs, FL 32701**

**January 12, 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  
Neil Hall  
Stephen Schreiber  
Sharon Del Bianco  
Joyce Shore  
Kenneth Horstmyer  
Garrick Gustafson

Board Members Absent:

Miguel Rodriguez  
Roymi Membiela  
Mary Jane Grigsby

Others Present:

Jeffrey Smith  
Olen Earnest  
Tom Williford, Sr.  
Tom Williford, Jr.  
Jeff Peters  
Steven Hefner  
Sandra Dryden  
Jens Albiez  
Shelley Siegel  
Michael Wirtz  
Oscar Woody  
Nester Rojas  
Gloria Ellinwood

Ricardo Matos  
Juan Lopez  
Other interested parties

Court Reporter:  
Lorene Harris, Letha Wheeler & Associates, 1250 Mount Homer Road, Suite 9, Eustis,  
Florida 32726, telephone 352.589.8852.

### **Review and Approval of Minutes**

November 22, 2004 telephone conference call

Motion: Mr. Bullock moved to approve the minutes as presented.  
Second: Mr. Gustafson seconded the motion and it passed unanimously.

### **Disciplinary Cases**

Appearance to comply with Final Order

Licensed  
DBPR vs. Oscar Woody  
Case Number 2002-01022  
(PCP: Rodriguez, Wirtz, and Hall)

Mr. Woody was present and sworn in. Mr. Minacci commented that Mr. Woody was present because his final order required an appearance to be able to be removed from suspension and placed on probation. He commented that Mr. Woody had paid the required fines and requested that the board allow his license to be placed on probation status.

Motion: Mr. Schreiber moved to place on probation.  
Second: Mr. Hortsmeyer seconded the motion and it passed unanimously.

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

Licensed  
DPBR vs. Gloria Ellinwood  
Case Number 2004-084688  
(PCP: Rodriguez, Wirtz, and Hall)

Ms. Ellinwood was present and sworn in. Mr. Minacci presented the case and commented that the respondent was a licensed interior designer and contracted to perform electrical contracting services for the owner of the home. He commented that the panel filed an administrative complaint for accepting the responsibilities of duties not licensed to perform. He commented that the panel recommended a reprimand, \$1,000 fine, plus costs.

Motion: Ms. Schreiber moved to adopt the alleged facts found in the administrative complaint as the findings of fact and conclusions of law.  
Second: Ms. Shore seconded the motion and it passed unanimously.

Ms. Ellinwood commented that Mr. Minacci presented the case correctly. She commented that the original contract required changing chandeliers. She commented it was an existing electrical unit. She commented that the prudent thing to do was to hire a licensed electrical contractor.

Ms. Clark commented that the issue was that Ms. Ellinwood contracted for the electrical services. She commented that the appropriate thing to do was to have the homeowner contract directly for the electrical services. Ms. Ellinwood commented that she knows that now but many of the interior designers were not aware of that. She requested that Mr. Minacci give a presentation to her interior design chapter regarding the issue.

Mr. Minacci commented that Ms. Ellinwood was very cooperative and agreed with her that many interior designers and architects were not aware that they should not contract for those services. He commented that he was speaking with her group as well as preparing a newsletter article regarding the issue. He commented that Ms. Ellinwood was doing everything possible to comply with the law and it was a technical violation.

Motion: Mr. Bullock moved to reduce the penalty to a reprimand and \$330.00 costs due to the mitigating factors of the lack of previous discipline, that she has taken steps to make sure this does not happen again and the degree of financial hardship.

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

Unlicensed

DBPR vs. Artdecord Engineering, Inc./Ricardo Matos

Case Number 2003-086028

(PCP: Rodriguez, Wirtz, and Hall)

Richard Matos was present, sworn in and represented by Juan Lopez. Mr. Minacci presented the case and commented that Mr. Matos was the President of Artdecord and they applied for a certificate of authorization but prior to receiving the certificate they offered architectural services. He commented that Mr. Matos does not dispute the facts. He commented that there was additional information regarding the architect that was the qualifier that may offer some mitigating factors in the case. He commented that the architect was no longer with the firm and there was no basis to issue the certificate of authorization.

Mr. Minacci commented that the panel recommended a 1 count administrative complaint be filed for offering architectural services without a certificate of authorization and impose a \$5,000 fine plus costs.

Ms. Clark asked Mr. Minacci if any of the allegations were disputed. Mr. Minacci replied that paragraph 10 was disputed.

Motion: Mr. Gustafson moved to accept the allegations as found in the administrative complaint as the findings of fact and conclusions of law with the exception of paragraph 10.

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

Mr. Lopez requested that the board consider the fact that there was a licensed architect at the firm. He commented that the architect represented to Mr. Matos that with him being an officer they could begin immediately offering architecture services. Mr. Lopez commented that no work was performed only an advertisement. He commented that the architect wrote Mr. Matos a letter and copied the board that he was resigning his position with Artdecord and would not serve as qualifier. He commented that Mr. Matos immediately ceased any work in regards to architecture which was prior to the board's complaint. He commented that Artdecord was a shell company and was not operating.

Mr. Bullock asked Mr. Matos if the qualifying architect owned any portion of the firm. Mr. Matos replied 27%. Ms. Del Bianco asked if they offered engineering services and if he had a qualifier. Mr. Matos replied yes and the engineer was Rafael Diaz. He commented that they never offered engineering services but had the paperwork prepared. Mr. Minacci commented that the term engineers or engineering is not protected like architects.

Mr. Gonzalez commented that according to their web site and a letter they were offering civil engineering, architecture design, structural, mechanical, electrical, plumbing, construction management and drafting. Mr. Matos replied in the positive.

Mr. Lopez requested that the board consider imposing a \$1,000 fine, the fine be imposed on the corporation, the charges against Mr. Matos be dismissed, and the penalty be able to be paid within 30-60 days.

Mr. Minacci commented that he did not feel they should impose a fine against a shell company.

Motion: Mr. Bullock moved to accept the panel's recommendation of \$5,000 fine plus costs.

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

DBPR vs. Sternberg Interiors Inc.

Case Number 2003-092760

(PCP: Rodriguez, Wirtz, and Bullock)

Jen Albiez was present and sworn in. Mr. Minacci presented the case and commented that the respondent offered interior design services without a certificate of authorization. He commented that in May 2003 the respondent signed an affidavit of notice to cease and desist not to offer services unless they obtained a certificate of authorization. He commented that an advertisement and their web site reflected 6 months later they were offering interior design services. He commented that the panel recommended filing a 1 count administrative complaint for offering interior design services without a certificate of authorization and impose a penalty of a \$5,000 fine.

Mr. Minacci commented that initially the respondent disputed the facts and requested a formal hearing before an Administrative Law Judge. He commented that he filed a request for admissions. He commented that Mr. Albiez denied the fact of the advertisement but admitted to the web site. He commented that he filed with the Administrative Law Judge

that the admission to offer services on the web site that there were no facts in dispute and the Judge agreed.

Mr. Minacci dismissed paragraph 8 of the administrative complaint.

Mr. Bullock requested to be recused from the case.

Motion: Mr. Gustafson moved to accept the allegation as found in the administrative complaint as the findings of facts and conclusion of law with the exception of paragraph 8.  
Second: Ms. Shore seconded the motion and it passed unanimously.

Mr. Albiez commented that he had a web site designer and he instructed that all references to interior design be removed. He provided a letter from the web site designer stating such and that the correction had been made. He commented that in 2003 he profited only \$8095.00 so a \$5,000 fine would be harsh. He commented that he was working with Mr. Smith, the investigator, to make sure there were no more problems.

Mr. Minacci commented that Mr. Albiez was cooperative, however, he signed an affidavit stating he would not offer the services regardless of whether he was the web designer. He recommended that the board accept the panel's penalty recommendation of \$5,000 fine plus costs.

Mr. Albiez commented that he changed all the wording and never entered any service agreements for interior design. Mr. Hall commented that the web site should have been updated immediately not months later.

Mr. Gonzalez asked how many interior designers worked in his firm. Mr. Albiez replied one. Mr. Minacci commented that there was a case against her as well.

Mr. Albiez commented that he took proactive steps to correct the error.

Motion: Mr. Hall moved to impose a penalty of \$3,000 fine plus costs.  
Second: Mr. Schreiber seconded the motion and it passed unanimously.

#### Florida Congress for New Urbanism (CNU) Presentation

Rick Hall presented to the board the concept of CNU. They were working towards renovating areas that were people friendly. He provided different uses of buildings. It was based on how the area was arranged with parking, walkways, trees, public and private elements that were more people friendly for walk-ability. He provided information regarding graphic standards and the revitalization of towns. Pedestrian mobility was the number one goal. He provided slides with different scenarios that were pleasing to pedestrians. He provided conceptual designs of how they were modifying current buildings to make them more pleasing to pedestrians with proper plans for towns. New Urbanism is not for everyone but it was an option to the suburban life with balance and diversity.

#### Settlement Stipulation

DBPR vs. Thomas Williford  
Case Number 2003-079338  
(PCP: Rodriguez, Wirtz, and Hall)

Mr. Williford was present, sworn in and represented by Jeff Peters. Mr. Minacci presented the case and commented that the respondent signed and sealed plans for a residential addition which were reviewed by expert Frank Abbott and were not of reasonable standard. The probable cause panel recommended that a 4 count administrative complaint be filed and a penalty imposed of \$1,000 fine plus cost. He requested that the board accept the stipulation presented which was the same as the panel's recommendation.

Mr. Williford commented that there was no intent to practice in error and admitted that he was at fault and he had taken corrective action.

Motion: Mr. Gustafson moved to approve the settlement stipulation as presented.  
Second: Mr. Bullock seconded the motion and it passed unanimously.

DBPR vs. Jeffrey L. Smith/Smith Earnest Interiors, Inc.  
Case Numbers 2004-026205 and 2004-026212  
(PCP: Rodriguez, Wirtz, and Hall)

Jeffrey Smith was present, sworn in and represented by counsel. Mr. Minacci presented the case and commented that the respondent offered to provide interior design services for a commercial sales center. The panel recommended filing a 2 count administrative complaint and imposing a \$10,000 fine plus costs. He commented that the stipulation was a \$5,000 fine plus costs based on the fact that it was for one contract and the respondent acknowledged the mistake and assured him that it would not happen again.

Mr. Smith commented that they informed the client that they were not licensed and they were asked by a friend to provide the services. He commented that the client wanted a residential feel for the space. He commented that the client wanted a residential designer. He commented that they were assured that any plans submitted would be for design purposes only for consideration. He commented that there were no complaints by the client but they were let go from the project because of pricing. He commented that all of the other designers interviewed were non licensed designers. He commented that all of the work was going to be reviewed by their engineers and architects prior to implementation.

Mr. Minacci commented that the case was for practicing interior design not just advertising to offer the services.

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

Motion for Order by Waiver

DBPR vs. Nester Rojas  
Case Number 2003-083616

(PCP: Rodriguez, Wirtz, and Hall)

Nester Rojas was present, sworn in and Sandra Cruzalejui was present to translate for him and was sworn in. Mr. Minacci presented the case and commented that the respondent was essentially brokering architectural services. The probable cause panel recommended filing a 1 count administrative complaint. He commented that they attempted to hand serve the respondent August 3, 2004. He commented that the second attempt of service was achieved by advertising a notice in the Miami Beach Daily Business Review. He commented that the respondent had failed to file a response to the administrative complaint. He commented that the panel's recommendation was a \$5,000 fine plus costs and requested the board to accept the panel's recommendation.

Motion: Mr. Gustafson moved that the administrative complaint was properly served, the respondent waived his rights to an administrative hearing by not responding within 21 days, and to adopt the findings of fact and conclusions of laws as found in the administrative complaint.

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

Mr. Rojas commented that his company was a marble importer and had contacts with architects in Miami. He commented that a friend asked that he supervise a house addition because he traveled and asked him to recommend an architect. Mr. Gonzalez commented that the problem was that he brokered for the services. Mr. Rojas commented that he felt that he was used by his friend. Mr. Gonzalez commented that was a civil matter.

Mr. Rojas commented that he traveled a lot because for his business and that was the reason he did not receive the notice. Ms. Del Bianco commented that this was a residential service.

Motion: Ms. Del Bianco moved to impose a \$1,000 fine plus cost.

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

Mr. Manausa commented that this was a residential project and he demonstrated he would not do this again.

Mr. Rojas requested that the notice be mailed to 7100 SW 114<sup>th</sup> Street, Pinecrest, FL 33156.

Hearing on the Recommended Order

Unlicensed

DBPR vs. Jimmy Lee Wallace / Onyx Design, Inc.

Case Number 2003-061680

(PCP: Rodriguez, Wirtz, and Hall)

No one was present. Mr. Minacci commented that Mr. Wallace's attorney had requested another continuance and the board had continued the case numerous times. He commented that he wrote to Mr. Wallace's attorney and advised after the last meeting there would be no more continuances. He commented that she responded and stated she no



longer represented Mr. Wallace. He commented that she has maintained that he could not financially afford to attend the meeting and requested that they continue until the board met in Tallahassee.

Motion: Mr. Bullock moved to deny the request for continuance.

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

Mr. Minacci presented the case and commented that the respondent contracted to provide architectural services on 3 commercial projects holding himself out as an architect by using another individual's license number. The probable cause panel recommended filing a 5 count administrative complaint. The respondent requested a formal hearing which was held on February 23, 2004 and the Administrative Law Judge entered a recommended order that found that the respondent engaged in the practice of architecture, held himself out as an architect, and used the license number of another. He commented that the Administrative Law Judge recommended a \$20,000 fine.

Ms. Clark requested that Mr. Minacci not mention what penalties the panel recommended. Mr. Minacci recommended that the board enter an order adopting the Administrative Law Judge's order with penalty.

Ms. Clark commented that this was a hearing being conducted pursuant to Chapter 120.569, F.S., 120.57(1), F.S. and Rule 28-5, F.A.C. She commented that the purpose of the proceeding was to consider the recommended order issued by the Administrative Law Judge. She commented that deliberations must be confined to the recommended order and to the record. She instructed the board on how to proceed if they wanted to deviate from the recommended order and advised that they must cite to the record justification and particularities for rejection or deviation.

Motion: Mr. Bullock moved to adopt the recommendation of the Administrative Law Judge.

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

Motion for Order by Waiver

Licensed

DBPR vs. Dixon Alvarino

Case Number 2004-017270

(PCP: Rodriguez, Wirtz, and Bullock)

No one was present. Mr. Minacci presented the case and commented that the board entered a final order June 24, 2003 requiring him to pay a fine and costs of \$7,683.55 and his license would be reinstated. He commented that the board reduced the fine and issued the license. He commented that Mr. Alvarino submitted a check which bounced. An administrative complaint was filed for failing to comply with an order of the board and served certified mail returned unclaimed. He commented that he reviewed this with Ms. Clark and they feel that service was sufficient. Mr. Minacci requested that the board accept the panel's recommendation of revocation.

Motion: Mr. Gustafson moved that Mr. Alvarino was properly served, waived his right to a hearing by failing to respond in 21 days, and to adopt the findings of facts and conclusions of laws as found in the administrative complaint.

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

Motion: Mr. Hall moved to revoke Mr. Alvarino's license.

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

Ms. Del Bianco requested that the local building department be notified that his license was revoked.

DBPR vs. Tom Jannetides

Case Number 2004-038801

(PCP: Rodriguez, Wirtz, and Hall)

No one was present. Mr. Minacci presented the case and commented that the Tennessee board accepted Mr. Jannetides' voluntarily relinquishment of his license in lieu of further disciplinary proceedings for plan stamping, misconduct, and signing plans not competent to perform. He commented that the respondent agreed to relinquish his license in all other states. Probable cause was found to file a 2 count administrative complaint and the respondent was served via certified mail. The respondent failed to respond.

Mr. Minacci requested that the board accept the panel's recommended of revocation.

Motion: Mr. Schreiber moved that the respondent was properly served and waived his right to a hearing for failing to respond in 21 days.

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

Motion: Mr. Gustafson moved to accept the findings of fact and conclusions of laws as found in the administrative complaint.

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

Motion: Mr. Gustafson moved to revoke the license.

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

DBPR vs. Harold E. Langbehn

Case Number 2004-038559

(PCP: Rodriguez, Wirtz, and Hall)

No one was present. Mr. Minacci commented that Mr. Langbehn contacted him prior to the meeting and requested that he be able to attend the meeting via telephone because he was disabled and unable to travel.

Motion: Mr. Schreiber moved to allow Mr. Langbehn to participate via telephone at the next conference call.

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

It was noted for the record that Mr. Hall was present but was recused from the cases where he sat on the probable cause panel.

DBPR vs. Harry G. Morris

Case Number 2004-026518

(PCP: Rodriguez, Wirtz, and Bullock)

No one was present. Mr. Gonzalez commented that Mr. Morris was a former employee but he could review without issue. Mr. Minacci commented that Mr. Morris practiced on a delinquent license for 2 months. He commented that Mr. Morris contacted him and they worked out a settlement stipulation. He commented that Mr. Morris had been out of work, remorseful, and in a difficult time in his life. He requested that the board accept the settlement stipulation presented of a \$300.00 fine plus costs.

Motion: Mr. Schreiber moved to accept the settlement stipulation presented.

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

Unlicensed

DBPR vs. Frederick Grantham

Case Number 2003-085876

(PCP: Rodriguez, Wirtz, and Hall)

No one was present. Mr. Minacci presented the case and commented that the respondent's license went null and void. He commented that the respondent held himself out as a licensee after the license went null and void. He commented that the probable cause panel recommended filing a 3 count administrative complaint. He commented that service of the administrative complaint was achieved on July 29, 2004 by hand delivery. He commented that the respondent has failed to respond to the administrative complaint. He requested that the board accept the panel's recommended \$15,000 fine plus costs.

Motion: Mr. Gustafson moved that Mr. Grantham was properly served, has waived his right to a hearing by failing to respond within 21 days, and to adopt the findings of fact and conclusion of laws as found in the administrative complaint.

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

Motion: Ms. Del Bianco moved to accept the panel's recommendation.

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

Mr. Gonzalez requested that a press release be sent out immediately regarding the case.

DBPR vs. Juan Hernandez

Case Number 2003-081759

(PCP: Rodriguez, Wirtz, and Bullock)

No one was present. Mr. Minacci presented the case and commented that the respondent submitted a proposal for a commercial project. He commented that a 2 count administrative complaint was filed for practicing without a license. He commented that hand service failed but service was achieved by publication. He requested that the board accept the panel's recommendation of a \$10,000 fine plus costs.

Motion: Ms. Del Bianco moved that Mr. Hernandez was properly served, waived his right to a hearing by failing to respond within 21 days, and to adopt the findings of fact and conclusions of law as found in the administrative complaint.

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

Motion: Ms. Del Bianco moved to accept the panel's recommendation of a \$10,000 fine plus costs.

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

DBPR vs. John Zonata/Architectural Drafting Services

Case Number 2003-070899

(PCP: Rodriguez, Wirtz, Hall, and Bullock)

No one was present. Mr. Minacci presented the case and commented that the respondent provided architectural drafting services but held himself out as an architect. He commented that the respondent was served a notice of cease and desist. A 2 count administrative complaint was filed. He commented that the respondent was served October 29, 2004 via hand delivery and has failed to respond. He requested that the board accept the panel's recommendation of a \$10,000 fine plus costs.

Motion: Mr. Gustafson moved that Mr. Zonata was properly served, waived his right to a hearing by failing to respond within 21 days, and to adopt the findings of fact and conclusions of law as found in the administrative complaint.

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

Motion: Ms. Del Bianco moved to accept the panel's recommendation of a \$10,000 fine plus costs.

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

Settlement Stipulation

Licensed

DBPR vs. Marvin Crider, Jr.

Case Number 2004-024824

(PCP: Rodriguez, Hall, and Bullock)

No one was present. Mr. Minacci presented the case and commented that a 1 count administrative complaint was filed. He requested that the board accept the settlement stipulation of a reprimand, \$1,000 fine plus costs.

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

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

DBPR vs. Roman Garcia

Case Number 2004-033285

(PCP: Rodriguez, Wirtz, and Hall)

No one was present. Mr. Minacci presented the case and commented that a 1 count administrative complaint was filed. The panel recommended a 1 year probation, \$3,000 fine plus costs. He commented that the settlement stipulation was for a 1 year probation, \$2,000 fine plus costs.

Motion: Mr. Gustafson moved to accept the settlement stipulation as presented.  
Second: Mr. Bullock seconded the motion and it passed unanimously.

Unlicensed  
DBPR vs. Armin Gale  
Case Numbers 2004-003330 and 2003-091389  
(PCP: Rodriguez, Wirtz, and Bullock)

DBPR vs. Swoosh Design  
Case Number 2004-003321  
(PCP: Rodriguez, Wirtz, and Bullock)

DBPR vs. Cathy Scheiffarth  
Case Number 2004-003348  
(PCP: Rodriguez, Wirtz, and Bullock)  
No one was present for the Armin Gale, Swoosh Design, and Cathy Scheiffarth. Mr. Minacci commented that this was an unlicensed and egregious case. A 4 count administrative complaint was filed and the panel recommended a \$20,000 fine plus costs. He commented that the respondents have filed for relief under the bankruptcy code and he would monitor the outcome.

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

DBPR vs. Francois Frossard  
Case Number 2004-029228  
(PCP: Rodriguez, Wirtz, and Hall)  
No one was present. Mr. Minacci presented the case and commented that the respondent contracted to offer interior design services for a commercial project. A 5 count administrative complaint was filed and the panel recommended a penalty of \$25,000 fine plus costs. He commented the settlement stipulation was for a \$12,500 fine plus costs based on Mr. Frossard's agreeing to come into compliance, the case was for only one contract, to avoid cost of litigation, and the complainant had withdrawn the original complaint. He requested the board to accept the settlement stipulation as presented.

Motion: Mr. Gustafson moved to accept the settlement stipulation as presented.  
Second: Mr. Bullock seconded the motion and it passed unanimously.

DBPR vs. Sofia Joelsson  
Case Number 2004-038552  
(PCP: Rodriguez, Wirtz, and Hall)

No one was present. Mr. Minacci presented the case and commented that the respondent offered interior design and architectural services on a web site. A 3 count administrative complaint was filed. The panel recommended a penalty of \$15,000 fine plus costs and the settlement stipulation was for \$5,000 fine plus costs. He commented that the fine was reduced based on evidence that the respondent had hired a licensed individual prior to the initiation of the case.

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

DBPR vs. Oxford Maison Corporation  
Case Number 2004-028412  
(PCP: Rodriguez, Wirtz, and Bullock)

No one was present. Mr. Minacci presented the case and commented that the respondent practiced interior design without a license. A 1 count administrative complaint was filed and the panel recommended a \$5,000 fine plus cost. The settlement stipulation was a \$3,000 fine plus costs based on the respondent ceasing services under the contract and notifying the client.

Mr. Gonzalez commented that he worked with the gentleman on this project but could make a judgment without issue.

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

### **Discussion**

The board discussed the need to revisit the composition of the probable cause panel. Mr. Gonzalez commented that he would like to keep a retired board member on the panel to avoid quorum issues. Mr. Gonzalez commented that Mr. Schreiber and Mr. Rodriguez would attend the NCARB meetings and Mr. Wirtz would continue to attend NCIDQ.

Mr. Gonzalez requested that Mr. Johnson and Mr. Manusa be the legislative liaisons with AIA and IDAF.

### **New Business**

The board scheduled a telephone conference call for February 15, 2005 at 10:00 a.m.

### **Old Business**

No old business.

### **Adjourn**

Motion: Ms. Del Bianco moved to adjourn.  
Second: Ms. Gustafson seconded the motion and it passed unanimously.

The meeting adjourned at 12:10 p.m.