

MINUTES

**Board of Architecture and Interior Design
Pink Shell Resort & Spa
275 Estero Boulevard
Ft. Myers Beach, Florida 33931
239.463.6181**

**July 10, 2007
9:00 a.m.**

General Business Meeting

Call to Order

Ms. Del Bianco called the meeting to order at 9:04 a.m.

Roll Call – identify excused absences

Board Members Present:

Sharon Del Bianco
Rosanna Dolan
Rick Gonzalez
Wanda Gozdz
Mary Jane Grigsby, Chair
Eric Kuritzky
Roymi Membiela
Joyce Shore

Board Members Absent:

Garrick Gustafson, excused
Neil Hall, excused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Juanita Chastain, Executive Director
Terri Estes, Government Analyst
Trent Manausa
Emory Johnson
Dwight Chastain
Lorraine Bragg
Linda Noble Welch
Tina Webb
Barie Fez-Barrihgten
Terry J. Brisson

Victor Latavish
Nancy Bredemeyer
Steve Hefner
Aida Bao-Garciga
Kim Transtrum
Shari Silkoff

Ms. Del Bianco welcomed Ms. Grigsby and Mr. Kuritzky back to the board and welcomed Ms. Gozdz to the board.

Elections

Motion: Ms. Shore moved that the board take up old business and hold elections.
Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Motion: Ms. Shore moved to nominate and elect Ms. Grigsby as Chair.
Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Motion: Ms. Membiela moved to nominate and elect Mr. Hall as Vice Chair.
Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Disciplinary Cases

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

Licensed
DBPR vs. Carlos Mourin
Case Number 2006-028523
PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the review of the case due to participation on the probable cause panel. Mr. Mourin was not present but represented by S. Antonio Jimenez. He thanked the board for allowing him to appear on behalf of Mr. Mourin. The case was before the board for a contract for residential drawings by an unlicensed person that were signed and sealed by Mr. Mourin which he never met with the client. On April 16, 2007 a three count administrative complaint was filed for alleged violations of improperly certifying work prepared by another, aiding unlicensed activity, and misconduct. On May 15, 2007 the respondent filed an election of rights form and did not dispute the facts. The probable cause panel recommended a reprimand and a \$4,000 fine plus costs.

Mr. Minacci commented that Mr. Mourin was elderly and unable to travel. He requested that the board review a second case that was provided in a handout.

Carlos Mourin
Case Number 2007-003094
PCP: Rodriguez, Wirtz, and Hall
Mr. Hall was recused.

The case was before the board for Mr. Mourin signed and sealed drawings prepared by an unlicensed individual. The unlicensed individual was offering architectural services through a title block. An administrative complaint was filed for one count of aiding and abetting unlicensed activity. On June 22, 2007 the respondent filed a response waiving his right to be heard. The probable cause panel recommended a reprimand, \$2,000 fine plus costs, and one year suspension that required the respondent to appear before the board to explain his business practices prior to the lifting of his suspension.

Mr. Jimenez provided and read the following statement prepared by Mr. Mourin.

“My name is Carlos J. Mourin, I was born August 16, 1925 and practiced architecture for 53 years. I received my architecture degree from University of Havana in 1954. I was a licensed architect in Cuba until coming to the U.S. in 1969. I lived and worked as an architect in Los Angeles prior to moving to Florida in 1970. I have been a licensed architect in Florida 1978. A copy of his resume was attached to the affidavit. Today, I am a semi-retired architect living in Miramar, Florida. I appreciate the board’s invitation to appear at the meeting. I would like the board to know that I am not appearing at the meeting because of my age, 82, and health would not permit me to travel. However, I am confident that this affidavit and the representation made by my attorney on my behalf will settle any issues or concerns the board may have. In almost 30 years of practicing in Florida, I have not been sited for violating the laws and rules. I have had an unblemished record until the two cases. It is my belief that I have been unfairly sited in the violations of laws regulating the practice. Further, I was never compensated for the work because they were performed as favors for close personal friends. The first case alleges that I violated Chapter 481.221(6), Florida Statutes, by affixing my seal to final construction documents and Chapter 481.225, Florida Statutes, by aiding or assisting an unlicensed person to practice architecture. Let me state that the plans were prepared at my direction, reviewed by me before they were signed, and were signed and sealed by me. I visited and inspected the property before engaging the design. I met with the building officials with City of Hialeah before the plans were submitted and made revisions to the plans based on comments made at that meeting. The complaint alleges a violation of Chapter 481.225(1)(g), Florida Statutes, committing fraud, deceit, negligence, or misconduct, including but not limited to allowing the preparation of plans and instruments of service in an office that does not have a full time registered architect or failing to ensure responsible supervision. I visited the property and visually inspected the property and had the plans drawn under my supervision, reviewed the plans, and then signed and sealed the plans. I did exactly what DIC, the company that contracted for the services, requested that he do. The second case alleges a violation of Chapter 481.225(1)(i), Florida Statutes. I was contacted by a personal friend to assist with the design and drafting of an addition to a home. I was never compensated, the plans were prepared at my direction, reviewed by me before they were signed, and they were signed and sealed by me. I personally visited and inspected the property before engaging in the design. I was never my intention to be involved with or assist someone in the unlicensed practice of architecture and do not believe that I did because the work was mine. Finally, as stated above, I am semi-retired and licensed to practice until February 2009. I do not plan to renew my license after 2009 due to my age and I would like to enjoy retirement. I

have not been sited for violating the practice through out my career and would like to put this behind me. I sincerely hope that prior to making a final decision the board will exercise discretion, review the complaints and stipulations, my affidavit, will dismiss the complaints, and leave my license intact until it expires in February 2009. I hope this affidavit and the representations made by my attorney will assist you in making a final determination in the two cases. Thank you for your time and attention to the affidavit and the representation by my attorney appearing on my behalf.”

Mr. Jimenez commented that he was appearing on Mr. Mourin’s behalf pro-bono because of a close family relationship. He commented that Mr. Mourin was a respected man and architect. He commented that they did not dispute the facts but wanted to dispute the fines because they were excessive. He commented that Mr. Mourin performed the services on good will and intentions. He commented that he was caught up in disputes between client, contractor, etc. He thanked the board.

Ms. Del Bianco asked if Mr. Mourin appeared before the Probable Cause Panel. Mr. Minacci replied in the negative. Mr. Gonzalez asked Mr. Jimenez if Mr. Mourin would be willing to relinquish his license since he was not planning to renew in 2009. Mr. Jimenez replied that Mr. Mourin would like to leave the profession in a positive light and in good standing. He commented that the monetary penalty was not an issue but Mr. Mourin would like to leave the profession in a respectful manner. Mr. Jimenez commented that he did not think Mr. Mourin would give up his license. Mr. Gonzalez commented that this would allow him to leave the profession now. The board discussed the options of inactive, voluntary relinquishment, and retired status.

Ms. Chastain commented that if Mr. Mourin voluntarily relinquished his license based on pending discipline it would still show as discipline. Mr. Minacci advised the board that the minimum penalty was imposed on the first case and closer to the maximum was imposed on the second case.

Mr. Minacci advised the board that he did not agree with the expert that plan stamping was not an issue. He commented that Mr. Mourin could not provide proper documentation of supervision for the plans prepared outside of his office. Mr. Jimenez commented that he talked with Mr. Mourin regarding the issue and Mr. Mourin advised that he did not keep that kind of documentation for small residential projects.

Mr. Manausa commented that the violations were serious and the board was giving Mr. Mourin an opportunity to relinquish his license. Ms. Clark commented that the fact that Mr. Mourin is refusing to admit that he did anything improper could indicate that he would violate the laws and rules again.

Motion: Ms. Del Bianco moved to table the case to allow Mr. Jimenez to consult with Mr. Mourin.

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

Unlicensed

DBPR vs. David Davis

Case Number 2006-056929

PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the review of the case due to participation on the probable cause panel. Mr. Davis was present and sworn in by the court reporter. The case was before the board for a violation of offering services in a common area of a condominium. The respondent is not a licensed interior designer or architect. Probable cause was found and a two count administrative complaint was filed for practicing interior design when not licensed and practicing without a certificate of authorization. On March 2, 2007, the respondent filed an election of rights form and did not dispute the facts alleged in the administrative complaint. The probable cause panel recommended a \$10,000 fine plus costs.

Ms. Clark commented that this was a hearing pursuant to Chapter 120.57(2), Florida Statutes, where the respondent did not dispute the facts alleged in the administrative complaint. She commented that Mr. Davis was present to discuss the conclusions of law and the recommended penalties.

Mr. Davis commented that he had a retail store that was in his family for 40 years. He commented that he recently took over the business approximately 10 years ago. He commented that they offer flooring, cabinets, and counter tops. He commented that they performed residential services in the condominium and that he was aware that commercial work was considered interior design. He commented that he did not know that performing services in the "common area" of the condominium was considered a violation. He commented that the condominium asked him to prepare a proposal and bid on the "common area". He commented that he had no idea and that he did not practice "knowingly" based on the statute. He commented that this was his first offense. He commented that he just did not know that the common area required a licensed professional.

Mr. Gonzalez asked Mr. Davis if in the 40 years that the business was opened if they ever worked with interior designers. Mr. Davis replied in the negative. He commented that he strictly offers flooring, cabinets, and counter tops. He commented that other family businesses offered furniture, accessories, wallpaper, etc.

Ms. Del Bianco asked if their products were residential. Mr. Davis replied that all the products were residential. He commented that the only commercial work performed was under a licensed contractor.

Mr. Gonzalez asked Mr. Davis what types of services were performed for the contractor. Mr. Davis replied that he was not real familiar with the project but it to his knowledge the contractor was building some condominiums. He commented that the contractors had architects involved and the architects would hire Ms. Waller to decorate the common areas.

Ms. Grigsby asked Mr. Davis if Ms. Waller had an interior design license. Mr. Davis replied in the negative. Ms. Grigsby commented that the case description includes appliance

rearrangements, concealed lighting, crown molding, wall repair, and labor for electrical and plumbing work. Mr. Davis commented that was what the condo proposed but that was not going through his business. He commented that portion would be coordinated and the permits would have to be pulled by the contractors.

Mr. Gonzalez asked Mr. Davis if he was subbing the work out. Mr. Davis replied in the negative. He commented that he would bring in an electrician and plumber and they would work directly with the condo.

Mr. Minacci referred the board to page 383 and 384 of the board agenda which was the minutes of the meeting with condo association. He commented that the fact that the condo association would work directly with the electrician and plumber was not clear. He commented that it appeared that Mr. Davis would offer those services.

Mr. Davis commented that the condo association wanted a proposal presented that reflected the total of how much the job would cost. He commented that at the bottom of the proposal in parenthesis, who the people were and how they would be compensated. He commented that he was supposed to coordinate when the individuals would come in and work to keep the job flowing. He commented that the condo association wanted one document that had a grand total for everything and all services. Mr. Davis commented that he was not pulling permits.

Ms. Clark commented that the question was not who would pull the permits but who decided where the plumbing and electrical fixtures would be placed. Mr. Davis commented that there were no plumbing changes, everything was just being replaced. He commented that there were old electrical fixtures that needed to be replaced.

Mr. Kuritzky asked Mr. Davis if the services he offered to provide were replacing cabinets and counter tops. Mr. Davis replied in the positive. There was no wall construction.

Ms. Del Bianco commented that Mr. Davis appeared to understand that residential applications did not require a licensed professional but areas that were regulated by code required a licensed professional. Mr. Davis replied in the positive.

Motion: Ms. Del Bianco moved that the board adopt the findings of fact as alleged in the administrative complaint.

Second: Mr. Gonzalez seconded the motion, Mr. Kuritzky opposed and the motion passed.

Mr. Kuritzky commented that the services performed did not sound like decorating or interior design but replacement of existing materials. He commented that he did not understand why that fell under the board's jurisdiction. Mr. Minacci commented that the minutes of the condo association represents a different scenario from what Mr. Davis presented to the board today. He commented that the minutes reflect that the "designers" Mr. Davis, Ms. Waller, and Judy Ellis. He commented that the services they offered to

provide included electrical and plumbing services to the condo association. Ms. Del Bianco that codes must be followed for “common areas”.

Ms. Grigsby asked Mr. Davis if he represented himself to the condo association as a “designer”. Mr. Davis replied that he did not represent himself as a “designer”, he does not use that term or use it on their business cards. Ms. Grigsby asked why the association minutes would refer to them as “designers”. Mr. Davis replied that he did not know. He commented that a lot of people do not know the difference between a decorator, designer, or remodeling.

Mr. Davidson commented that he was with the condo association and that the secretary that completed the minutes of the meeting was not aware of the difference between the titles. He commented that none of the individuals that presented to the association represented themselves as “designers”. He commented that there was no mention of interior design work being offered.

Motion: Ms. Del Bianco moved to adopt the conclusions of law as set forth in the administrative complaint.

Second: Ms. Shore seconded the motion, Mr. Kuritzky opposed and the motion passed.

Motion: Ms. Del Bianco moved that the board impose a \$5,000 fine plus costs.

Second: Mr. Gonzalez seconded the motion.

Mr. Gonzalez asked Ms. Del Bianco why she went below the panel’s recommendation. Ms. Del Bianco replied that based on Mr. Davis’ testimony that he did not represent himself as an interior designer.

The question was called, Mr. Kuritzky opposed and the motion passed.

Mr. Davis asked the board if it was okay for him to sell materials only to someone that approached him for this type of “common area” project. Ms. Del Bianco replied in the positive, if it was purchased by an interior designer or architect. Mr. Davis asked the board if an architect or contractor hire the business to perform services under their license for “common areas”. Ms. Grigsby replied in the positive. Ms. Del Bianco clarified by adding that the business could not select the interiors or finishes only the architect.

Mr. Manausa commented that a condo association could replace counter tops in their kitchens and they do not have to hire an interior designer. He commented that they were no different than a homeowner if they wanted to replace something that was already there.

Ms. Membiela commented that Mr. Davis’ question was whether he could sell products to anyone. Mr. Kurtizky commented that this was not a function of sales or installation but design. He commented that the paragraph read furnishing and the fabrication of non structural elements within the surrounding interior spaces of a building. He commented that precludes maintenance. He commented that if they were discussing replacement of

worn out cabinets, the condo association could not do it without hiring an architect or interior designer.

Ms. Del Bianco commented that as long as the applicable codes were not in question then they did not need to hire a licensed professional. Mr. Kuritzky asked if a permit was required to replace a floor or cabinet. Ms. Del Bianco replied in the negative but they would be subject to building codes. Mr. Kuritzky commented that any maintenance in a public building requires the hiring of a licensed architect or interior designer. Mr. Gonzalez replied that they should. Mr. Kuritzky commented that the law does not say should but the board is implying “requires”.

Mr. Kuritzky commented that the board was saying that if a hotel wanted to replace the carpet in a meeting room they would be “required” to hire a licensed architect or interior designer. Ms. Clark commented that she did not feel that was what the board was saying. She commented that in this case the problem was that Mr. Davis recommended what materials should be used instead of the condo association going to him and deciding on the materials to be used. She commented Mr. Davis could have sold and installed the carpets, cabinets, etc. She commented that the error was Mr. Davis selected the materials. Ms. Grigsby commented that the presentation to the association was the problem.

Mr. Kuritzky commented that he wanted clarity on the issue because he felt this would continue to be an issue. He commented that companies that represent products and large corporations or hotels that go directly to the manufacturer and that manufacturer better be licensed to practice architecture or interior design to select their product to go into a facility. An example would be that company (A) offers fire rated and slip resistant capacity carpet and a hotel would like to replace their carpet that the hotel would be required to hire an architect or interior design prior to doing so. Mr. Kuritzky commented that hotels in Orlando replace carpet, wallpaper, tiles, etc. and sometimes they hire professionals and sometimes they don't because it is considered maintenance.

Mr. Kuritzky commented that he would like to know who far reaching non structural elements considered. Ms. Del Bianco commented that he was referring to a wall or windows. Mr. Kuritzky commented that those were structural elements that required an architect and/or engineer. Ms. Del Bianco commented that non structural elements required an interior designer. Mr. Kuritzky commented that he was looking for clarity on the non structural elements. Ms. Del Bianco commented that she did not agree that a commercial property could replace materials on their own. Mr. Kuritzky commented that he was not sure that a commercial knew the requirements and/or trained in selecting appropriate materials to be placed in a commercial or public area.

Mr. Kuritzky commented that he was uncomfortable with the application of the law. He commented that building maintenance for commercial buildings were being held to the law of hiring licensed professional for public safety. Mr. Gonzalez commented that they have always been subject to the practice and care of the public. He commented that a hotel selected a cheap carpet with no flame spread and the carpet catching fire. He commented that they were taking a risk. Mr. Kuritzky commented that the board was saying that the

owner of a building would be required to hire a professional to make a carpet selection for maintenance purposes.

Ms. Del Bianco commented that she had been in a hospital with floor carpet vertical on the wall which was against fire code. Mr. Kuritzky commented that Ms. Del Bianco was agreeing with him that large commercial buildings, etc. would be required to hire professionals to replace materials.

Mr. Kuritzky commented that the public would need to be educated. Mr. Johnson commented that the Legislature's intent in 1994 was that all areas of "common use or common areas" would be processed, handled and specified by a licensed professional either an architect, engineer, or interior designer. He commented that that was the reason for the exception for interior decorating for residential applications. He commented the Legislative intent was that property owners should use architects or interior designers for "common areas".

Ms. Dolan asked if there was something the board could do to enforce the requirement and if it was an issue with the building departments. She commented condominium, schools and hotels hire facility managers to handle maintenance and maybe they were not aware of the laws. Ms. Clark commented that Mr. Johnson provided valuable historical knowledge regarding the Legislative intent. She commented that Mr. Davis asked if he could sell products to someone that had made the selection, and she did not feel that Mr. Davis would be violating the practice act by selling the products.

Ms. Clark commented that Ms. Dolan had a valid point regarding the proper interpretation of the statute to be enforced. She commented that this was difficult. She commented that the most common problem was unlicensed individuals who were able to draw, submit for permitting and build without a licensed individual being involved. She commented that the only mechanism for enforcement was random complaints by homeowners or by the building departments. She commented that the building officials were catching unlicensed individuals but could not catch them all.

Ms. Clark commented that the selections and purchase of carpet is an important health, safety, and welfare issue it was not being permitted through the building department and therefore, enforcement was difficult.

Ms. Clark advised Mr. Davis that he could sell products to individuals when he was not making selections of materials and it was not his duty to determine if a licensed individual made the selections of material.

Mr. Minacci commented that Mr. Davis designed the "common area" for the condo. Mr. Davis commented that he was changing carpet to tile, replacing light fixtures, and replacing cabinets and counter tops.

Mr. Manausa commented that the offering or presentation to the condo association was practicing interior design. Ms. Clark commented that the Association President confirmed

that there was a public perception problem with the difference between a decorator and interior designer. She commented that it was likely that none of the individuals represented themselves as designers or interior designers. She commented that there were many magazine articles that represent individuals as designers or interior designers when in fact the individual never state that. She commented that it was a public perception and that was the common problem.

Mr. Davis asked if there was any way the board could assist in educating the owners within a condominium and the associations. He commented that he was asked to make the presentation by the owners.

The board returned to Mr. Mourin's case.

Mr. Jimenez advised the board that Mr. Mourin reluctantly agreed to voluntarily relinquish his license.

Motion: Ms. Del Bianco moved that the board adopt the findings of fact and conclusions of law as alleged in the administrative complaint for both cases.

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

Motion: Ms. Del Bianco moved that the board accept Mr. Mourin's voluntary relinquishment subject to the receipt of the execution of the voluntarily relinquishment that states in lieu of further penalties or fines closing the matter to be received within 30 days.

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

DBPR vs. Eudaldo R. Verdecia / Eudaldo R. Verdecial Architect, P.A.

Case Number 2006-041918

PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the review of the case due to participation on the probable cause panel. The case was before the board based on the respondent contracting to provide architectural services for a residential project, held himself out as an architect and offered architectural services through a business entity. The Probable Cause Panel found probable cause to file a three count administrative complaint alleging violations of practicing architecture without a license, using the title architect without a license, and practicing architecture through a business without a certificate of authorization. The respondent filed an election of rights form on May 21, 2007, and did not dispute the facts.

The panel recommended a \$15,000 fine plus costs.

Mr. Verdecia was present and sworn in by the court reporter. Ms. Clark advised the board the was a hearing pursuant to Chapter 120.47(2), Florida Statutes, where the respondent did not dispute the facts but requested to be heard by the board regarding conclusions of law and penalty.

Mr. Verdecia commented that his last class at FIU a teacher told him not to use the term architect until he was licensed. He commented that the teacher advised he could use architect, P.A. which defined that he was a professional associate. He commented that this case was for the drawings of residential plans. He commented that he never presented himself as an architect.

Mr. Gonzalez commented that he was given bad advice by his teacher. He commented that Mr. Verdecia's problem was compounded by using the term architect with P.A. He commented that the word "architect" should not be used with any other term such as intern, associate, manager, etc. unless that individual was a licensed architect. Mr. Gonzalez commented that the teacher should be advised on the use of the term.

Mr. Gonzalez asked Mr. Minacci to refer the case to the Board of Professional Engineers.

Ms. Grigsby asked Mr. Verdecia if he understood that he could not use the word "architect" or "architectural" in any form or way. Mr. Verdecia replied that he did not understand at the time he could not use the words. Ms. Clark asked Mr. Verdecia what his business card said and what the name of his business. He commented that he no longer had any business cards and that he no longer had the business name.

Mr. Kuritzky asked Mr. Verdecia if the teacher advised him to use the word. Mr. Verdecia replied in the positive saying that the teacher told him not to use the word alone. He commented that the teacher said he could not use word alone because he was not licensed as an architect but he could use it with another word like architect associate.

Motion: Ms. Membiela moved that the board adopt the findings of fact as alleged in the administrative complaint.

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

Motion: Ms. Membiela moved that the board adopt conclusions of law as set forth in the administrative complaint.

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

Motion: Ms. Membiela moved that the board impose a \$2,000 fine plus costs.

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

Mr. Gonzalez commented that the fine was low. Mr. Minacci commented that the project was residential and this was a first offense. Ms. Del Bianco advised Mr. Verdecia that he could not hire architects or engineers but architects and engineers could hire him. The board discussed the method the Mr. Verdecia could obtain work.

Mr. Gonzalez asked Mr. Minacci to include in his press release that individuals cannot use the term architect, architectural or words to that effect unless they are licensed.

Settlement Stipulation

Unlicensed

DBPR vs. Terence J. Brisson / St. Lucie Home Design

Case Number 2006-041947

PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the review of the case due to participation on the probable cause panel. Mr. Brisson was present and sworn in by the court reporter. The case was before the board based on the respondent preparing drawings for a public building, presenting the those to an architectural review board, and offering services through a business that was not licensed. The Probable Cause Panel found probable cause to file a two count administrative complaint for practicing architecture without a license and offering architectural services through a business without a certificate of authorization. The panel recommended a \$10,000 fine plus costs.

Mr. Minacci advised the board that the settlement stipulation presented reflected a \$2,500 fine plus costs. He commented that the fine was reduced based on the fact that this was a first offense, the respondent never represented himself as an architect, the respondent was a licensed general contractor, the respondent traveled to Tallahassee to discuss the case, the project was a two story apartment complex and the respondent thought the project fell under the residential exception under Chapter 481.229, Florida Statutes. He commented that the respondent understands the laws and the board would not see him again.

Mr. Brisson commented that he misunderstood the exemption or exception in Chapter 481, Florida Statutes. Ms. Del Bianco commented that the agenda materials reflect that the respondent does this all the time and he thought it was legal. Mr. Brisson commented that he had designed houses since 1971 and gave his educational background. He commented that he had practiced general contracting since 1981 and built residential and commercial projects. He commented that he was hired by the largest single development company in Florida to manage a development project. He commented that they gave him the title of in-house project architect. He commented that he was responsible for the architectural theme within the community. He commented that his residential design company was for in-house residential designs and drafting for houses that they built and designed as residential contractors. He commented that based on Chapter 481.229, Florida Statutes, he thought he was working within the scope by working directly with the clients. He commented that the building in question was done for a friend. He commented that he understands now the distinction between a townhouse and apartment building.

Mr. Gonzalez commented that he gave way to much information. He commented that the title the development company gave him was out of line and he should not have accepted it. He commented that he had been working as a contractor and essentially as an architect. He commented that he was getting off light. He commented that he was surprised that Mr. Brisson did not stop the process when he was told he needed an architect or engineer to sign and seal his presentation drawings. He commented that the codes had changed for Broward, Dade and Palm Beach counties for residential drawings. He commented that he would like to see Mr. Brisson work with an architect instead of designing his drawings and having a licensed professional signing and sealing after the fact.

Mr. Brisson thanked Mr. Gonzalez for his comments. He commented that when he met with the architectural board for the City of Pompano Beach they asked an architect to review the drawings that were submitted. He commented that he falsely assumed that they were looking at it from an aesthetic point of view. He provided some additional information regarding the process with the Wellington project and the misunderstanding with this project.

Motion: Ms. Membiela moved that the board approve the settlement stipulation as presented.

Second: Mr. Kuritzky seconded the motion, it passed with Ms. Dolan, Mr. Gonzalez, and Ms. Del Bianco opposing the motion.

Mr. Gonzalez asked Mr. Minacci if he was comfortable with the fine reduction and if the board would see Mr. Brisson again. Mr. Minacci replied that the board would not see Mr. Brisson again.

Mr. Kuritzky asked Mr. Brisson about Mr. Bruh's involvement. Mr. Brisson replied that Mr. Bruh was brought into the process based on the misunderstanding that the committee would be reviewing the plans for aesthetics only. Mr. Brisson commented that he apologized that Mr. Bruh was brought into this problem because it was all in how the project was presented to Mr. Bruh as to why he was in trouble.

Mr. Minacci commented that Mr. Bruh signed and sealed the plans, which was his responsibility. Mr. Gonzalez commented that Mr. Bruh was a former AIA chapter President, which he should have known better.

Mr. Brisson commented that he sat through the cases this morning and thought it was unconscionable that the board would suspend a man's license that had practiced architecture for 50 plus years for a first time offense. He commented that he did not feel it was fair that an individual was required to give up his license at the end of a 50 year career when he had never been sanctioned before. Mr. Minacci commented that Mr. Brisson had no information about the cases at hand and whether he was a threat to the health, safety and welfare of the public. He commented that the board hated to take anyone's license and they do not do it often or take it lightly. Mr. Brisson thanked the board.

DBPR vs. Sherry P. Davidson

Case Number 2006-056876

PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the review of the case due to participation on the probable cause panel. Ms. Davidson was present and sworn in by the court reporter. The case was before the board for a proposal submitted for the same "common area" discussed in Mr. Davis' case. A one count administrative complaint was filed for practicing interior design without a license. The panel recommended a \$5,000 fine plus costs.

Mr. Minacci commented that the settlement stipulation reflected a \$2,500 fine plus costs. He commented that this was a first time offense, the respondent withdrew her proposal when she was contacted about the violation, the respondent never held herself out as an interior designer, the respondent obtained counsel, and has agreed to come into compliance.

Ms. Davidson read the following statement for the record. I am an owner in the building and she volunteered to do this for no cost. She stated that she thanked the board for allowing her to appear. She stated that their condominium suffered the effects of several hurricanes which created water damage and mold problems. She stated that once the areas were cleaned up they needed to re-decorate the club room. She stated that as an owner she volunteered, at no charge, to select and replace items. At an October 3, 2006 meeting of the Ashley Condominium Association Board of Directors approved her to proceed. She stated that neither she nor the board knew there was a law stating that they needed an architect or interior designer to replace damaged furniture or items. She stated that no walls were removed and nothing that affected the original structure changed. She stated that when she received an administrative complaint referencing Chapter 481.223(1)(b), Florida Statutes, that a person may not knowingly practice interior design when the person is not the holder of a valid license. She stated that she never knowingly practiced interior design because she thought she was decorating. She stated that on or about October 21 or 22, 2006, she received a letter from an investigator stating that there was possible violation of Chapter 481, Florida Statutes and had 20 days to respond. She stated she wrote a letter November 1, 2006, and clearly pointed out that she never represented herself as an interior designer. She stated that she did not realize that she was doing anything wrong and hoped he would come to the same conclusion. She stated she provided her telephone number and the address of the condominium so she could show him that she was decorating and not performing interior design. She stated that she received a telephone call from Mr. Chastain informing her that she was in violation of Chapter 481, Florida Statutes. She stated that on November 7, 2006, she faxed a letter to all of the board members of the condominium association resigning from the job of redecorating the club room and all work was immediately stopped. She stated that on November 9, 2006, she wrote Mr. Chastain that she was not aware that she was breaking the law and that she had resigned from the project and that all work had stopped. She stated that she informed Mr. Chastain that the association was going to hire a licensed architect or interior designer to review all work. She stated on November 24, 2006, a contract was executed with an architect for overseeing the work. Portions of the statement where inaudible.

Ms. Davidson stated that she never knowingly practiced interior design and stopped immediately to correct the situation. She stated that she could not afford to have an attorney represent her and she had spent quite a bit of money on legal advice. She stated that even though she did not feel she had done anything wrong she was in a position of having to sign a settlement stipulation agreement for an additional \$2,500 plus costs. She stated that she believed that this was a little known law and that she should not be fined. She stated that she should be warned about the law and told not to do this again. She stated that this was a common practice of condo's to select layman individuals or

committees to select furniture, carpeting, drapes, etc. and they do not realize they are practicing interior design.

Ms. Davidson commented that she was a real estate broker with a reputable name and under the DBPR web site this case pops up. She commented that as a broker she has never been cited for violating the law and this case was affecting her broker business. Portions of the tape were inaudible.

Mr. Gonzalez commented asked Ms. Davidson that in her years of practice as a real estate broker she was not aware of the difference between residential and commercial interior applications. Ms. Davidson replied that in 30 years she primarily sold condominiums and that interior decorating was not her profession.

Ms. Del Bianco commented that Ms. Davidson's web site reflects that she and her daughter have decorated model units. She commented that Ms. Davidson had performed residential decorating. Ms. Davidson commented that she was an owner of the units and she decorated them for show. Ms. Del Bianco asked if she was selecting the furnishing and finishes. Mr. Gonzalez asked if her and her husband worked with architects and interior designers when they developed the condos. Ms. Davidson commented that she did sales and was not involved in the "common areas" of the condos. Mr. Gonzalez stated that over the years she should or could have been exposed to the requirement of the need for a licensed professional to design the "common areas" of the condo.

Ms. Davidson commented that she volunteered her services and did not feel that any of the other individuals that submitted proposal realized that the law existed. Mr. Davidson commented that he was the condominium association President and he asked her to do this not knowing it was against the law. He commented that her father was a developer and her father asked her to decorate the home models and condos to help sell.

Ms. Grigsby asked why the first case was not a settlement stipulation. Mr. Minacci replied that the respondent elected to appear before the board and that he was charged with two counts unlike Ms. Davidson's one count. Mr. Davidson commented that based on the language in the statute, not knowingly practice interior design, he thought that a first time offender should be warned not fined. He commented that she did not know that she needed a license and she is a part owner of the property. Mr. Davidson requested that the board reduce her fine.

Mr. Minacci commented that "knowingly" just means that she knowingly performed the act doesn't mean that she "knowingly" violated the law. He commented that there was not a requirement in the statute that they must show that Ms. Davidson knew what she was doing was a violation of the law. He commented that all he had to prove was that she performed those acts and knowingly made the proposal to the condo association.

Ms. Membiela commented that she had a concern with the fact the department's web page shows the unlicensed activity violation against her which may impact her real estate license. She requested that board staff look into how the department could differentiate the

violation from this board and her real estate license. Ms. Chastain commented that the violation was and would stay on the web site. She commented that Ms. Davidson could petition the department to have a minor violation expunged. The board discussed the web page and what could be done to assist all individuals that were penalized for unlicensed activity under this profession from affecting other licenses individuals may hold within the department.

Ms. Chastain commented that a person checking the web page would have to go into the complaint to determine what profession the violation was against. Ms. Membiela commented that because she has a licensed the consumer may confuse the violation listed as being against her license. She requested the board staff look into the issue and see if there was a way to clarify the matter on the web page. She commented that if she was investigating a person that made a proposal to her firm, if a case popped up against a person she would rule them out without digging into the matter further. She commented that she did not want this case to negatively impact her real estate license or business.

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

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

The board discussed the web page and how they could try to fix the problem for licensed individuals. Ms. Membiela commented that she did not want to erase the violation but help clarify for the public what profession the violation occurred. Ms. Del Bianco commented that the agenda reflected that she has been involved in designing other club houses and this is directly related to her real estate profession. She commented that she does not share Ms. Membiela concerns but would like to see more information easily available to show that it was not her real estate ethics that she was sited. She commented that most of the unlicensed activity violations stem from an individual's primary business i.e. contracting, real estate, developers, furniture dealers, etc.

Motion: Mr. Gonzalez moved that the board Chair write a letter to the department to clarify when an unlicensed case is posted that it is related to a particular profession.

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

Mr. Davidson requested that the board assist him in educating the condominium associations. Mr. Gonzalez requested that Mr. Minacci does his press release for the Daytona Beach area to include an article about this requirement.

Consent Agenda

Settlement Stipulation

Mr. Minacci requested that a motion be made to approve the following settlement stipulations because they reflected the panel's recommendation. Mr. Hall was recused from the review of the following cases due to participation on the probable cause panel

Licensed

DBPR vs. Steven J. Bruh / Royal Architecture & Design, Inc.
Case Number 2006-064774
PCP: Rodriguez, Wirtz and Hall

DBPR vs. Sonia Chao
Case Number 2005-020799
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Paul Christopher Charette
Case Number 2006-064876
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Pegi De Mayo
Case Number 2006-039613
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Thomas Perdue
Case Number 2005-021014
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Ray M. Smith
Case Number 2006-058736
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Robert Zahradnik
Case Number 2005-037511
PCP: Rodriguez, Wirtz and Hall

Unlicensed

DBPR vs. Donald Doran
Case Number 2006-051753
PCP: Rodriguez, Wirtz and Hall

DBPR vs. Donald Doran
Case Number 2006-051753
PCP: Rodriguez, Wirtz and Hall

DBPR vs. Michael O'Brien
Case Number 2006-033373
PCP: Rodriguez, Wirtz and Hall

DBPR vs. RFM Design Associates, Inc. / Robert F. Machen
Case Number 2007-000689

PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Deborah M. Stevens / DMS Interiors, LLC

Case Number 2006-059656

PCP: Rodriguez, Wirtz, and Hall

DBPR vs. The Design Studio / Brigetta Dawes

Case Number 2006-054357

PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Zamparelli Architectural Group

Case Number 2006-046994

PCP: Rodriguez, Wirtz, and Hall

Voluntary Relinquishment

DBPR vs. Daniel Hamilton

Case Number 2005-015334

DBPR vs. Steven J. Patmon

Case Number 2005-020877

DBPR vs. Robert Terry

Case Number 2005-020272

Motion: Ms. Shore moved that the board accept the settlement stipulations and voluntary relinquishments as presented.

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

Reports

AIA Report – Vicki Long

Ms. Long and Mr. Smith were present from AIA Florida. She reported that the AIA Florida Convention was taking place and that the focus this year was sustainability and green buildings. Mr. Smith commented that AIA Florida was taking the role of trying to get Florida as green and sustainable to reserve the resources. He commented that the Convention attendance was the second highest.

Ms. Long reported that AIA Florida supported a Green Bill last year that the Governor vetoed that legislation. She reported that the Bill was a two part bill on bio-fuels science and green buildings. She commented that the Governor called for an Energy Summit that was being held in Miami to discuss the long range goals and focus for developing bio-fuels. She reported that AIA Florida would have a representative at the Summit and on a discussion panel.

Ms. Long reported that they would like to be part of the beginning process of any bill that may develop from that Summit. She reported that Arnold Schwarzenegger, Franklin Roosevelt, Jr., and Robert Kennedy, Jr. would attend the Summit. She reported that AIA's Past-President, Mr. Cooperman, would represent AIA Florida and present their 2030 Challenge. She commented that the 2030 Challenge of the Conference of Mayors was a vision that buildings, new or renovated, would be carbon neutral by 2030.

Ms. Long reported that AIA Florida continued to participate on the National Disaster Assistance Team. She reported that she was on the Committee representing Florida. She commented that they have been working with the Emergency Management Agency to create a certification program so architects could participate in post disaster efforts. She reported that Mr. Rodriguez and Mr. Lingerfelter were at the forefront of this issue.

Ms. Long reported that they continue to encourage participation and mentoring of the emerging professionals. She reported that they were hosting an Emerging Professionals Conference in the fall. She commented that the program assisted AIA Florida with membership and involving young professionals in volunteering within their profession. She commented that in Tampa they have seen a 30 percent increase in membership.

Ms. Long reported that AIA Florida would host a Summit in Coconut Grove in September for the large association states, such as Texas, California, New Jersey, New York, and Illinois. They would discuss common issues, problems, and solutions.

Mr. Gonzalez congratulated AIA Florida for supporting the sustainability issue. He commented that Palm Beach County recently completed the first public green building known as the Marine Life Center of Juno Beach. He commented that part of process was the involvement during construction administration to certify that the building was green.

Mr. Gonzalez asked Ms. Long that since green buildings were being pursued and supported would AIA pursue or support construction administration which is required to certify buildings as green. Ms. Long replied that at the last legislative session, AIA Florida performed outreach to determine potential support of that requirement. She commented that they surveyed their membership about construction administration and received approximately 200 responses. She commented that the vast majority of the responders already required construction contract administration as a service to their clients. She commented that the people that support it are already requiring the service without the state requirement.

Mr. Smith commented that they all agree that the more the architect is involved with construction administration the better. He commented that they needed to work with insurance companies and building officials to have collective effort to get the legislative requirement passed. He commented that the fact that green buildings must be certified through construction administration would give them another tool to work toward the legislative requirement.

Mr. Gonzalez commented that construction administration had been an issue since he began with the board and he was pleased to see that they were getting closer to the requirement. He commented that Miami-Dade already required construction administration. Ms. Long commented that they received support from the building officials but they could not support it on a political level.

Mr. Kuritzky asked Ms. Long if AIA Florida attended any of the Building Official's meetings. Ms. Long replied in the negative. She commented that they surveyed the construction industry and received the same opposition. Mr. Kuritzky commented that components of the construction administration process needed to be looked at carefully before implementation. He commented that he surveyed the building officials and they do not think architects know what they are doing because they do not know the building code. He commented that they thought it was beneficial to have architects involved in construction administration but had a problem with the additional certification because it held the building up in their process. He commented that the building officials had legitimate questions and concerns about the construction administration process and the effect on the building officials, insurance, continuing education, liability, etc. He commented that there was a concern about the cost involved for residential developers that utilize architects. He commented all these items should be considered during the development of the legislative language. Mr. Gonzalez commented that the architect is able to be involved in the construction and inspection process especially with green building certification.

Ms. Long commented that AIA Florida's goal was to get the entire board accredited through the LEED program or an equivalent program. She commented that they surveyed other states and there was a wide range of requirements in their statutes or rules.

Ms. Dolan asked Ms. Long if the previous construction administration language included both commercial and residential. Ms. Clark replied that the previous language did not distinguish between commercial or residential. Ms. Dolan suggested pursuing the commercial aspect instead of residential.

Mr. Johnson comment the board directed IDAF to pursue the contract construction administration language and they did not receive support. He commented that their lobbyist was questioned by nursing homes if the language would take away their ability to handle decorating in-house. He commented that they had a long way to go on getting support.

Mr. Rodriguez commented that although other states have contract construction administration but some of theirs is meaningless because it was watered down through the legislative process. He commented that sustainability was a wonderful tool to use because it requires certification or accreditation.

Mr. Kuritzky commented that when the contract construction administration language was created they needed to consider who would actually perform the inspection. He provided the example of whether it would be an architect or an intern under the supervision of the architect.

The board discussed the different levels of education or certifications needed to be a plans examiner or building inspector. Ms. Dolan commented that the architects and interior designer should know how to utilize the building code books.

Mr. Smith commented that they were going to direct their Communications Commission to assist unlicensed activity by doing press releases.

The board recessed for lunch.

Motion for Order Waiving Formal Hearing

Licensed

DBPR vs. Paul C. Apostolou

Case Number 2005-019615

PCP: Rodriguez, Wirtz, and Hall

Mr. Apostolou was not present or represented by counsel. Mr. Hall was recused from the review of the case due to participation on the probable cause panel. The case was before the board for a one count administrative complaint filed for failure to complete the required Florida Building Code core course. The administrative complaint was served certified mail on November 14, 2006 and the respondent has failed to respond. The respondent paid the fine but has not provided proof of taking the course. The Probable Cause Panel recommended suspension of the license until compliance.

Mr. Minacci advised that he received a letter from the respondent offering to relinquish his license. He requested that the board accept the voluntary relinquishment. Ms. Clark advised that the board that they should continue with the hearing since they did not have the relinquishment paperwork.

Motion: Mr. Gonzalez moved that the board find that the administrative complaint was properly served upon the respondent and the respondent waived the right to dispute the material facts by failure to timely respond thereto.

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

Motion: Mr. Gonzalez moved that the board adopt the findings of facts as set forth in the administrative complaint.

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

Motion: Mr. Gonzalez moved that the board adopt the conclusions of law as set forth in the administrative complaint.

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

Motion: Mr. Gonzalez moved that the board suspend the license until proof of course completion or accept the voluntary relinquishment received in 30 days.

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

DBPR vs. Mark A. Hobson / Hobson & Studio 7 Architects, Inc.
Case Numbers 2006-044355 and 2006-052455
PCP: Rodriguez, Wirtz, and Hall

Mr. Hobson was not present or represented by counsel. Mr. Hall was recused from the review of the case due to participation on the probable cause panel. The case was before the board for a five count administrative complaint for two counts of misconduct, one count negligence, one count for no certificate of authorization, and one count for failure to include the license number in an advertisement. The respondent was hand served on March 23, 2007 and the respondent has failed to respond or dispute the fact in the administrative complaint. The Probable Cause Panel recommended a one year suspension, two years probation, reprimand, \$3,750 fine and costs.

Motion: Ms. Del Bianco moved that the board find that the administrative complaint was properly served upon the respondent and the respondent waived the right to dispute the material facts by failure to timely respond thereto.

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

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

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

Motion: Ms. Del Bianco moved that the board impose a one year suspension, two years probation, reprimand, \$3,750 fine and \$150 costs.

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

Mr. Manausa requested that board include in the penalty that the respondent appear before the board to explain how he changed his practices prior to lifting the suspension or probation.

Ms. Del Bianco amended her motion to include reporting probation and an appearance before the board to explain his business practices at the end of the suspension period. Ms. Membiela seconded the amended motion. The question was called and it passed unanimously.

DBPR vs. Mark Olesen
Case Number 2005-019002
PCP: Rodriguez, Wirtz, and Hall

Mr. Olesen was not present or represented by counsel. Mr. Hall was recused from the review of the case due to participation on the probable cause panel. The case was before the board based on a citation for the Florida Building Code core course issued May 12, 2005. The respondent has failed to pay the fine or take the required course. A one count administrative complaint was filed for failure to perform a statutory obligation. Service was attempted by hand delivery February 6, 2007 and the second attempt was by publication in the Ashville Times. The Probable Cause Panel recommended a \$500 fine and suspension of the license until proof of course completion.

Ms. Clark asked Mr. Minacci if service was attempted by certified mail. Mr. Minacci replied in the positive.

Motion: Ms. Del Bianco moved that the board find that the administrative complaint was properly served upon the respondent and the respondent waived the right to dispute the material facts by failure to timely respond thereto.

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

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

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

Motion: Ms. Del Bianco moved that the board impose a \$500 fine and suspension of the license until proof of course completion.

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

DBPR vs. Norman D. Palmer

Case Number 2006-054876

PCP: Rodriguez, Wirtz, and Hall

Mr. Palmer was not present or represented by counsel. Mr. Hall was recused from the review of the case due to participation on the probable cause panel. The case was before the board for a two count administrative complaint for improperly certifying work prepared by another and aiding an unlicensed individual to practice architecture. The respondent was served March 17, 2007 by certified mail and has failed to respond to the administrative complaint or dispute the facts. The Probable Cause Panel recommended a reprimand, two years probation, \$3,000 fine and costs.

Motion: Ms. Del Bianco moved that the board find that the administrative complaint was properly served upon the respondent and the respondent waived the right to dispute the material facts by failure to timely respond thereto.

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

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

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

Ms. Del Bianco commented that the agenda reflected that Mr. Palmer had cancer. Ms. Del Bianco asked Mr. Minacci if he responded at all. Mr. Minacci replied that he responded by telephone but he was incoherent. Mr. Minacci commented that Mr. Palmer confirmed that he did not have a contract with the owner and had a verbal agreement with the unlicensed individual.

Motion: Ms. Del Bianco moved that the board impose a reprimand, two years reporting probation, \$3,000 fine and \$105 costs.

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

DBPR vs. Richard T. Stagg
Case Number 2006-065273
PCP: Rodriguez, Wirtz, and Hall

Mr. Minacci requested that this case be withdraw from review because he paid the fine.

Unlicensed

DBPR vs. Felix Gurruchaga
Case Number 2005-060185
PCP: Rodriguez, Wirtz, and Hall

Mr. Gurruchaga was not present or represented by counsel. Mr. Hall was recused from the review of the case due to participation on the probable cause panel. The case was before the board for a two count administrative complaint for practicing without a license and using the title "architect" when not licensed. An attempt to serve the administrative complaint was made by hand but the respondent could not be located. Service was achieved by publication in the Miami Daily Business Review. The respondent has failed to respond. The Probable Cause Panel recommended a \$10,000 fine plus costs.

Mr. Gonzalez commented that this was not the first time the respondent had violated the statute. Ms. Del Bianco commented that the previous complaint was never served and notice was achieved by publication, therefore, he may not know about the first complaint. Mr. Gonzalez requested that Mr. Minacci issue a press release in Broward and Dade counties. Ms. Membiela requested that the press releases be in Spanish as well.

Motion: Mr. Gonzalez moved that the board find that the administrative complaint was properly served upon the respondent and the respondent waived the right to dispute the material facts by failure to timely respond thereto.

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

Motion: Mr. Gonzalez moved that the board adopt the findings of facts and conclusions of law as set forth in the administrative complaint.

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

Motion: Mr. Gonzalez moved that the board impose a \$10,000 fine and costs.

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

DBPR vs. Earl G. Nelson
Case Number 2006-050282
PCP: Rodriguez, Wirtz, and Hall

Mr. Nelson was not present or represented by counsel. Mr. Hall was recused from the review of the case due to participation on the probable cause panel. Mr. Nelson held an architecture license that went delinquent March 1, 2003 and null and void March 1, 2005. The case was before the board for a six count administrative complaint for two counts of practicing architecture without a license, two counts for using the title "architect" when not licensed, and two counts for attempting to use a license in a "delinquent" status. Service of the administrative complaint was attempted by certified mail but was achieved by hand on

April 21, 2007. The respondent has failed to respond to the administrative complaint. The Probable Cause Panel recommended a \$30,000 fine and costs.

Motion: Mr. Gonzalez moved that the board find that the administrative complaint was properly served upon the respondent and the respondent waived the right to dispute the material facts by failure to timely respond thereto.

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

Motion: Mr. Gonzalez moved that the board adopt the findings of facts and conclusions of law as set forth in the administrative complaint.

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

Motion: Mr. Gonzalez moved that the board impose a \$30,000 fine and costs.

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

DBPR vs. Sandra L. Sanchez

Case Number 2006-005622

PCP: Rodriguez, Wirtz, and Hall

Ms. Sanchez was not present or represented by counsel. Mr. Hall was recused from the review of the case due to participation on the probable cause panel. The case was before the board for a three count administrative complaint for practicing architecture when not licensed, one count for using the title "architect" when not licensed, and one count for offering services without a certificate of authorization. The administrative complaint was hand served upon the respondent on April 5, 2007 and the respondent has failed to respond. The Probable Cause Panel recommended a \$15,000 fine and costs.

Motion: Ms. Del Bianco moved that the board find that the administrative complaint was properly served upon the respondent and the respondent waived the right to dispute the material facts by failure to timely respond thereto.

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

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

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

Motion: Ms. Del Bianco moved that the board impose a \$15,000 fine and costs.

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

DBPR vs. John Zonata / Znigma Group, Inc.

Case Number 2006-005498

PCP: Rodriguez, Wirtz, and Hall

Mr. Zonata was not present or represented by counsel. Mr. Hall was recused from the review of the case due to participation on the probable cause panel. The case was before the board for a four count administrative complaint for tow counts for practicing architecture without a license, one count for using the title "architect" without a license, and one count for offering services through a business when not licensed. The administrative complaint

was hand served upon the respondent on January 18, 2007. The respondent has failed to respond. The Probable Cause Panel recommended a \$20,000 fine and costs.

Motion: Mr. Kuritzky moved that the board find that the administrative complaint was properly served upon the respondent and the respondent waived the right to dispute the material facts by failure to timely respond thereto.

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

Motion: Mr. Kuritzky moved that the board adopt the findings of facts and conclusions of law as set forth in the administrative complaint.

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

Motion: Mr. Kuritzky moved that the board impose a \$20,000 fine and costs.

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

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

Unlicensed

DBPR vs. Ramon A. Fabregat / R. A. Fabregat and Associates, Inc.

Case Number 2006-048081

PCP: Rodriguez, Wirtz, and Hall

Mr. Fabregat was not present or represented by counsel. Mr. Hall was recused from the review of the case due to participation on the probable cause panel. The case was before the board for a three count administrative complaint for practicing architecture without a license, using the title "architect" without a license, and offering services through a business without a license. On March 23, 2007 the respondent filed an election of rights form disputing the material facts. The case was sent to the Division of Administrative Hearings for a formal hearing. On May 17, 2007 the respondent withdrew his request for a formal hearing. The Probable Cause Panel recommended a \$15,000 fine and costs.

Ms. Clark advised the board how to proceed since the respondent withdrew his request for a formal hearing.

Motion: Ms. Del Bianco moved that the board find that there is no dispute of material facts based on the request to withdraw the formal hearing.

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

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

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

Motion: Ms. Del Bianco moved that the board impose a \$15,000 fine and costs.

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

DBPR vs. Roland F. Patterson/ George F. Patterson & Associates, Inc.

Case Number 2006-028864

PCP: Rodriguez, Wirtz, and Hall

Mr. Patterson was not present or represented by counsel. Mr. Hall was recused from the review of the case due to participation on the probable cause panel. The case was before the board for a three count administrative complaint for practicing architecture when not licensed, using the title "architect" when not licensed, and offering services through a business when not licensed. The respondent filed a response on February 12, 2007 but did not dispute the material facts. The Probable Cause Panel recommended a \$15,000 fine and costs.

Ms. Clark advised the board to review the response and determine if he disputed the facts. Mr. Kuritzky asked what the relationship was between Roland Patterson and George Patterson. Mr. Minacci responded that George was Roland's father and George used to be a licensed general contractor.

Motion: Ms. Del Bianco moved that the board find that there is no dispute of material facts based on the Mr. Patterson's response.

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

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

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

Motion: Ms. Del Bianco moved that the board impose a \$15,000 fine and costs.

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

Settlement Stipulation

Unlicensed

DBPR vs. Shawn P. Brown / Innovative Architectural-Planning Group, Inc.

Case Number 2006-054873

PCP: Rodriguez, Wirtz, and Hall

The respondent was not present or represented by counsel. Mr. Hall was recused from the review of the case due to participation on the probable cause panel. The case was before the board for a three count administrative complaint for practicing architecture without a license, using the title "architect" without a license, and offering services through a business when not licensed. The Probable Cause Panel recommended a \$15,000 fine and costs. The settlement stipulation reflected a \$7,500 fine and costs. Mr. Minacci commented that this was a first time offense, the respondent has applied for licensure, he agreed to come into compliance, and the respondent worked with a licensed architect on the project in question.

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

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

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

DBPR vs. Dan Craft

Case Number 2006-058745

PCP: Rodriguez, Wirtz and Hall

Mr. Craft was not presented or represented by counsel. Mr. Hall was recused from the review of the case due to participation on the probable cause panel. The case was before the board for a one count administrative complaint for practicing architecture when not licensed. The Probable Cause Panel recommended a \$5,000 fine and costs. The settlement stipulation reflects a \$2,500 fine and costs. Mr. Minacci commented that this was a first time offense and the respondent did not hold himself out as an architect, the project in question was residential and the respondent worked with a licensed architect. The respondent agreed to come into compliance.

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

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

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

DBPR vs. Gary F. Haag

Case Number 2006-047789

PCP: Rodriguez, Wirtz, and Hall

Mr. Haag was not present or represented by counsel. Mr. Hall was recused from the review of the case due to participation on the probable cause panel. The case was before the board for a one count administrative complaint for using the title "architect" when not licensed. The Probable Cause Panel recommended a \$5,000 fine and costs. The settlement stipulation reflects a \$2,500 fine and costs. This was a first time offense and the subject has agreed to change the business name removing architectural.

Motion: Ms. Membiela moved that the board adopt the settlement stipulation as presented.

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

DBPR vs. Kimberly J. Scudder

Case Number 2006-044950

PCP: Rodriguez, Wirtz and Hall

Ms. Scudder was not present or represented by counsel. Mr. Hall was recused from the review of the case due to participation on the probable cause panel. The case was before the board for a one count administrative complaint for using the title "interior designer" when not licensed. This was a first time offense and the respondent has agreed to come into compliance. The Probable Cause Panel recommended a \$5,000 fine and costs. The settlement stipulation reflected a \$1,000 fine and costs. Mr. Minacci commented that he

met with Ms. Scudder and reviewed the statutes. He commented that she was providing residential services.

Motion: Ms. Membiela moved that the board adopt the settlement stipulation as presented.

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

DBPR vs. Leon Van Sikes

Case Number 2006-019227

PCP: Rodriguez, Wirtz, and Hall

Mr. Van Sikes was not present or represented by counsel. Mr. Hall was recused from the review of the case due to participation on the probable cause panel. The case was before the board for a two count administrative complaint for practicing architecture when not licensed and using the title "architect" when not licensed. The Probable Cause Panel recommended a \$10,000 fine and costs. The settlement stipulation reflects a \$5,000 fine and costs. Mr. Minacci commented that the project was residential and he met with Mr. Van Sikes to explain the statutes.

Motion: Mr. Kuritzky moved that the board adopt the settlement stipulation as presented.

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

DBPR vs. Julie Wakely / Wakely & Company

Case Number 2006-008452

PCP: Rodriguez, Wirtz and Hall

Ms. Wakely was not present or represented by counsel. Mr. Hall was recused from the review of the case due to participation on the probable cause panel. The case was before the board for a three count administrative complaint for practicing interior design, using the title "interior designer" when not licensed, and offering services through a business not licensed. The Probable Cause Panel recommended a \$15,000 fine and costs. The settlement stipulation reflected a \$5,000 fine and costs. This was first time offense, the respondent resides in Canada, and agreed to come into compliance. The board discussed the fact that she must pay in US dollars.

Motion: Mr. Kuritzky moved that the board adopt the settlement stipulation as presented and payment must be in US dollars.

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

DBPR vs. Debra Yates / Great Space

Case Number 2006-002407

PCP: Rodriguez, Wirtz and Hall

Mr. Minacci advised that Ms. Yates requested that the case be continued to the next meeting held in Key West so she could appear. He advised that she agreed to come into compliance.

Motion: Ms. Membiela moved that the case be continued until the next meeting in Key West.

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

New Business

Ms. Grigsby welcomed Ms. Gozdz. Ms. Gozdz commented that she resides in Ft. Pierce, Florida and been a Florida resident for 25 years. She commented that the hurricanes wiped her out. She commented that the reason she applied for the board was because her condominium was destroyed and she was involved with the rebuilding process. She commented that was interested in the process of the codes, contractors, city, architects, and designers. She commented that she could contribute to the board because she was on both sides being destroyed and having to rebuild.

Future Board Meetings

The board set the following board meetings.

August 9, 2007 at 10:00 a.m. – telephone conference call

November 5, 2007 at 3:00 p.m. – telephone conference call

January 28, 2008, Probable Cause Panel – location to be determined

January 29-30, 2008, General Business meeting - location to be determined

Board Counsel's Annual Review

The board performed the annual review of Ms. Clark's services. Ms. Grigsby commented that she understood that Ms. Clark may be assigned to another board. The board discussed that they did not want to lose her. Ms. Membiela commented that she appreciated the continuity of having her serve the board and her board knowledge.

Motion: Ms. Membiela moved that Ms. Chastain write a letter on behalf of the board.

Mr. Rodriguez commented that Ms. Clark was an integral part of the Probable Cause Panel's success and effectiveness. He commented that her depth of experience with this particular profession was invaluable. He commented that she represents the Attorney Generals' Office well.

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

Prosecuting Attorney's Annual Report

Mr. Minacci provided the board a copy of his annual report.

Report – IDAF

Ms. Bao-Garciga commented that IDAF continued to compile information in support of the contract construction administration language. She commented that they continue to work with AIA Florida. She commented that they continue to offer continuing education throughout the state to various members at low or no cost. She commented that they are working to improve communication and dissemination of information to various boards and associations. She commented that they are working to meet in conjunction with other boards. She commented that they would continue to pursue the proposed change to the definition of space planning and the addition on the definition of interior designer to the

Florida Building Code. She commented that she would attend the Governor's Climate Change Summit in Miami.

Old Business

No old business.

Recess

The board recessed at 3:25 p.m.

AGENDA

**Board of Architecture and Interior Design
Pink Shell Resort & Spa
275 Estero Boulevard
Ft. Myers Beach, Florida 33931
239.463.6181**

**July 11, 2007
9:00 a.m.**

General Business Meeting

Call to Order

The meeting was called to order at 9:15 a.m.

Roll Call

Board Members Present:

Sharon Del Bianco
Rosanna Dolan
Rick Gonzalez
Wanda Gozdz
Mary Grigsby, Chair
Eric Kuritzky
Joyce Shore

Board Members Absent:

Garrick Gustafson, excused absence
Roymi Membiela, excused absence
Neil Hall, excuse absence

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Juanita Chastain, Executive Director
Terri Estes, Government Analyst
Trent Manausa
Emory Johnson
Dwight Chastain
Juan Rodriguez-Tellaheche
Steve Hefner
Fred Dudley
Kurtis Helin
Linda Noble-Welch

Shari Silkoff

Ms. Clark advised the board that at the last meeting three of the appointed board members had their appointment rescinded and had to leave the meeting. She advised the two of those members were reappointed to the board prior to this meeting as well as a new consumer member. She advised that the timing of the required paperwork that must be completed to vote for this meeting was short and complicated by the holiday last week. She advised that one of the newly appointed members was able to return the required paperwork and was received in order to be able to vote at today's meeting.

Ms. Clark advised that a quorum was not an issue at yesterday's meeting because there were enough confirmed members was present, however, one of those members had to leave. She advised that one of the members had her paperwork here and could transmit it to the Governor's Office however, they must have the original. She advised that they did not have enough members but not enough able to participate to have a quorum.

Ms. Clark advised the board that they could engage in discussion regarding the applications scheduled today, however, they would not be able make a binding vote. She commented that they could have a discussion and ask questions. She commented that the board could have a straw vote so the attendees could have an idea of what direction the board may take.

Application for reinstatement of a void license

Antonio Juan Rodriguez-Tellaheche

Mr. Rodriguez-Tellaheche was present and sworn in. Ms. Clark asked Mr. Rodriguez-Tellaheche why he was applying for reinstatement of licensure instead of applying for licensure. Mr. Rodriguez-Tellaheche replied that he was licensed in 1979 and he opened his own office. He commented that he closed his office to work for a foreign company in 1991. He commented that they closed the office in the United States. He commented that 1995 a complaint was filed against him and at that time is when he began to have problems personally and financially. The disciplinary case imposed fines and costs.

Mr. Rodriguez-Tellaheche commented that he was going through depression. He commented that he opened a video store for his wife to run and Blockbuster moved and put them out of business. He commented that all he had to do was pay a fine and costs to resolve the disciplinary issue but he let it go. He commented that his license went from suspended to null and void.

Mr. Rodriguez-Tellaheche commented that in 1997 he went through a divorce and began counseling. He commented that he did not take drugs to deal with his depression but had a lot of counseling to feel good enough about himself to request that the board reinstate his license.

Mr. Rodriguez-Tellaheche commented that he has taken over 70 hours of continuing education courses, he has been active in the community again. He commented that he felt that he would be a better architect today than he was in the past because he had a better

attitude, was more knowledgeable about the building codes, ethics and construction requirements. He commented that he was working towards the LEED certification.

Ms. Clark thanked Mr. Rodriguez-Tellaheche for appearing before the board and commended him on his personal gains. She asked why Mr. Rodriguez-Tellaheche was applying for reinstatement of licensure instead of initial licensure. She commented that there was no evidence in the agenda materials that Mr. Rodriguez-Tellaheche tried to maintain licensure but was unable to during the time it fell null and void. She commented that he admitted that because of his depression he did not maintain the license.

Mr. Rodriguez-Tellaheche commented that his attorney advised him to request reinstatement and prove hardship. He commented that his hardship was financial, physical, and mental. He commented that he felt he qualified for hardship. Ms. Clark commented that she felt that the provision was for individuals that could not get re-licensed because they could not meet today's licensure requirements. She commented in those cases it was because individuals could not meet today's education requirements or individuals that were grandfathered in. She commented that she was not sure that the board would want to set a precedent when individuals were eligible to meet today's requirements to regain licensure.

Mr. Rodriguez-Tellaheche commented that he would apply for initial licensure but understood that he would have to work for someone else to complete the training requirements.

Ms. Estes commented that Mr. Rodriguez-Tellaheche originally applied by endorsement to regain licensure. She commented that Mr. Rodriguez-Tellaheche was notified that he needed to complete the IDP equivalency form in lieu of NCARB IDP and provide a legible transcript confirming his education. She commented that she reviewed the file because he had previous disciplinary history and reviewed a letter from Mr. Rodriguez-Tellaheche's attorney that requested reinstatement of the void license. She commented she contacted the attorney explained the different avenues of licensure and clarified which application route they would like to proceed with, endorsement or reinstatement. She commented that the attorney wanted to proceed with the reinstatement of the void license.

Mr. Clark recommended that the board consider whether they wanted to grant the reinstatement of the null and void license that requires that the licensee diligently tried to maintain licensure, complete the required continuing education, and due to unusual hardship were unable to renew the license.

Ms. Clark advised that the board needed to determine if Mr. Rodriguez-Tellaheche made a good faith effort to comply but failed to comply because of illness or unusual hardship. Mr. Gonzalez commented that he had an illness. Ms. Clark asked if they proved a good faith effort to comply and that he completed all of the continuing education requirements since the license lapsed and would otherwise be eligible to renew. She requested that the board consider whether he could apply and meet today's licensure requirements to regain licensure.

Mr. Gonzalez commented that he did not make a good effort to comply but had an illness. Ms. Clark asked Mr. Rodriguez-Tellaheche if he had all of the continuing education requirements for the past 10 years. Mr. Rodriguez-Tellaheche replied that he had 70 hours of continuing education.

Mr. Rodriguez-Tellaheche commented that he did make an effort to comply with the disciplinary requirement and requested that the board grant him six months to complete the required continuing education. He commented that he was working a Committee with AIA.

The board discussed what was needed to complete an initial application to regain licensure. Mr. Rodriguez-Tellaheche commented that he wanted to get his old license number back and that was another reason he was applying by the reinstatement route. Ms. Clark cautioned the board about granting the reinstatement of a license to an individual that could apply and meet today's licensure requirements.

Ms. Clark commented that Mr. Rodriguez-Tellaheche could submit the outstanding items from the original endorsement application and have it along with his previous disciplinary items return on an upcoming telephone conference call. The board requested that staff verify that all of the previous disciplinary fines were paid. Ms. Estes advised that she was able to verify payment for all but two and provided the amounts that were imposed.

Mr. Rodriguez-Tellaheche commented that he would like to apply to regain licensure by endorsement. The board advised Mr. Rodriguez-Tellaheche that he needed to provide a legible transcript, complete the IDP equivalency form, and provide documentation that he paid the previous disciplinary fines.

Application Review

Marshall Erdman & Associates, Inc.

Mr. Kurtis Helin was present for the firm and represented by Fred Dudley. Mr. Dudley commented that Mr. Helin was a Vice-President of the firm and a Florida licensed architect. He commented that Marshall Erdman & Associates, Inc. was incorporated in 1951 and was a design build company. He commented that they hold a Florida Contractor's business license and a Florida Professional Engineer's business license. He commented that Mr. Helin had been with the company since 1972 and was licensed in 48 states including Florida. He commented that he was the Senior Vice-President of design and operations for the past year, previously to that he was the Vice-President of Architecture, and previously to that he was construction document manager. He commented that all design work went through the Wisconsin office.

Mr. Dudley commented that this was a large design build firm. He commented that they have a holding subsidiary known as MEA1, Inc. which held a certificate of authorization issued by the board. He commented that they use MEA1, Inc. to complete the architecture design and Marshall Erdman was the construction side. He commented that the company was requesting to gain licensure for Marshall Erdman and advised that they were

previously licensed by the board in 1986. He commented that the certificate of authorization expired 1987 for failure to renew the license.

Ms. Clark commented that the reason this application was not administratively processed was because of the name of the firm. Mr. Dudley commented that he was aware of the pending disciplinary action and was notified that the file was flagged by staff regarding the name of the firm.

Ms. Clark commented that Rule 61G1-12.001(3), Florida Administrative Code, states that an architecture firm may not offer services to the public under a firm name which contains only the name of an individual not licensed as an architect or engineer in any state. She commented that she could not find this to be a statutory requirement. She commented that the board had the ability to waive or grant variances from rule requirements.

Mr. Dudley commented that Marshall Erdman was the name of an individual that founded the company and was deceased.

Mr. Minacci commented that the firm was offering services on a web site and they agreed to pay the citation for the violation. He commented that once he received the fine the case would be closed. Mr. Dudley commented that when he filed the application with the board he noted the pending disciplinary issue.

Mr. Helin was sworn in. Mr. Helin confirmed that MEA1, Inc. holds a certificate of authorization and Marshall Erdman & Associates, Inc. held a certificate of authorization but it expired. Mr. Gonzalez commented that the rule addressed the board's concerns of individuals practicing architecture in the state of Florida that were not licensed architects. He commented that when a firm advertised services the public could have confidence that an individual in the firm name was licensed as an architect or engineer. He commented that granting a variance to the rule was not a simple issue. He commented that he wanted to avoid a customer contacting the firm and finding out that the gentleman was never an architect and was deceased.

Mr. Kuritzky asked if the rule would be required for fictitious names. Ms. Clark replied that the rule was applied equally regarding corporations, fictitious names, limited liability company, etcetera.

The board discussed when the certificate of authorization requirement was implemented. Mr. Minacci advised the board that the firm has always had a Florida licensed architect on staff however they may not always have held a certificate of authorization. He commented that the pending disciplinary case addressed that issue.

Mr. Minacci commented that the purpose of the rule was so that he could not open, David Minacci Architects in Tallahassee and hire Trent Manausa to qualify the firm and offer architectural services. He commented that, David Minacci Architects, was misleading to the public because he could offer services in that name. He commented in this case, the individual name "Marshall Erdman" was deceased so he would not be trying to obtain

business, the company had been in business for many years and was a nation wide firm with name recognition. He commented that the board had in the past made an exception to the requirements similar to this request. Ms. Del Bianco commented that the board had granted a license in a similar situation.

Mr. Dudley commented that this company previously had a certificate of authorization that expired and that it was not taken away because of disciplinary action. He commented that if the board approved this application it would set three areas of distinction for future applicants. Ms. Clark commented that the distinctions were important and the process of granting a rule variance or waiver was important so it was documented and could be relied on in the future noting those distinctions.

Ms. Clark commented that the board had the authority to grant the request but would direct them to do so if the proper procedure was followed.

Mr. Dudley commented that they would waive the 90 day application processing deemer in order to file a petition for a rule waiver or variance. He requested that the board schedule a telephone conference call to review the petition.

Mr. Manausa commented that the reason the rule was implemented was so that the public was not misled into believing that the individual in the name of the firm was a licensed architect when they were not licensed. He commented that Marshall Erdman was deceased and it was really considered the name of a corporation instead a person. He commented that he did not feel there would be a deception to the public with this firm because it was recognized in the industry by the name and had been for many years.

Mr. Kuritzky commented that it was a rule and it gave the board the opportunity to review each application individually. The board discussed the rule and how it applied to deceased architects.

The board took a straw vote to determine if they would be in favor of granting the petition for a variance or waiver of Rule 61G1-12.001(3), Florida Administrative Code. The board took a straw vote with Ms. Del Bianco, Ms. Gozdz, Ms. Dolan, and Ms. Grigsby in favor and Mr. Gonzalez and Mr. Kuritzky not in favor.

Ms. Clark commented that the applicant appeared at the meeting today and requested that the board schedule a telephone conference call later in the month of August. This would allow time for the filing of the petition and would not require them to wait until the end of September or travel which was an additional expense. The board agreed and scheduled a telephone conference call August 23, 2007 at 10:00 a.m.

James Estes

Ms. Estes commented that Mr. Estes was not present but submitted a letter requesting that the board continue the review of his application and waived his application processing rights.

Deborah Stevens

Ms. Stevens was not present or represented by counsel. Ms. Chastain commented that the applicant had a disciplinary case that was reviewed at yesterday's meeting. Since the board could not vote on the application, Ms. Clark requested that the application be scheduled for the next telephone conference call.

Direction from Board

Ognian Hristov

Mr. Manausa commented that he thought the education should be accepted with the CACB education or NAAB accreditation.

Ratification Lists

Applicants (handout)

Continuing Education

Ms. Grigsby commented that the ratification lists would be reviewed for approval on the August telephone conference call.

Continuing Education Applications

Betty Manry – individual submittal

Course title 20-20 Workshop

Betty Manry – individual submittal

Course title Product Training

Mr. Hefner advised that he would be submitting additional information to the board office regarding the course reviews.

Architecture Discussion

NCARB News Clips – ARE Timing and Resolutions update

ARE Transition Chart

Ms. Chastain commented that at the National NCARB meeting there was a proposed resolution that an applicant could begin taking the ARE examination prior to completing IDP. However, two portions of the examination would be held until completion of IDP. The resolution was amended based on several states input because of the impact of the change. She commented that the amendment allowed for an applicant to sit for the examination early as long as they met their state's requirements.

Ms. Chastain commented that NCARB proposed that states not look behind the NCARB blue cover for education requirements. However, based on Florida's statutory requirements the board would still look behind the cover.

Ms. Dolan commented that New York, California, and Florida had problems with the original resolution. Ms. Dolan reported on the resolutions that passed. She encouraged Ms. Chastain to apply for the Member Board Executives position with NCARB. Ms. Dolan requested that the board grant board members credits for attending or volunteering with NCARB. Ms. Chastain commented that licensees could apply for individual credit through the board's continuing education.

Ms. Del Bianco commented that the board needed to consider updating the rule that referenced the examination sections and fees since NCARB was changing the exam again.

Ms. Chastain referenced the board to Rule 61G1-14.001, Florida Administrative Code, that stated applicants for licensure by exam shall take and pass the examination prepared and administered by NCARB. She commented that even though the board had another rule specifying categories and fees, this rule could assist with that issue. Ms. Clark commented that she could make a note of the board's request to notice the rule for development. However, should not notice it until the board took an official vote. Ms. Estes requested that they notice the rule that referenced the NCIDQ examination portions and fees.

Mr. Rodriguez commented that he chaired the AIA Continuing Education program and they have noticed over the years that individuals learn differently. He commented that they were considering allowing credit for certain community service activities and mentoring services. He requested that he be able to address the board at the next meeting regarding adjusting the continuing education rules to allow for current and future needs of health, safety, and welfare courses. He commented that they have realized that people learned better in 15 to 20 minute increments instead of 50 to one hour increments. He commented that he would like the board to consider that learning methods have changed for new generations of architects.

Ms. Dolan thanked the board for designating her as the board's delegate at the NCARB meeting. She reported that she was appointed to the NCARB Education Committee and she volunteered her time for the NAAB Team.

Interior Design Discussion

NCIDQ Council of Delegates June 19, 2007 conference call

Personal Address on the department's web page

Continuing Education for board meeting attendance through IDCEC

Ms. Shore commented that the NCIDQ conference call discussed the upcoming meeting in November. She reviewed the agenda and reported that Mr. Minacci would be a speaker at the meeting. She reported that NCIDQ was moving their offices. She commented that they discussed the issue with schools issuing interior architecture degrees.

Ms. Grigsby reported that ASID National sent flyers to all of the schools that had student chapters regarding the fact that they should not use the term interior architecture or architectural. Ms. Dolan commented that NCARB was looking into the issue as well.

Rules Report and Discussion

Rule Tracking

Definition "intern-architect"

Ms. Clark provided an updated rules tracking report. She commented that she was proceeding with the updated continuing education handbooks as notice for Rule 61G1-21.003 and 61G1-24.002, Florida Administrative Code.

Ms. Clark commented that the language regarding Rule 61G1-22.003, Florida Administrative Code was noticed and she had not received any response from JAPC so it should be in effect by the September board meeting.

Ms. Clark commented that Rule 61G1-11.013, Florida Administrative Code, regarding the definition "intern-architect". Ms. Dolan commented that Mr. Manausa's proposed rule was well written but would like the board to consider Chapter 481.209(1)(b)(2), Florida Statutes. She commented that it referenced graduate of approved architectural curriculum. She commented that the rule language only accommodated NAAB approved programs. Ms. Clark asked if the board had approved any other curriculum. Mr. Manausa replied CACB.

Ms. Dolan commented that she had to go through NAAB-EESA evaluation process which took many years before the board would grant her license by equivalency. She commented that it took a lot of effort to get the evaluation completed. She commented that would like to protect the statute and provide an avenue for non-NAAB degree individuals.

Ms. Clark commented that the statute allows for the board to create rules to approve curriculum. She commented that the problem is that the institution itself would have to apply for approval by the board not an individual. The provision only applies to United States schools not foreign degrees.

Ms. Chastain commented that foreign graduates are required to be evaluated by NCARB. Ms. Clark commented that the board does not have many applicants that apply under Chapter 481.209(1)(b)(2), Florida Statutes, however it would require the institute apply for curriculum review not the applicant.

Mr. Rodriguez commented that the approved method for foreign evaluation was through NCARB NAAB evaluation.

Ms. Del Bianco requested that Rule 61G1-22.003(5), Florida Administrative Code, be noticed for development. She commented that the rule says that the board will require verification every two years regarding the schools curriculum. She commented that she would like more oversight regarding the board granting equivalency to interior design programs. Ms. Clark commented that the word "may" in the paragraph, could require the board to give up the rule based on JAPC's review.

Mr. Rodriguez commented that when NAAB reviews an institution for accreditation they review more than just the curriculum they also visit the location and environment. He commented that reviewing the interior design curriculum they are only looking at the curriculum not the entire program. He commented that currently the board is only reviewing on one aspect of the program and then do not review it again. He commented that the board should review interior design curriculums every few years. Ms. Del Bianco

commented that she would like the rules to reflect that the institutions validate their program when their curriculum changes. She commented that she would like them to validate their program every two years. She commented that they may want to require class course content and data on their instructors.

Ms. Clark commented that paragraph five requires the institutions to validate their program every two years. Mr. Kuritzky asked how they enforce the rule. Mr. Rodriguez commented that the board should set a time period for the validation. He commented that if an applicant graduated outside of the approved time period they would be denied and the institution would have to have the curriculum evaluated.

Mr. Kuritzky commented that the board hard times licensees about their continuing education and the board has not verified institution's curriculum. He commented that they have nothing to hold them accountable.

Mr. Rodriguez commented that it was a problem of centralized processing. He commented that the department does not have a mechanism for this to happen and therefore it is not done.

Ms. Dolan commented that they were discussing a rule that evaluated programs for interior design equivalency and the statute allowed for architecture equivalency evaluation. She commented that they have a rule that allowed for NAAB equivalency. She commented that there appeared to be more interior design programs applying for board approval. Ms. Del Bianco commented that she would work with Ms. Clark regarding updating the rule.

Ms. Clark asked for direction on the definition of "intern-architect". Ms. Dolan commented that the statute allowed for board approved architectural curriculum and she would like that referenced in the rule of "intern-architect". She commented that she would like foreign graduates the opportunity to use the term "intern-architect" and this language did not allow for that. Ms. Del Bianco commented that the statute Ms. Dolan referenced board approved architectural curriculum in the United States.

The board discussed the term again and determined only to allow NAAB accredited graduates the ability to use the term "intern-architect". Mr. Rodriguez commented that the term may be too restrictive regarding the part that states "may use the term, but only with the employment in an architecture firm for which the individual is employed as an intern. He commented that there were instances when an individual would need to use the term outside of the firm such as for loan application, rental application. He commented that he spoke with Mr. Manausa and he was okay with the language as it read.

Ms. Clark commented that if the board was comfortable with the language presented today she would include it for the next rules meeting. The board requested that the language be presented at the September meeting.

General Discussion / For Information
Future board meeting information (handout)

Reports

Chair's Report

Ms. Grigsby thanked the board for reappointing her as Chair.

Executive Director's Report – Juanita Chastain

Ms. Chastain did not have a report.

New Business

Mr. Gonzalez asked when the newsletter would be mailed. Ms. Chastain replied that they would no longer be mailed and it was available on the department's web site. Mr. Gonzalez commented that it was a disservice to the public. Ms. Chastain commented that the board discussed this item and agreed to only provide it on the web in an effort to cut costs. The board discussed the option of e-mailing it to the licensees. Ms. Dolan commented that her concern was the elderly practitioners because they are getting into trouble and they are not computer savvy. She commented that they should be considered.

Ms. Chastain commented that the department was working on a program to allow individuals to register to receive a notice when a new newsletter is posted to the web site. Mr. Kuritzky suggested a reminder in the renewal notice about the fact the newsletters are only available on-line and for them to register to receive it electronically.

Old Business

No Old Business.

Adjourn

The meeting adjourned at 12:10 p.m.