

MINUTES

**Board of Architecture and Interior Design
Crowne Plaza La Concha
430 Duval Street
Key West, Florida 33040
305.296.2991**

**September 27, 2007
9:00 a.m.**

General Business Meeting

Call to Order

Ms. Grigsby, Chair, called the meeting to order at 9:12 a.m.

Roll Call

Board Members Present:

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

Board Member Absent:

Garrick Gustafson, excused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Juanita Chastain, Executive Director
Terri Estes, Government Analyst
Emory Johnson
Trent Manausa
Dwight Chastain
Miguel Rodriguez
Debra Yates
Patricia Eables
Marc Janecki
Diane Perera

Judith Ellis

Court Reporter: Elaine Dahan, Official Reporting Service, LLC, 524 S. Andrews Avenue, Suite 302N, Ft. Lauderdale, Florida 33301

Disciplinary Cases

Settlement Stipulations

Mr. Minacci requested that the board approve the following settlement stipulations on a consent agenda because they reflected the probable cause panel's recommendation. Mr. Hall was recused from the vote.

Licensed

DBPR vs. Tony L. Benton
Case Number 2006-065955
PCP: Rodriguez, Wirtz and Del Bianco

DBPR vs. Christian Crookless
Case Number 2005-015113
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Raymond Lee Enfield
Case Number 2006-026251
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Donald Scott Fraser / Architectural Associates
Case Number 2007-010309
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. John Lamb
Case Number 2007-008620
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Roland Stout
Case Number 2006-029264
PCP: Rodriguez, Wirtz, and Hall

Unlicensed

DBPR vs. Alder Interior Design Associates, Inc.
Case Number 2007-001818
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Jose Ismael Allendes / Allenfar Design Associates
Case Number 2006-060092

PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Pamela Niemann / Niemann Vecchio Interior Design, Inc.

Case Number 2007-005101

PCP: Rodriguez, Wirtz, and Del Bianco

Motion: Mr. Gonzalez moved to approve the settlement stipulations as presented.

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

Settlement Stipulation

Unlicensed

DBPR vs. Debra Yates / Great Space

Case Number 2006-002407

PCP: Rodriguez, Wirtz and Hall

Ms. Yates was present, sworn in and represented by Patricia Eables. Mr. Hall was recused from the case. Mr. Minacci commented that the case was before the board because the respondent offered interior design services in an advertisement, offered architectural services on a web site, and provided photos of a commercial project. Probable cause was found on October 23, 2006 to file a five count administrative complaint for practicing interior design when not licensed, using the title interior designer when not licensed, practicing architecture when not licensed, using the title architecture when not licensed, and offering services through a business when not licensed. The probable cause panel recommended a \$25,000 fine plus costs.

The settlement stipulation reflected a \$4,000 fine plus costs. Mr. Minacci commented that this was a first violation and an advertisement case and therefore the fine was reduced. He commented that the only work provided for non residential projects was painting. He commented that it did not appear that the respondent offered any architectural services and Ms. Yates agreed to comply.

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

Mr. Gonzalez asked Mr. Minacci if he referred the case to the Board of Professional Engineers based on the structural references on the web site. Mr. Minacci replied that he had not referred the case to that board because the respondent had not performed any structural work and agreed to remove any structural references from the web site. He commented that Ms. Yates offered artistic services. He commented that the violations were purely advertising.

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

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

DBPR vs. Marc Janecki / Marc Janecki Design

Case Number 2006-067913

PCP: Rodriguez, Wirtz, and Hall

Mr. Janecki was present, sworn in by the court reporter, and represented by Diane Perera. Mr. Hall was recused from the case. Mr. Minacci commented that the case was before the board because the respondent contracted to provide interior design services on a condominium project, presented himself as an interior designer, and the contract offered architectural details. Probable cause was found March 26, 2007 to file a three count administrative complaint for practicing interior design when not licensed, using the title interior designer when not licensed, and practicing architecture when not licensed. The probable cause panel recommended a \$15,000 fine plus costs. The settlement stipulation reflects a \$2,500 fine plus costs.

Mr. Minacci commented that this was a first offense and the respondent agreed to comply therefore the fine was reduced. He commented that the project was residential, the violation was for using the terminology in the contract, and the stipulation required the respondent to appear before the board to answer questions and demonstrate compliance with Chapter 481, Florida Statutes.

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

DBPR vs. Dan Estevill / Metro Consultants, Inc.

Case Numbers 2006-027100 and 2006-027048

PCP: Rodriguez, Wirtz, and Hall

Mr. Estevill was not present but represented by Diane Perera. Mr. Hall was recused from the case. Mr. Minacci commented that the case was before the board based on a contract offering architectural services for a residence through a business without a certificate of authorization. Probable cause was found on October 23, 2006 to file a three count administrative complaint for offering architecture services when not licensed, using the title architect when not licensed, and offering services through a business entity when not licensed.

The probable cause panel recommended a \$15,000 fine plus costs. The stipulation reflects a \$2,500 fine plus costs. Mr. Minacci commented that this was first offense and the respondent agreed to comply. He commented that the project was a residential project, the respondent worked with a licensed architect, and the respondent essentially was an expediting processor for permits. Mr. Janecki was not able to attend the meeting due to health reasons.

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

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

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

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

Licensed

DBPR vs. E. Dean Bolaris / E. Dean Bolaris, P.A.

Case Numbers 2005-031944 and 2005-027571

PCP: Rodriguez, Wirtz, and Hall

Mr. Bolaris was not present but represented by Diane Perera. Mr. Hall was recused from the case. Mr. Minacci commented that the case was before the board for two separate complaints. He commented that the first case involved a retainer for a project that no services were provided and the drawings were not satisfactory. He commented that the second case was for over charging the client and not refunding the monies. Probable cause was found on October 23, 2006 to file an administrative complaint which was served on the respondent on November 17, 2006 by certified mail. Mr. Bolaris did not respond timely and therefore waived his right to be heard. The probable panel recommended a reprimand, \$3,500 fine plus costs.

Ms. Clark asked Ms. Perera if Mr. Bolaris disputed the material facts in the matter. Ms. Perera replied that he disputed the facts but they were deemed for failing to respond. Ms. Perera commented that Ms. Bolaris signed for the administrative complaint while Mr. Bolaris was traveling. She commented that Ms. Bolaris did not realize the urgency of the materials when she signed for them. Ms. Perera commented that she would like to offer information that may mitigate the penalty.

Motion: Mr. Gonzalez moved that the board find that the administrative complaint was properly served and the respondent waived the right to be heard regarding the matter.

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

Mr. Minacci referred the board to the agenda materials and commented that the information provided after the original finding of probable was taken back to the panel for consideration. The panel did not reduce the penalty after reviewing the information.

Ms. Perera provided information regarding the first case and about the deposit made for not services performed. She commented that services were performed and the client did not comply with the terms of the contract regarding payment for services performed. She commented that the drawings were essentially complete however the client made many revisions that the respondent did not charge for. The client acknowledged that he paid the initial deposit, had not paid timely as set forth in the contract and was past due, and demanded the final drawings. She requested that the board realize that he did perform work for monies paid. She requested that the board reconsider the penalty.

Ms. Perera provided information regarding the second project, again same client as the first project. The client requested that the deposit from the first project be applied to the second project. There were no more services performed on the first project because the client requested that the deposit be applied to the second project.

Ms. Perera provided information regarding the second case which was a deposit of \$4,000 for a \$14,000 project. The client stopped the project and requested a refund. Mr. Bolaris provided a refund however the client was not satisfied with the amount of the refund. The client requested an account of the services provided which Mr. Bolaris complied. The client was not happy with the refund amount and filed a civil suit for the funds. Mr. Bolaris won the case and the case was dismissed.

Ms. Del Bianco requested information regarding Mr. Bolaris' prior disciplinary cases. Mr. Minacci commented that Mr. Bolaris had no prior disciplinary history. Ms. Perera was not aware of a prior disciplinary issue.

Mr. Gonzalez asked that Ms. Perera address the client's comments about Mr. Bolaris' lack of interest in the project or lack of response. Ms. Perera replied that she did feel that it was lack of interest or response but delays based on the numerous revisions. She commented that Mr. Bolaris conveyed that the project was frustrating process because of the number of revisions. She commented that the second project was because of the client's instruction to start the project then stop the project numerous times.

Mr. Minacci commented that Mr. Bolaris did not properly respond to the investigation or the administrative complaint. He commented that Mr. Bolaris provided information after the fact which he took to the probable cause panel and they did not reduce the minimum penalty recommended.

Mr. Gonzalez commented that his license number was not on his stationery. Ms. Perera commented that there was an e-mail confirming response to an investigator but that was not in the information provided. Mr. Minacci commented that the e-mail she is referring to states that Mr. Bolaris was going to provide documents but never did. Mr. Minacci commented that Mr. Bolaris did not appear before the panel for the first meeting or the second when the additional information was presented to the panel.

Motion: Mr. Gonzalez moved that the board impose a reprimand, \$3,500 fine plus costs.
Second: Ms. Del Bianco seconded the motion.

Mr. Kuritzky commented that this was a contract dispute. He commented that he did see where Mr. Bolaris failed as an architect. Mr. Manausa commented that he treated the board the same as his clients, he failed to respond. Mr. Kuritzky commented that he had difficult clients but he did not see where he failed in his performance to the client because they failed in their aspects with the contract. He commented that the clients did not hold up their end of the contract and did not see why the burden should fall solely on the architect. He commented that the civil suit decision was supportive of that fact. Mr. Minacci commented that the board does not know the facts of the civil suit other than he won.

Mr. Minacci commented that there were allegations of misconduct in the practice of architecture and based on the statute an architect can be disciplined. He commented that misconduct charge mirrors the civil type allegations but the board can discipline the architect if the conduct rises to an egregious level.

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

Unlicensed

DBPR vs. Judith Ellis / Rebecca Grace Interiors

Case Number 2006-056940

PCP: Rodriguez, Wirtz, and Hall

Ms. Ellis was present and sworn in by the court reporter. Mr. Hall was recused from the case. Mr. Minacci commented that the case was before the board based on a proposal to provide services for a common area in a condominium complex. Probable cause was found on March 26, 2007 to file a one count administrative complaint for practicing interior design when not licensed. On June 22, 2007 the respondent elected not to dispute the material facts alleged in the administrative complaint. The probable cause panel recommended a \$5,000 fine plus costs.

Ms. Ellis addressed the board regarding the charges and requested that the penalty be reduced. She commented that she was requested by the condo community to make a presentation to decorate their common area. She provided her decorating background and involvement in ASID. She now realizes that common areas require licensure and she did not knowingly violate the law. She read a letter written by a board member from the condo association explaining the situation. She requested that the board reduce the fine.

The board reviewed the differences between a decorator and an interior designer. Ms. Del Bianco commented that in Ms. Ellis' presentation to the condo board she mentioned that she wanted to expand her commercial business and requested an explanation. Ms. Clark commented that the information Ms. Del Bianco was referring to was a summary or minutes from reviewing the taped presentation. Mr. Chastain, investigator, commented that he made the notes but did not feel that she realized the implications of the statement. He commented that he did not get the impression she provided commercial services but used the language to better her chances to obtain the project.

Motion: Mr. Gonzalez moved that the board impose a \$1,000 fine plus costs.

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

Ms. Shore requested that Ms. Ellis spread the word to her decorating friends and through the ASID community about the differences between decorating and interior designer.

Ms. Membiela requested that the board consider allowing her to pay the fine in installments. Ms. Clark commented that she would write the order to allow for four equal payments of \$250 every 30 days.

Ms. Dolan commented that there should be a method to get the word out to individuals regarding the licensure requirements for common areas and practicing interior design when they are not licensed.

Ms. Del Bianco requested that the attorney create a matrix reflecting the penalty imposed by the board so they could try to be consistent. Ms. Clark commented that the board should review each case individually based on the information provided and on the merits of the case. Mr. Manausa commented that more responsibility should be placed on the individual practicing as a licensed professional. He commented that ignorance of the law was not an excuse and it was their responsibility to know the law. He commented that it was not up to the board to explain what an individual who was not licensed could or could not do.

Ms. Clark commented that the probable cause panel reviews each case but their common practice for unlicensed activity cases was to impose the maximum penalty when the individual does not appear. She commented that individuals for unlicensed activity cases where not invited to appear and that the board should use their own judgement when imposing penalties because the panel recommends the maximum. She commented that the board should use their own judgement in each case and not always go with the maximum. She commented that there were many licensees that claim ignorance to the law and are not penalized and she requested that the board keep that in perspective.

Mr. Manausa commented that individuals with unlicensed cases where not invited to the probable cause panel meeting and that the panel imposes the maximum penalty only to unlicensed activity cases when the individual does not respond to the investigation. Ms. Clark commented that Ms. Ellis did respond to the investigation and the panel recommended the maximum.

Florida AIA – Report Miguel Rodriguez for Vicki Long

Mr. Rodriguez commented that he was pleased with the boards decisions regarding the cases heard earlier. He commented that he agreed with Ms. Clark. He commented that it was important to hear from the individual and reading a response letter to the investigation was not the same as seeing and hearing the individual in person. He commented that the board handled the case well.

Mr. Rodriguez thanked the board for allowing him to present the AIA report today and out of agenda order. He apologized for Ms. Long for not being able to attend the meeting but Florida was hosting an AIA round table conference that she could not reschedule.

Mr. Rodriguez reported that the legislative agenda was in development. He commented that there was nothing for the board to be concerned about. He commented that the contract construction administration language was not going to be on the table.

Mr. Rodriguez reported that the Executive Committee of AIA was watching the Professional Sales Tax Exemption and that may be an issue. He commented that the Constitution Amendment called Hometown Democracy would have an impact on construction development.

Mr. Rodriguez commented that they would have a voice on sustainable building practicing, energy saving, and green house gas reduction.

Mr. Rodriguez commented that Florida AIA was watching the proposed budget cut of the privatization contract. He commented that they contacted some legislators to voice their concern and that particular line item was not on the recent proposed budget cut. Ms. Chastain confirmed that she was advised by the department that it was not on the budget cut list.

Mr. Rodriguez asked the board if they wanted to reduce the amount of internship required for an individual to sit for the Architectural Registration Examination (ARE) to be consistent with the National Council of Architectural Registration Board's (NCARB) recent resolution change. He commented that the statute requires a one year internship prior to sitting for the examination. He commented that based on all of the studies performed there would be no detrimental effect if an individual was allowed to sit for the exam with zero internship completed. He requested direction from the board if they would like Florida AIA to pursue legislative language change to reduce the one year requirement to zero requirement.

Mr. Gonzalez commented that he feels an individual or graduate should complete one year prior to sitting for the examination. Mr. Manausa commented that the individual would have to graduate from school but they should be able to take the test whenever they feel they are ready. He commented that they should be able to take the test as soon as they graduate.

Mr. Rodriguez commented that an advantage to completing the Intern Development Program (IDP) while taking the test is that when an individual fails a section they can focus on that area during the internship. He commented that there was no effect to the public when an individual takes the test the only effect would be on the individual because they would fail the test.

Mr. Hall commented that the downfall of making a graduate wait a year to take the test is that they get busy with life and work and never go back to take the test. He commented that the profession was losing graduates because they are not able to begin taking the test immediately when they are focused and regimented with a school schedule and they get into working and life and just find other avenues to achieve an income and never get licensed as an architect.

Mr. Kuritzky asked if there was a report to show how many times it takes an individual to pass the test. Mr. Rodriguez commented that it was taking individuals almost five or six years to get licensed because they get distracted by life or never feel they need to get

licensed. He commented that they were losing graduates because of the length of time to take and pass the test and gain licensure.

Mr. Kuritzky commented that the board should consider other routes to assist individuals in gaining licensure because of the diminishing numbers. Mr. Rodriguez commented that he was ready to go that route however he did feel that the board should consider the Broadly Experienced Architect (BEA) through NCARB.

Ms. Chastain requested that the board review a survey provided by NCARB that requested the board accept NCARB certification and not look beyond or behind their certification. She commented that Florida's statute does not allow for the BEA or non-NAAB accredited degrees.

Ms. Clark commented that the board was similar to the Board of Accountancy in that they require continuing education and a fifth year of education. She commented that they were receiving pressure from their National Association to remove the fifth year of education to allow portability to move from state to state without the additional requirement and they also were experiencing a decline in licensees. She commented that that board was very concerned about the trend and was proud of their safe guards put in place to protect the citizens of Florida. She commented that the Board of Accountancy realizes that it will happen and it was a matter of when. She commented that they are moving in the direction of being part of the change so they can have a say in the change rather than having it forced upon them.

Mr. Rodriguez commented that national licensing would be beneficial to the practice. He commented that when he was a member of the board NCARB discussed a gold cover and he would support the concept provided it was a new certification that maintained the five year degree requirement and the BEA. He commented that the BEA is an extensive process over and above the blue cover that allows for a four year degree. Ms. Del Bianco commented that she did not want to lower the education requirements.

The board discussed the differences between the Bachelor of Architecture and the Master of Architecture degrees.

Mr. Rodriguez commented that Florida AIA was working on the Disaster Response System and collaborating with Department of Emergency Management to have a successful program that works together. Mr. Gonzalez suggested that they contact One Thousand Friends of Florida to assist with the preservation of historic structures prior to a disaster.

Mr. Rodriguez commented that AIA National created an AIA Comprehensive Disaster Response Plan that works parallel with Florida's plan. He commented that they have a program that includes preparation for, response to, and mitigation for rebuild. Mr. Kuritzky asked if that was parallel to the Good Samaritan Law. Mr. Rodriguez replied in the positive.

Mr. Rodriguez reported that the National Architecture Accreditation Board (NAAB) would review the accreditation requirements. He commented that National AIA was preparing a white paper for the meeting to present their position of the process.

Mr. Rodriguez commented that Mr. Schneider requested that licensed architects receive continuing education credit for attending and serving on the Florida Building Code Technical Advisory Committee.

Mr. Kuritzky commented that there were many multi-discipline licensed individuals and there were many continuing education courses that should be accepted. Mr. Rodriguez commented that this had been an issue for some time. Ms. Estes commented that she spoke with Mr. Schneider regarding the different options for receiving credit for serving on the Florida Building Commission Technical Advisory Committee.

Mr. Gonzalez asked Mr. Rodriguez if any one had approached Florida AIA about the different level of service received from the building departments. He commented that there were some difficulties dealing with municipalities and building departments that they seem to be immune to discipline. He commented that the building departments were the first to step up and file complaints against an architect but there is not a mechanism in place for filing complaints against them.

Mr. Rodriguez commented that he felt it was all in the approach with building officials. Mr. Gonzalez commented that a licensed architect would be branded to filing a complaint against a building official and it should be handled at the state level. Mr. Rodriguez commented that if they went to a local official such as a commissioner and explained the situation it may get better.

Motion for Order Waiving Formal Hearing

Licensed

DBPR vs. David Beatty

Case Number 2005-015496

PCP: Rodriguez, Wirtz, and Hall

Mr. Beatty was not present or represented by counsel. Mr. Hall was recused from the case. Mr. Minacci commented that the case was before the board based on the licensees failure to take the required Florida Building Code core course. A citation was issued August 16, 2005 for failure to complete the course or pay the imposed fine. An administrative complaint was filed on May 24, 2006 for failure to perform a statutory or legal obligation. Mr. Minacci attempted to serve the administrative complaint by certified mail and hand service but achieved service by publication in the Charlotte Conservator. The respondent had not responded to the administrative complaint. The probable cause panel imposed a \$500 fine, completion of the Florida Building Code core course, and suspension until compliance.

Motion: Mr. Gonzalez moved that the board find that the administrative complaint was properly served on the respondent and the respondent waived the right to dispute the material 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 fact as set forth in the administrative complaint.

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

Motion: Mr. Gonzalez moved that the board impose a \$500 fine, completion of the Florida Building Code core course, and suspension until compliance.

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

DBPR vs. Sharon L. Gold

Case Number 2006-063999

PCP: Rodriguez, Wirtz, and Hall

Ms. Gold was not present or represented by counsel. Mr. Hall was recused from the case. Mr. Minacci commented that probable cause was found on June 1, 2007 to file a one count administrative complaint for failure to satisfy a statutory obligation. The respondent failed to satisfy the terms of a final order. Service of the administrative complaint failed by certified mail but was accomplished by hand delivery on July 26, 2007. The probable cause panel recommended revocation of the license for failure to satisfy an obligation of the board.

Mr. Gonzalez asked if any one had talked with Ms. Gold. There was no response.

Motion: Mr. Gonzalez moved that the board find that the administrative complaint was properly served on the respondent and the respondent waived the right to dispute the material 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 fact and conclusion of law as set forth in the administrative complaint.

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

Motion: Mr. Gonzalez moved that the board impose revocation of the license and costs.

Second: Ms. Membiela seconded the motion.

Mr. Kuritzky asked why they were imposing the \$45 costs. The question was called and the motion passed unanimously.

DBPR vs. Sandra Ortiz

Case Number 2005-020634

PCP: Rodriguez, Wirtz, and Hall

Ms. Ortiz was not present or represented by counsel. Mr. Hall was recused from the case. Mr. Minacci commented that the case was before the board based on the licensees failure to take the required Florida Building Code core course. Mr. Minacci achieved service by publication. The respondent had not responded to the administrative complaint. The probable cause panel imposed a \$500 fine, completion of the Florida Building Code core course, and suspension until compliance.

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

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

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

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

Motion: Ms. Shore moved that the board impose a \$500 fine and costs, completion of the Florida Building Code core course and suspension until compliance.

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

DBPR vs. Sue Ramsey

Case Number 2005-020906

PCP: Rodriguez, Wirtz, and Hall

Ms. Ramsey was not present or represented by counsel. Mr. Hall was recused from the case. Mr. Minacci commented that the case was before the board based on the licensees failure to take the required Florida Building Code core course. Mr. Minacci achieved service by publication. The respondent had not responded to the administrative complaint. Mr. Minacci confirmed for Ms. Clark that he tried to serve the respondent by certified mail and hand service prior to publication. The probable cause panel imposed a \$500 fine, completion of the Florida Building Code core course, and suspension until compliance.

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

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

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

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

Motion: Ms. Shore moved that the board impose \$500 fine plus costs, completion of Florida Building Code core course, and suspension until compliance.

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

DBPR vs. Marilyn Tully
Case Number 2006-018916
PCP: Rodriguez, Wirtz, and Hall

Ms. Tully was not present or represented by counsel. Mr. Hall was recused from the case. Mr. Minacci commented that the case was before the board based on the licensees failure to take the required Florida Building Code core course. Mr. Minacci achieved service by publication. The respondent had not responded to the administrative complaint. Mr. Minacci confirmed for Ms. Clark that he tried to serve the respondent by certified mail and hand service prior to publication. The probable cause panel imposed a \$500 fine, completion of the Florida Building Code core course, and suspension until compliance.

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

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

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

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

Motion: Ms. Membiela moved that the board impose a \$500 fine plus costs, completion of the Florida Building Code core course, and suspension until compliance.

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

Unlicensed

DBPR vs. Susan Andrews
Case Number 2004-035419
PCP: Rodriguez, Wirtz, and Schreiber

Ms. Andrews was not present or represented by counsel. Mr. Minacci commented that the case was before the board based on a contract to offer interior design service for a condominium, retained a deposit, and provided no services. Probable cause was found to file a three count administrative for using the title interior designer, practicing interior design when not licensed, and offering interior design through a business entity when not licensed. Mr. Minacci achieved service of the administrative complaint by publication and the respondent had failed to respond. The probable cause panel recommended a \$15,000 fine plus costs.

Mr. Gonzalez asked where the respondent resided. Mr. Minacci replied Celebration, Florida. Mr. Gonzalez requested that Mr. Minacci provide new press releases through out the area.

Mr. Gonzalez asked if there was a requirement to have a street address for a business listed instead of a P. O. Box. Ms. Clark replied in the negative.

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

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

Motion: Mr. Kuritzky moved that the board adopt the findings of fact and conclusion 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 \$15,000 fine plus costs.

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

Ms Clark commented that Chapter 455, Florida Statutes, allows the department to determine what address is acceptable for application. This is an unlicensed case.

DBPR vs. Michael A. Fletcher

Case Number 2007-001165

PCP: Rodriguez, Wirtz, and Hall

Mr. Fletcher was not present or represented by counsel. Mr. Hall was recused from the case and Mr. Kuritzky was absent from the room. Mr. Minacci commented that the case was before the board because respondent held himself out as an architect. A one count administrative complaint was filed for using the title architect when not licensed. The administrative complaint was served by hand on August 9, 2007. The respondent had failed to respond and the probable cause panel recommended a \$5,000 fine plus costs.

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

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

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

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

Motion: Mr. Gonzalez moved that the board impose a \$5,000 fine plus costs.

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

DBPR vs. William Michaelski, Jr. / WM Residential Designs

Case Number 2005-046554

PCP: Rodriguez, Wirtz, and Hall

Mr. Michaelski was not present or represented by counsel. Mr. Hall is recused from the case and Mr. Kuritzky was absent from the room. Mr. Minacci commented that the case was before the board because the respondent entered into an oral contract to offer architectural services for a retail office project and was paid a deposit but never completed drawings. Probable cause was found to file a three count administrative complaint for offering architectural services when not licensed, using the title architect when not licensed,

and offering services through a business entity when not licensed. Service was achieved by publication. The respondent had not responded. The panel recommended a \$15,000 fine plus costs.

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

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

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

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

Motion: Mr. Gonzalez moved that the board impose a \$15,000 fine plus costs.

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

DBPR vs. Doug McIntee / Doug McIntee Design Group

Case Number 2007-006405

PCP: Rodriguez, Wirtz, and Hall

Mr. McIntee was not present or represented by counsel. Mr. Hall was recused from the case and Mr. Kuritzky was absent from the room. Mr. Minacci commented that the case was before the board based on a contract to offer architectural services for a commercial project. A two count administrative complaint was filed for practicing architecture when not licensed and offering architectural service through a business entity when not licensed. Service was achieved by hand delivery. The respondent had failed to respond. The probable cause panel recommended a \$10,000 fine plus costs.

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

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

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

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

Motion: Ms. Shore moved that the board impose a \$10,000 fine plus costs.

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

Ms. Del Bianco requested that this case be referred to the Board of Professional Engineers.

Mr. Gonzalez commented that Mr. Oakley contacted him for a luncheon engagement. He commented that for the record that Mr. Oakley wanted to apply to become a member of the board not knowing that he had this issue before the board. He commented that he would like to recall his recommendation for service to the board.

DBPR vs. Earl G. Nelson
Case Number 2007-001110
PCP: Rodriguez, Wirtz, and Hall

Mr. Nelson was not present or represented by counsel. Mr. Minacci commented that the case was before the board based on a case where the subject used his null and void license to practice architecture. He commented that a three count administrative complaint was filed for practicing architecture when not licensed, using the title architect when not licensed, and using a license when on delinquent, inactive, or void status. Service was achieved by hand on August 9, 2007 and the respondent had failed to respond. The probable cause panel recommended a \$15,000 fine plus costs.

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

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

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

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

Motion: Ms. Membiela moved that the board impose a \$15,000 fine plus costs.

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

DBPR vs. New Home Design Gallery 3 Arc, Inc. / David Pillsbury
Case Number 2006-051224
PCP: Rodriguez, Wirtz, and Hall

The respondent was not present or represented by counsel. Mr. Hall was recused from the case. Mr. Minacci commented that the case was before the board for offering interior design services through the yellow pages and had failed to respond to the investigation. The respondent had been previously disciplined for offering architecture services. Probable cause was found to file a two count administrative complaint for using the title interior design without a license and offering services through a business entity when not licensed. The administrative complaint was achieved by hand delivery and the respondent had failed to respond to the administrative complaint. The probable cause panel recommended a \$10,000 fine plus costs.

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

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

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

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

Ms. Del Bianco reviewed his previous disciplinary complaint and the payment of the fine imposed.

Motion: Ms. Membiela moved that the board impose a \$10,000 fine plus costs.

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

DBPR vs. Doug Spencer / Doug Spencer Architectural Design, Inc. 267

Case Number 2006-041790

PCP: Rodriguez, Wirtz, and Hall

Mr. Spencer was not present or represented by counsel. Mr. Hall was recused from the case. Mr. Minacci commented that the case was before the board based on a proposal to offer architectural services to a church and offered the services through a business entity not licensed. A three count administrative complaint was filed for offering architectural services when not licensed, using the title architect when not licensed, and offering architectural services through a business entity when not licensed.

Motion: Mr. Gonzalez moved that the board find that the administrative complaint was properly served on the respondent and the respondent waived the right to dispute the material 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 fact and conclusion of law as set forth in the administrative complaint.

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

Ms. Del Bianco commented that he had a previous disciplinary history for the same offense and was served with a cease and desist. She commented that he was licensed in Georgia and that they be informed of this action.

Motion: Mr. Gonzalez moved that the board impose a \$15,000 fine plus costs.

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

DBPR vs. James E. Taylor / Design West Associates, Inc.

Case Number 2006-025812

PCP: Rodriguez, Wirtz, and Hall

Mr. Taylor was not present or represented by counsel. Mr. Hall was recused from the case. Mr. Hall was recused from the case. Mr. Minacci commented that the case was before the board based on drawing prepared for a remodeling project for a residence. The respondent's business stationery, letterhead, and title block offered architectural services, and he held himself out as an architect. A three count administrative complaint was filed for practicing architecture, using the title architect when not licensed, and offering architectural services through a business when not licensed. Service was achieved by publication and the respondent had not responded. The probable cause panel recommended a \$15,000 fine plus costs.

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

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

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

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

Ms. Del Bianco commented the respondent had a prior disciplinary case and he did not comply. She commented that he was offering construction and engineering services.

Motion: Ms. Membiela moved that the board impose \$15,000 fine plus costs.

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

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

Unlicensed

DBPR vs. Mark Robinson / Mark Robinson Design LLC

Case Number 2006-070054

PCP: Rodriguez, Wirtz, and Hall

Mr. Robinson was not present and not represented by counsel. Mr. Hall was recused from the case. Mr. Minacci commented that the case was before the board based on the respondent entering in to a contract to offer architectural services for a residential project. The two count administrative complaint was filed April 22, 2007 for practicing architecture when not licensed and offering architectural services through a business entity when not licensed. On June 11, 2007 the respondent filed an election of rights for a hearing and on June 21, 2007 Mr. Minacci filed a request for admissions. On August 17, 2007 the Division of Administrative Hearings (DOAH) filed an order directing the respondent to reply to Mr. Minacci's request for admissions. On August 31, 2007 the respondent did not respond and DOAH closed the case. Therefore, the case is before the board for an informal hearing. The probable cause panel recommended a \$10,000 fine plus costs.

Motion: Ms. Del Bianco moved that the board adopt the findings of fact as set forth in the administrative complaint and find that there is no dispute of fact.

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

Motion: Ms. Shore moved that the board adopt the conclusion 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 \$10,000 fine plus costs.

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

Ms. Del Bianco commented that he contracted directly to offer commercial work and the Board of Professional Engineers and Construction Board should be notified.

Settlement Stipulation

Unlicensed

DBPR vs. Jimmy M. Dean / JD Design Drafting, Inc.

Case Number 2007-010570

PCP: Rodriguez, Wirtz and Del Bianco

Mr. Dean was not present or represented by counsel. Ms. Del Bianco was recused from the case. Mr. Minacci commented that the case was before the board based on the respondent contracting to sign and seal plans for a hair salon and offering services through a business entity with no certificate of authorization. A two complaint administrative complaint was filed for practicing architecture when not licensed and offering services through a business entity when not licensed. The probable cause recommended a \$10,000 fine plus costs. The settlement stipulation reflected a \$5,000 fine plus costs.

Mr. Minacci commented that the fine was reduced based on the fact the respondent had agreed to comply, it was a first offense, the title "architect" was not used, and the respondent worked with a licensed architect. He requested that the board approve the settlement stipulation as presented.

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

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

DBPR vs. Fernando Gomez-Pina

Case Number 2006-015015

PCP: Rodriguez, Wirtz and Hall

Mr. Gomez-Pina was not present or represented by counsel. Mr. Hall was recused from the case. Mr. Minacci commented that the case was before the board based on the respondent signing and sealing residential renovation plans. The plans were prepared by an unlicensed draftsman that entered into a contract with a client to perform architectural services. The respondent is a licensed professional engineer. A one complaint administrative complaint was filed aiding unlicensed activity. The probable cause recommended a \$5,000 fine plus costs. The settlement stipulation reflected a \$2,500 fine plus costs.

Mr. Minacci commented that the fine was reduced based on the fact the respondent agreed to comply, it was a first offense, and the project was residential. He requested that the board approved the settlement stipulation as presented.

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

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

Ms. Del Bianco requested that Mr. Minacci forward the case to the Construction Industry Licensing Board.

DBPR vs. Halifax Services / John Kaprocki
Case Number 2006-045529
PCP: Rodriguez, Wirtz, and Hall

Mr. Kaprocki was not present or represented by counsel. Mr. Hall was recused from the case. Mr. Minacci commented that the case was before the board based on the respondent entering a contract offering signed and sealed residential drawings and offered the services through a business without a certificate of authorization. A two count complaint administrative complaint was filed for practicing architecture when not licensed and offering services through a business entity when not licensed. The probable cause panel recommended a \$10,000 fine plus costs. The settlement stipulation reflected a \$2,500 fine plus costs.

Mr. Minacci commented that the fine was reduced based on the fact the respondent agreed to comply, it was a first offense, the project was residential, and he met with the respondent to review the statute and rules. He requested that the board approved the settlement stipulation as presented.

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

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

DBPR vs. Mark A. Hunt
Case Number 2007-000489
PCP: Rodriguez, Wirtz and Hall

Mr. Hunt was not present or represented by counsel. Mr. Hall was recused from the case. Mr. Minacci commented that the case was before the board based on the respondent being previously licensed which lapsed to null and void March 1, 1999. The respondent applied for licensure in 2004 but did not complete the process. On April 2, 2006 the respondent entered into a contract to offer consulting services for a commercial project. The contract holds the respondent out as a licensed architect reflecting the null and void licensed. A three count complaint administrative complaint was filed for practicing architecture, using the title architect when not licensed, and attempting to use a null and void licens. The probable cause panel recommended a \$15,000 fine plus costs. The settlement stipulation reflected a \$5,000 fine plus costs.

Mr. Minacci commented that the fine was reduced based on the fact the respondent agreed to comply, it was a first offense, and the respondent was previously licensed. He requested that the board approve the settlement stipulation as presented.

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

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

DBPR vs. JRG Incorporated / Jon R. Glasure

Case Number 2005-013885

PCP: Rodriguez, Wirtz and Hall

Mr. Glasure was not present or represented by counsel. Mr. Hall was recused from the case. Mr. Minacci commented that the case was before the board based on the respondent offering architectural services on a title block. A one count complaint administrative complaint was filed for using the title architect when not licensed. The probable cause panel recommended a \$5,000 fine plus costs. The settlement stipulation reflected a \$2,500 fine plus costs.

Mr. Minacci commented that the fine was reduced based on the fact the respondent agreed to comply, the respondent worked with a professional engineer on the project which was residential, it was a first offense, and he met with the respondent. He requested that the board approve the settlement stipulation as presented.

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

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

DBPR vs. Paul S. Li

Case Number 2006-046085

PCP: Rodriguez, Wirtz, and Hall

Mr. Li was not present or represented by counsel. Mr. Hall was recused from the case. Mr. Minacci commented that the case was before the board based on the respondent signing and sealing plans for a commercial project. The plans were prepared by an unlicensed draftsman that entered into a contract with a client to perform architectural services. The respondent is a licensed professional engineer. A one complaint administrative complaint was filed for aiding unlicensed activity. The probable cause recommended a \$5,000 fine plus costs. The settlement stipulation reflected a \$2,500 fine plus costs.

Mr. Minacci commented that the fine was reduced based on the fact the respondent agreed to comply, it was a first offense, and he met with the respondent to explain the statutes and rules. He commented that he felt the respondent was taken advantage of because the respondent had a working relationship with the draftsman's father. The draftsman took his father's good name and contractor's license number and converted it to an architecture license number. He commented that draftsman's father had a good reputation in the community so Mr. Li probably did not dot his Is and cross his Ts. He requested that the board approve the settlement stipulation as presented.

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

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

DBPR vs. Residential Architectural Design & Drafting, Inc. and Frantz Paultre
Case Number 2007-003637

PCP: Rodriguez, Wirtz, and Hall

Mr. Paultre was not present or represented by counsel. Mr. Hall was recused from the case. Mr. Minacci commented that the case was before the board based on the respondent offering architectural services to convert a residential building into a commercial building and offered the services through a business entity when not licensed. A three count administrative complaint was filed for practicing architecture when not licensed, using the title architect when not licensed, and offering services through a business entity when not licensed. The probable cause recommended a \$15,000 fine plus costs. The settlement stipulation reflected a \$5,000 fine plus costs.

Mr. Minacci commented that the fine was reduced based on the fact the respondent immediately agreed to comply, it was a first offense, and the building was owned by the respondent. He requested that the board approve the settlement stipulation as presented.

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

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

Application Review

Niemann Pulliam Interiors, Inc (corporation) and Niemann Interiors (fictitious name)

Motion: Mr. Gonzalez moved that the board approve the applications as presented.

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

New Business

Ms. Clark requested that the board review the rules report regarding the letter from the Joint Administrative Procedure Committee (JAPC) about the continuing education handbooks. She commented that she and staff reviewed JAPC's concerns addressed in the letter and a proposed response which was in the handouts for the board to review for the meeting tomorrow.

Old Business

No old business.

Recess

The meeting recessed at 1:15 p.m.

MINUTES
Board of Architecture and Interior Design
Crowne Plaza La Concha
430 Duval Street
Key West, Florida 33040
305.296.2991

September 28, 2007
9:00 a.m.

General Business Meeting

Call to Order

Ms. Grigsby, Chair, called the meeting to order at 9:07 a.m.

Roll Call

Board Members Present:

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

Board Member Absent:

Garrick Gustafson, excused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Juanita Chastain, Executive Director
Terri Estes, Government Analyst
Emory Johnson
Trent Manausa
Dwight Chastain
Janice Young
Other interested parties

Court Reporter: Elaine Dahan, Official Reporting Service, LLC, 524 S. Andrews Avenue,
Suite 302N, Ft. Lauderdale, Florida 33301

Minutes

May 15-16, 2007 General Business St. Petersburg, Florida

Motion: Mr. Gonzalez moved that the board approve the minutes as presented.

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

June 12, 2007 General Business Telephone Conference Call

Motion: Mr. Hall moved that the board approve the minutes as presented.

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

Ratification Lists

Applicants (handout)

Motion: Mr. Gonzalez moved that the board approve the application ratification list as presented.

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

Continuing Education

Motion: Mr. Gonzalez moved that the board approve the continuing education list as presented.

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

Application Review

Joseph Tornetta – Architecture State Endorsement

Mr. Tornetta was not present or represented by counsel. Mr. Manusa presented the application and commented that the applicant applied per Chapter 481.213(3)(b), Florida Statutes. He commented that Mr. Tornetta did not hold a NAAB accredited degree or equivalent. He commented that Mr. Tornetta did not graduate from the program attended. He commented that Mr. Tornetta was licensed October 21, 1985 in Pennsylvania per Code Title 49, Section 9.41 and the Act of 1982, Section 8, allowed for experience in lieu of a professional degree to qualify for examination and licensure. This is not substantially equivalent to or more stringent than Florida's requirements.

Motion: Mr. Hall moved that the board deny the application based on the fact that the 1985 Pennsylvania laws and rules were not substantially equivalent to or more stringent than the 1985 Florida laws and rules.

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

Architecture Discussion

NCARB Online application for records
ARE timing requirements (Mr. Rodriguez)

Ms. Del Bianco commented that she reviewed a survey that reflected that approximately half of NCARB's registrants were licensed in multiple states. She commented that was similar to Florida's license status where half of Florida's total licensure base was endorsed for licensure. She commented that she did not consider Florida's licensure requirements to be an impediment for out of state individuals seeking registration.

Interior Design Discussion

NCIDQ Resolution 2007-02
NCIDQ September 10, 2007 Conference Call Agenda (Ms. Shore)
NCIDQ Certificate Workshop Summaries
Petition from the Commonwealth of Puerto Rico Board of Examiners of Interior Designers-Decorators; and Ballot
2007 Nominating Committee Report
Motion to Change Council Bylaws Resolution 2007-01
Motion to Change Council Policies Resolution 2007-02

Ms. Shore commented that she would be attending the annual NCIDQ meeting in Seattle. She commented that Mr. Minacci would be a guest speaker at the meeting. She commented that Puerto Rico was seeking admittance into NCIDQ and that they have required licensure since 1974. She commented that they have not used the NCIDQ examination because it is required to be in Spanish. She commented that they were working with NCIDQ to create an examination. She requested that the board vote to accept Puerto Rico into NCIDQ.

Ms. Shore requested that the board review and provide direction for voting on two resolutions that would be presented at the annual meeting. The resolutions were about confidentiality agreements for individuals administrating the examination and individuals on nominating committees. She commented that NCIDQ wanted to implement a method to revoke or deny NCIDQ certifications.

Motion: Ms. Del Bianco moved that the board direct Ms. Shore to vote in the positive for the resolutions.

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

NCARB

National Certificate

Ms. Chastain advised the board that NCARB sent a survey regarding a national certificate. NCARB is proposing that they would create a certificate that all states utilize a national

certificate which would allow an individual to go to any state and gain licensure. The goal is that the certificate is accepted by all states and that the states do not look beyond the certificate. Ms. Chastain commented that Florida's requirements were different or more stringent than some states. She commented that she would stay on top of the issue and keep the board informed of the progress.

Mr. Manausa commented that this was an ongoing issue. He commented that if the certificate included all of Florida's requirements then the board could accept it however the current blue cover allows for other educational standards to receive the NCARB's certificate. He commented that was the reason Florida looked behind the current blue cover.

The board discussed the option of changing the legislative language to allow for other means of education which would lower the current standards. Mr. Hall commented that there appeared to be a push to allow for the Broadly Experienced Architect (BEA) to be eligible for licensure. Mr. Manausa commented that the board or Florida AIA would have to push to have the statutory language changed to allow for the BEA.

Rules Report and Discussion

Rule Tracking

Architecture Continuing Education Handbook
Interior Design Continuing Education Handbook
Definition – "intern-architect"

Ms. Clark reviewed the rules presented on the rule tracking report.

Rule 61G1-21.003 and 61G1-24.002

Ms. Clark reviewed the JAPC letter and her proposed response to their concerns. Based on the JAPC's concerns the rule language and handbook was revised and a copy was provided to the board for review. Ms. Clark commented that JAPC requested statutory authority for auditing continuing education. She commented that she researched Chapter 455, Florida Statutes and it appeared that the reference to audits was revised over the years. She commented that the statute allows for the 100% monitoring and if a profession has a monitoring program they can opt out of the 100% monitoring. She commented that the board had an audit in place but the statute does not specifically say the word audit.

Ms. Clark commented that the board audits based on a department rule and it says that the board can conduct an audit but the rule references an old statute that provides for general rule making authority not specific rule making authority. She commented that she was going to reply to JAPC but was not confident that it was going to be accepted.

The board discussed the options of whether they go to 100% monitoring or request Florida AIA to seek legislative language to include specific rule making authority to audit.

Motion: Ms. Del Bianco moved that the board approve the proposed changes to the rule that incorporates the handbook and the revisions to the handbook to comply or reply to JAPC's concerns.

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

Mr. Manausa commented that he would contact Florida AIA about the legislative language needed specific authority to audit.

Mr. Johnson suggested that the board draft the legislative language for Florida AIA and IDAF. Ms. Clark commented that she thought the General Counsel should be involved with the language because it would affect other professions as well. Mr. Kuritzky commented that he thought it was a conflict of interest for an association to create language for the board since the board regulated the profession not the association.

Ms. Clark advised the board there would be a rule matter forthcoming at their next meeting. She reviewed the August 23, 2007 telephone conference where a petition for rule variance or waiver was denied for 61G1-12.001(3), Florida Administrative Code. The rule designates the name(s) allowed in the title of a company. She commented that as a result of the denial of that petition, the Joint Administrative Procedures Committee (JAPC) was contacted and asked to review the rule and determine whether the board had statutory authority for the rule. Ms. Clark commented that she feels once they complete the rule review, JAPC will determine that the board does not have statutory authority for the rule.

Ms. Clark commented that she wanted to make the board aware that JAPC would either send a letter asking for statutory authority or initiate rule making to change the rule or there would be a rule challenge. She commented that if the board did not initiate rule making to change the rule language then the board would have to go a hearing within 30 days to justify the rule. She commented that the hearing would take place before the January board meeting.

Mr. Gonzalez commented that he would volunteer to be the individual to attend the hearing. Ms. Clark commented that if the board felt strongly about the rule they should talk with Florida AIA to seek legislative language to provide specific rule making authority for the rule. Mr. Hall commented that the board voted on the business name to accept or not and the vote could have gone either way.

Mr. Manausa commented that the board voted on a request for an exception to the rule. Ms. Clark commented that the board voted on a petition for variance of that rule and the name that was proposed that was in violation with the rule. She commented that the name requirement was found only in the rule not the statute. She commented that the board voted to deny the request for variance and the certificate of authorization application. She commented that the applicant was determined to gain licensure. She commented that they have filed a challenge to the rule. Mr. Manausa commented that the board may lose the rule. Mr. Hall asked how detrimental losing the rule would be to the practice. Ms. Clark replied that if the board determined they felt strongly about the rule then they should seek legislative authority to get the specific statutory authority for the rule.

Ms. Clark commented that this issue had occurred before with the responsible supervisory control rule. She commented that Florida AIA supported the rule language and sought legislative language for specific rule making authority for responsible supervisory control.

Ms. Clark commented that based the information so far the board should seek legislative authority for specific rule authority for the language or give it up in the rule. Mr. Hall commented that he did not see the harm to the public for licensing a business name that had a deceased architect in the title or a business brand name. He commented that he did not see the harm to the public. Ms. Clark commented that the issue was not just that the individual's name in the title of the firm was deceased, it was that the individual was not licensed as an architect or engineer in any state.

Ms. Dolan commented that the individual in the title of the firm was a contractor not a licensed architect or engineer in any state. Mr. Manausa commented that the board would lose the entire rule not just portions of the rule. He commented that it was misleading to the public if the firm name did not contain the name of an individual that was a licensed architect or engineer in any state.

Mr. Kurtizky commented that a certain point companies become a brand and is bigger than just the name. He commented that Cola-Cola was a brand name. He commented that it may be a case by case issue but the name is broader than just architects.

Ms. Del Bianco asked if the word principle or officer was the problem. Ms. Clark replied that the firm "Marshall Erdman & Associates" had a Florida licensed principle officer to qualify the business for licensure. She commented that there was nothing in the statute that controlled the name of the firm. She commented that a principle meant a primary officer in the corporation.

Ms. Del Bianco commented that she felt that the issue was that the qualifier needed to have ownership of the firm because they are responsible for the firm's actions. Ms. Clark replied that was not the issue, it was the name of the firm. Ms. Del Bianco commented that having fiduciary involvement would provide more authority to have the qualifiers name in the title of company. Ms. Clark commented that a firm that had practiced for more than 50 years did want to change their name to add a qualifier just so they could gain licensure.

Ms. Dolan commented that she researched Marshall Erdman's web site and it reflected that Marshall Erdman and a local architect did a project for a city. She commented that she was not sure of the requirement for them to contract with a local architecture firm to perform services or how that worked. She commented that this issue was an impediment in terms of firm names that had deceased individuals. The board discussed that the specific issue that generated the discussion was not about a deceased person in the title of the business name, it was that the name did not contain an individual that was licensed as an architect or engineer in any state.

Mr. Kuritzky commented that he understood the concept of misrepresenting or misleading the public as an individual being licensed as an architect but they were discussing corporations and businesses. He commented that a name was a name of a firm as long as it was properly licensed with a qualifier he did not see how it was misleading to the public. Ms. Grigsby commented that it was misleading when there was only one person's name in the business name that was still alive and they were not licensed as an architect or engineer. She commented that the public could reasonable think that Marshall Erdman, a person's name, was licensed as an architect since they offer those services. Mr. Kuritzky did not agree because it was a corporate name.

Mr. Manausa commented that the board was focusing on whether the architect was deceased or not and that was not the issue. He commented that the issue was whether the name of the firm contained only the name of an individual that was not licensed as an architect or engineer in any state. Ms. Clark commented that she disagreed. She commented that the rule challenge was for entire rule language.

Mr. Hall asked what the down side was to losing the rule. Mr. Manausa replied that a business or firm could name their company anything they wanted with anyone's name that was not licensed as an architect or engineer in any state and he thought that was misleading to the public. He commented that a business could name a firm John Jones and John Jones could be a plumber but could offer architectural services because he had a qualifier. He commented that it was misleading because John Jones was not licensed as an architect but could offer the services. Mr. Hall commented that he did not see a down side to a company naming their firm Thomas Jefferson as a brand name. Mr. Manausa replied that was not a real person. Mr. Kuritzky replied that it was and he was deceased.

Mr. Hall commented that the down side to losing the rule was that the board would lose a key provision to prohibit the title of firms they felt was misleading to the public. He commented that the board needed to determine if it was a major problem. Mr. Gonzalez commented that when Cola-Cola applied for an architecture license and if the board gave it to them they were opening the door to anyone. Mr. Hall commented that architecture was a business that any entity could own. Mr. Manausa commented that the down side that the board disciplined a firm in Lakeland that was headed by individuals that were licensed in California and they were doing commercial work. He commented that the community thought that they were licensed architects in Florida because of the firm name.

Ms. Clark commented that this issue would be scheduled for board review prior to the January board meeting. She commented that it would be an appeal to the denied petition for waiver or variance and the application or it would be a letter from JAPC stating they do not have statutory authority and to initiate rule making to remove the language.

Ms. Clark commented that if they file a rule challenge then she would have to go to hearing within 30 days of the rule challenge to defend the rule. She commented that one of the board members would have to go to the hearing to testify. Mr. Gonzalez volunteered to go to hearing with Ms. Clark.

Mr. Manausa asked if there was anything the board could do to keep the issue from going to trial. Ms. Clark replied in the negative. She commented that the board could vote to request that the rule be noticed for rule making. She commented that the board could vote to remove the language today and she would not have to go to trial. However, she commented that she got the feeling that the board wanted to maintain the rule.

Ms. Clark commented that for the board to maintain the rule they could seek legislative authority. She requested that the board think carefully about the matter if an appeal is brought to the board.

Mr. Manausa asked if the board voted to notice the rule in rule making would that alleviate Ms. Clark from having to go to hearing within 30 days. Ms. Clark replied in the positive, however, at the end of 30 days if the board does not notice language to cure the matter then they would still have an issue.

Mr. Kuritzky asked if the board reversed the decision on the petition and application if that would stop the rule challenge. Ms. Clark replied that they file an appeal that would be an issue for the board to consider.

Ms. Dolan commented that the firm in question had a certificate of authorization from the board previously. Mr. Manausa commented that the rule was implemented to allow the continuation of firm names. He commented that it was implemented so if an individual died they could continue to use the name of the firm.

Mr. Minacci commented that the board needed to consider that in this particular case that the board should approve the name of Marshall Erdman & Associates, Inc. which would help keep the rule in place to protect the public. He cautioned the board that he talked with other attorneys representing firms and they are watching what the board decides on this case. He commented that approving this application as a quick fix may help keep the rule in place.

Ms. Clark commented that Marshall Erdman & Associates was going to file an appeal and a rule challenge or an appeal with JAPC sending a letter to the board about the statutory authority for the rule. She commented that she was aware that the attorney for Marshall Erdman & Associates had contacted the head of JAPC and the letter is being written.

The board decided to close the discussion, not to seek legislative language and see what the firm decides to do with an appeal.

Ms. Del Bianco requested that board notice rule 61G1-22.003(5) which states "in order to verify an applicants curriculum the board may require information from the applicant's institution as to the area mentioned in this section. Institutions are required to verify to the board in writing every two years that the current program of study offered meets the minimum requirements of the applicable programs listed by rule." She requested that the sentence that talks about the institutions verifying their curriculum every two years be added to paragraph one. She commented that the board looks at programs for equivalency

to the Council for Interior Design Accreditation (CIDA) but very few programs actually come to the board. She commented that CIDA performs a rigorous review of institution's curriculum and program and the board only reviews the curriculum. She commented that she would like the board to review the curriculum every two years as stated in the rule and maintain a list of those programs. She commented that the board recently reviewed an institution's curriculum and approved the program but the classes had not been taught.

Ms. Del Bianco commented that she would like the rule to reflect what the board is doing which is an applicant can apply to the board for education equivalency based on passage of NCIDQ and non-accredited interior design education for evaluation and an institution could apply to the board for board approved curriculum for students enrolled in their program.

Motion: Ms. Del Bianco moved that the board notice rule 61G1-22.003 for development.
Second: Ms. Shore seconded and it passed unanimously.

Ms. Clark commented for clarification that Ms. Del Bianco wanted the second sentence in rule 61G1-22.003(5) be moved to paragraph one.

Ms. Del Bianco requested that rule 61G1-22.001 be noticed for development to include interior design internship language. She commented that she spoke with Ms. Clark about specific rule making authority for the rule language which was Chapter 481.209(2)(d), Florida Statutes. She suggested the following language for paragraph one: a program of professional interior design experience required in section 481.209(2)(d), Florida Statutes, shall include training experience under the direct supervision of registered interior designer or registered architect and completion of the National Council of Interior Design Qualification (NCIDQ) Interior Design Experience Program (IDEP). Five years experience as a licensed interior designer in another licensing jurisdiction or ten year experience in a jurisdiction without licensure shall be considered equivalent to completion of the NCIDQ IDEP in order to satisfy the requirement. This experience includes performing interior design services in the following areas which include, insert statute language.

Ms. Grigsby asked if Ms. Del Bianco was suggesting that if an interior designer did not complete the NCIDQ IDEP program then they need five years experience with a licensed professional. Ms. Del Bianco commented that she was proposing that NCIDQ IDEP be mandatory and the latter was an option for individuals licensed in other jurisdictions.

Ms. Clark commented that Ms. Del Bianco was suggesting that applicants that were applying for licensure by examination be required to complete the NCIDQ IDEP program. Ms. Grigsby commented that she had a problem requiring or imposing only NCIDQ IDEP program as a method to comply with the experience requirement.

Ms. Del Bianco commented that NCIDQ IDEP had gone through the pilot program, it was required in the Canadian provinces, and was proposed in Texas' legislative language for the upcoming session. Ms. Grigsby commented that the goal was to implement IDEP like NCARB had IDP but NCIDQ IDEP was not well known with the licensed professions that

would be mentoring the students. She commented that she did not feel that now was the time to impose this requirement because the NCIDQ IDEP program was not well known within the licensed community. Ms. Del Bianco commented that the board needed to discuss a timeline to implement to get the word out about the requirement.

Ms. Young commented that students were more aware of the NCIDQ IDEP program because if they are enrolled they are allowed to take portions of the exam for no cost. Mr. Hall commented that for the program to work the licensed professional mentoring the students would need to be involved and informed.

Ms. Shore commented that she had read about the NCIDQ IDEP program but she had never actually seen the lay out of the program or the requirements. Ms. Del Bianco commented that there was a manual on line. Ms. Young commented that the program had only been active for approximately five years.

Ms. Estes commented that an individual endorsing to Florida would only be required by statute to verify a certain number of years of experience based on their education. An example given was an individual with a four year degree was required to provide two years of work experience for a total of six years. She commented that the rule would impose a greater requirement than what is required by statute.

Ms. Grigsby commented that she felt the NCIDQ IDEP needed to get the program information out to the associations. Ms. Shore commented that she agreed that it was a program that should be implemented eventually but did not feel now was the time.

Ms. Del Bianco commented that a realistic timeline to require NCIDQ IDEP would be six years.

Motion: Ms. Del Bianco moved that the board notice rule 61G1-12.001 for development.
Second: Ms. Shore seconded the motion and it passed unanimously.

Ms. Del Bianco commented that the plan would be to put a timeline on the implement on the NCIDQ IDEP and maybe remove the five and ten year experience language. She commented that the may want to change the language “and” to “or” which would allow for it not to be mandatory but an option.

Definition of “intern-architect”

Mr. Manausa commented that the language was written to narrowly define who can use the definition. Mr. Manausa commented that prior to the National Architectural Accreditation Board (NAAB), the Florida statute required a five year degree. He commented that the board decided on accepting NAAB as an acceptable program of study. He commented that the alternate language that allows for board approved programs were for the schools or colleges that were in the process of NAAB accreditation. He commented that the rule that the board uses to evaluate the architectural program was the same criteria NAAB was using to evaluating programs for accreditation. The rule was put in place so the board

could approve applicants that were attending schools or colleges that were in the accreditation process.

Mr. Manausa commented that he and Florida AIA wanted to keep the definition narrow because they wanted to allow individuals that the board knew could qualified for licensure in Florida.

Mr. Manausa commented that adding both parts of the statute would add to the confusion. Mr. Gonzalez felt the language was misleading and the definition would be abused. Ms. Dolan commented that the statutes grant the authority to adopt rules and the statute is two parts and it should reflect both parts not just one part of the statute. She commented that until paragraph two was deleted the board should not ignore the ability to be licensed by that part.

Ms. Clark commented that there was nothing in Chapter 481.211, Florida Statutes, that gave the board specific statutory authority for the definition. Mr. Gonzalez commented that he would like to leave the definition out. Mr. Manausa commented that the request to have the definition in the rule was made by Florida AIA and NCARB.

Motion: Mr. Hall moved that the board adopt the language as presented.
Second: Mr. Kuritzky seconded the motion.

Ms. Dolan requested that the board consider including both parts of the statute. Mr. Hall agreed. Mr. Manausa commented that Florida AIA was going to pursue removing paragraph two from the statute because we do not license individuals without NAAB degrees. Ms. Dolan commented that the statute was in place currently and until it was removed it should be included in the definition. Mr. Manausa requested that the board not approve the language at all if they were going to include paragraph two. The question was called, the motion passed with Mr. Hall, Mr. Kuritzky, and Ms. Dolan opposed.

General Discussion / For Information

Future Board Meeting dates

The board set a telephone conference call for November 5, 2007 at 3:00 p.m.

The board confirmed the January 29 and 30, 2008 board meeting which was scheduled to be held at the Hampton Inn & Suites in Fernandina Beach.

Ms. Dolan reported that she would be attending the NCARB meeting in Memphis as a member of the Education Committee.

Elections

Motion: Mr. Gonzalez nominated Mr. Hall for Chair and Mr. Kuritzky for Vice-Chair.
Second: Ms. Membiela seconded the motion and it passed unanimously.

Reports

Chair's Report

Ms. Grigsby requested that the board review the Business Works magazine from the department and to look for the article under Board Talk by Mr. Gonzalez. She requested that board members review their materials prior to the board meeting and if they do not receive their materials timely to let staff know. She requested that board members return from breaks timely and to not leave the meeting for extended periods of time. She requested that the board not talk over each other because it was difficult to conduct business. She requested that the board members identify themselves on conference calls and talk one at a time.

Executive Director's Report – Juanita Chastain

Ms. Chastain reviewed the fiscal year 06-07 year end report. She commented that since it was a renewal year the expenses went up but the board had a significant balance left over. She commented that the department was looking into a fee waiver or a reduction in the renewal fee in 2009. She commented that the intent of the funds was to cover regulation and currently they were bringing a little more than what was necessary. She commented that the privatization contract budget cut issue was a non-issue at this time. She commented that Florida AIA was watching the budget cut issue.

Ms. Chastain reviewed the budget and the spending authority for travel, contracts, etc.

IDAF Report – Janice Young

Ms. Young requested copies of the Public Service Announcement (PSA) videos created by the department.

Ms. Young asked how the five dollar unlicensed activity fee that was charged to licensees was used and if that could be for public service announcements. Ms. Chastain commented that portions of it were used for the PSAs, and \$150,000 of Mr. Minacci's contract was paid from the unlicensed activity fund. Ms. Young commented that Mr. Minacci made presentations for the board about unlicensed activity throughout the state.

Ms. Young commented that there were 18 schools offering interior design programs.

Nine that were privately funded, two offered graduate and bachelor degrees, one offered bachelor and associates, seven that offered only bachelor degrees.

Nine that were publicly funded, two that offered graduate and bachelor degrees, one offered bachelor degrees only, and six offer associate degrees only.

Ms. Young commented that IDAF asserted efforts on behalf of the privatization contract. She commented that they were not pursuing legislative language this year. She commented that there was activity in other jurisdictions that would cause the statute to be vulnerable if it was opened.

Mr. Hall asked Ms. Young in the colleges that offered the associate degrees were going to seek converting those programs to bachelor degrees. Mr. Young replied that the colleges had increased the course hour requirements but they had not reached the bachelor hour level. She commented that the colleges would have to appeal to the legislature for funding for a bachelors program.

Ms. Young explained the matriculation agreements and the fact the universities were no longer accepting associate degree programs from community colleges.

Ms. Estes commented that she had received numerous telephone calls from community colleges about the board increasing the minimum education requirement for licensure and examination approval. Ms. Young commented that she talked with the web master for a local ASID chapter that published some information that was generating the telephone calls.

Prosecuting Attorney's Report – David K. Minacci

Licensed Interior Designers Legal Cases

Licensed Architecture Legal Cases

Unlicensed Interior Designers Legal Cases

Unlicensed Architecture Legal Cases

Licensed Investigative Cases

Unlicensed Investigative Cases

Fines Chart

Billable Hours – June 2007

Billable Hours – July 2007

Results of June 2007 Probable Cause Panel Meeting

Results of July 2007 Probable Cause Panel Meeting

Results of July 2007 Board Meeting

Results of August 2007 Probable Cause Panel Meeting

Press Releases/Speaking Engagements/Other Correspondence

Mr. Minacci commented that he would have the annual report would be ready for the next meeting and his work load was steady if not increasing. The board discussed the yellow pages, unlicensed individuals listed under the architect section and how one case blossoms into many cases because the unlicensed draftsman is working with an architect or engineer.

Mr. Kuritzky commented that the number of licensed architects was diminishing but the board wanted more requirements to use architects. He commented that many issues go hand in hand like construction administration or residential structures.

New Business

No new business.

Old Business

No old business.

Adjourn

The meeting adjourned at 11:45 a.m.