

MINUTES

Board of Architecture and Interior Design

**Sawgrass Marriott
1000 PGA Tour Boulevard
Ponte Vedra Beach, Florida 32082
904.285.7777**

**August 16, 2010
9:00 a.m.**

General Business

Call to Order

Mr. Ehrig, Chair, called the meeting to order at 9:07 a.m. A quorum was established and an invocation performed.

Board Members Present:

Garrick Gustafson
E. Wendell Hall, Vice-Chair
Lourdes Solera
Wanda Gozdz
J. Emory Johnson
Eric Kuritzky
Rossana Dolan
Aida Bao-Garciga
John Ehrig, Chair

Board Member Absent:

Joyce Shore, excused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Anthony "Tony" Spivey, Executive Director
Terri Estes, Government Analyst
Trent Manausa
M.H. Allen
Bobby Lecroy Lansdown
Stephanie Maxey
Nancy Pace
Rebecca Lane
Gail Beveridge
Terra Kerley

Jane Roseborough
Amanda Wesster
Susan Garrison
Zee Ballenger

Court Reporter: Mary Garybosch, Volusia Reporting Company, 432 South Beach Street, Daytona Beach, Florida 32114. Telephone 386.255.2150

Disciplinary Cases

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

Unlicensed

DBPR vs. James Wayne Caughman and
Caughman + Caughman Architects LLC
Case Number 2009-042512
PCP: Rodriguez, Wirtz, and Gustafson

Mr. Gustafson was recused from the case review based on his participation with the probable cause panel. The case was before the board based on signing and sealing plans with a license that was no longer valid. A four count administrative complaint was filed for practicing architecture without a license, using the title architect without a license, using a null and void license, and practicing architecture through a business entity without a certificate of authorization.

The respondent filed an election of rights and did not dispute the facts. The probable cause panel recommended a \$15,000 fine plus costs.

Mr. James Wayne Caughman did not attend the meeting but submitted a letter to the board for review and consideration regarding the violations against him. Mr. Jay Caughman was present and sworn in by the court reporter. Ms. Clark advised that Mr. Jay Caughman was a principal in the business and could address questions regarding the business violations but not his father's violations.

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

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

Mr. Jay Caughman commented that they had a small business and all of their work was performed in Tennessee with the exception of the project in question. He commented that they were embarrassed by the situation and it had never happened before. After discussion the following motion was made.

Motion: Mr. Kuritzky moved to adopt the conclusions of law as set forth in the administrative complaint.

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

Motion: Mr. Kuritzky moved that the board impose a cease and desist and impose a \$1,000 fine plus costs.

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

Motion for Order Waiving Formal Hearing

DBPR vs. Daryl W. Hosey and R & W Architectural Design, LLC

Case Number 2009-003212

PCP: Rodriguez and Gustafson

Mr. Minacci pulled the case from review.

Settlement Stipulations

Licensed

DBPR vs. Nasser Nakib

Case Number 2005-019506

PCP: Rodriguez, Wirtz, and Hall

Mr. Nakib was not present or represented by counsel. The case was before the board based on failure to take the Florida Building Code course and pay the fine. Mr. Nakib took the course but failed to pay the fine therefore an administrative complaint was filed.

The settlement stipulation reflects a \$500 penalty. Mr. Minacci requested that the board approve the settlement stipulation.

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

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

Unlicensed

DBPR vs. Brett Carter and C. Brett Carter Enterprises

Case Number 2009-008472

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Carter was not present or represented by counsel. Mr. Gustafson and Mr. Johnson were recused based on their participation with the probable cause panel. The respondent contracted to offer interior design services for a common area of a condominium without a license. A one count administrative complaint was issued for practicing interior design without a license.

The probable cause panel recommended a \$5,000 fine plus costs. The settlement stipulation reflects a \$2,500 fine plus costs. The fine was reduced

because Mr. Minacci met with the respondent and explained the laws and the respondent agreed to comply.

Motion: Ms. Bao-Garciga moved that the board approve the settlement stipulation as presented.

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

DBPR vs. Fernando Gomez-Pina

Case Number 2008-051730

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Gomez-Pina was not present or represented by counsel. Mr. Gustafson and Mr. Johnson were recused based on their participation with the probable cause panel. The respondent is a licensed engineer and signed and sealed plans for residential plans without the involvement of an architect. The plans were prepared by an unlicensed draftsman that offered architectural services through a contract. A one count administrative complaint was filed for aiding and abetting the unlicensed practice of architecture.

The probable cause panel recommended \$5,000 fine plus costs. The case was brought before the board at the May meeting with a \$1,000 fine plus and the board rejected the stipulation and offered a counter stipulation with a \$3,000 fine plus costs. The respondent agreed and the settlement stipulation reflects a \$3,000 fine plus costs.

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

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

DBPR vs. Gregory Kohn and IGK Enterprises, Inc.

Case Number 2008-049925

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Kohn was not present or represented by counsel. Mr. Gustafson and Mr. Johnson were recused based on their participation with the probable cause panel. The case was before the board based on the respondent entering into a contract to offer architectural services without a license. A three count administrative complaint was filed for offering architectural services without a license, using the title architect without a license, and offering the services through a business entity without a certificate of authorization.

The probable cause panel recommended a \$10,500 fine plus costs. The settlement stipulation reflects a \$1,000 fine plus costs. The fine was reduced because this was a first offense, the respondent agreed to comply, and the respondent filed bankruptcy. The settlement stipulation required an appearance by Mr. Kohn and he was not present.

The board discussed an issue with the respondent's bankruptcy. After discussion the following motion was made.

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

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

DBPR vs. William Weber and Weber Design Group, Inc.

Case Number 2010-009900

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Weber was not present or represented by counsel. Mr. Gustafson was recused based on their participation with the probable cause panel. A citation was issued for offering architectural services without a certificate of authorization. The respondent disputed the citation and the probable cause panel found probable cause. A one count administrative complaint was filed for offering architectural services without a certificate of authorization.

The probable cause panel recommended a \$500 fine plus costs. The settlement stipulation reflects a \$500 fine plus costs.

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

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

Application Review

Weber Design Group, Inc.

Motion: Ms. Solera moved that the board approve the application as presented.

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

Review and Approval of Meeting Minutes

May 10-11, 2010 General Business – Kissimmee

Mr. Wendell Hall requested that page six differentiate between Mr. Neil Hall and Mr. Wendell Hall.

Motion: Ms. Solera moved that the board approve the minutes as corrected.

Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

May 12, 2010 Probable Cause Panel – Kissimmee

Motion: Ms. Gozdz moved that the board approve the minutes as presented.

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

June 17, 2010 – Telephone Conference Call

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

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

New Business

No new business.

Old Business

No old business.

Recess

The meeting recessed at 10:00 a.m.

MINUTES

Board of Architecture and Interior Design

**Sawgrass Marriott
1000 PGA Tour Boulevard
Ponte Vedra Beach, Florida 32082
904.285.7777**

**August 17, 2010
9:00 a.m.**

General Business

Call to Order

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

Board Members Present:

Garrick Gustafson
E. Wendell Hall, Vice-Chair
Lourdes Solera
Wanda Gozdz
J. Emory Johnson
Eric Kuritzky
Rossana Dolan
Aida Bao-Garciga
John Ehrig, Chair

Board Member Absent:

Joyce Shore, excused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Anthony "Tony" Spivey, Executive Director
Terri Estes, Government Analyst
Trent Manausa
M.H. Allen
Bobbie Lecroy Lansdown
Jaqueline Williams
Susan Garrison
Sheryl Parramore
Zee Ballenger
Terra Kerley
B. Blanchet

Brian McDuffie
Joseph Rispoli
Edd Weiner
Steve Elenia

Court Reporter: Mary Garybosch, Volusia Reporting Compan, 432 South Beach Street, Daytona Beach, Florida 32114. Telephone 386.255.2150

Locke vs. Shore (Update from Jon Glogau)
Answer Brief of Appellees

Mr. Glogau reported that Institute for Justice filed an appeal regarding the licensing provision. The board decided not to appeal the title provision of the statute. He reported on the three Amicus Briefs filed. He reported that he would respond to the Briefs. He reported that there were two Briefs filed on the board's behalf. He reported that the hearing should take place in September.

**Request for Waiver/Variance of Rule 61G1-13.0021, F.A.C.
(VW2010-387) and application review**

Michael Fernandez – waiver/variance

1. Letter to the Board and Table of Contents
2. Introduction and Exhibit Description
3. IDP Training Reports Summary-Cumulative
4. Nelson Spoto Architect
5. Row Holmes Barnett Architects
6. Robbins & Company Architect, Inc.
7. James Douglas Ruyle, AIA Architect
8. Rucker-Szumlic and Associates
9. Ellerbe Associates, Inc.
10. The Design Arts Group, Inc.
11. Supplemental Training Documentation

Mr. Fernandez was present and sworn in by the court reporter. He provided a brief background regarding his experience. He commented that he failed to register with the National Council of Architectural Registration Boards (NCARB) Internship Development Program and now he was not allowed to register with them due to their reporting changes. He requested that the board review his experience documents and grant him a license.

Mr. Fernandez met the education and examination requirements but did not document his experience with the board office or NCARB IDP.

Motion: Ms. Gozdz moved that the board grant Mr. Fernandez the waiver based on his documentation from 1979-1988 in addition to

employment letters in order to complete his internship/experience requirement for licensure.

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

Michael Fernandez – application review

Motion: Ms. Solera moved that the board approve the application as presented.

Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

Application Review

Joseph Rispoli – architect endorsement

Mr. Rispoli was present and sworn in by the court reporter. The board reviewed the application based on prior disciplinary action and pending completion of the experience/internship requirement. Mr. Rispoli returned to school to complete his Masters degree in Architecture in order to obtain Florida licensure. He was short a few weeks from completing the 5 years of practice required in another state. He was not able to return to NCARB to continue IDP because he completed their requirements based on a previous degree.

Motion: Mr. Kuritzky moved to approve the application pending completion of the experience/internship requirement.

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

Request for Board approved curricula per Rule 61G1-22, F.A.C.

Art Institute of Tampa and Art Institute of Jacksonville

The board members discussed concerns with the course curricula not addressing the building codes. After further review the board located information regarding the curricula teaching the building codes.

Motion: Mr. Hall moved that the board approve the request from the Art Institute of Tampa and Jacksonville curricula per rule 61G1-22, F.A.C.

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

Ratification Lists

Licensure

Motion: Ms. Solera moved that the board approve the licensure ratification list as presented.

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

Continuing Education

Motion: Ms. Gozdz moved that the board approved the continuing education ratification list as presented.

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

Request for Reinstatement of a Null and Void License (Hardship)

Edward Weiner

Mr. Weiner was present and sworn in by the court reporter. The board reviewed the documentation regarding his hardship and the following motion was made.

Motion: Ms. Dolan moved that the board reinstate Mr. Weiner's license based on the documented hardship contingent upon completion of the required deficient hours within 30 days.

Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

General Discussion and Information

Google Postings

Geoffrey Chick

Mr. Chick was not presented but represented by Mr. Steve Ecenia. Mr. Ecenia requested that the board remove Mr. Chick's disciplinary action from Mr. Minacci's web site. Mr. Ecenia presented that Mr. Chick was a residential designer and was disciplined by the board in 2006 for an advertising violation for unlicensed activity. Mr. Chick executed an affidavit to resolve the disciplinary issue. Mr. Chick has subsequently gained licensure as an architect in Florida.

Mr. Ecenia commented that perspective clients easily locate the description of the disciplinary action. The disciplinary action did not rise to an administrative complaint. The description casts Mr. Chick in a negative light and he has lost work.

The board discussed Mr. Minacci's web page and the dissemination of information through Google. Mr. Chick's situation is unique in that he was disciplined prior to licensure and then became licensed. Mr. Chick's disciplinary information would remain public on the department's web page.

The board determined to handle future similar cases on an individual basis and not change the process for all unlicensed cases.

Motion: Ms. Gozdz moved that the board remove Mr. Chick's unlicensed disciplinary case number 2006-001724 description from Mr. Minacci's web page because Mr. Chick is now licensed.
Second: Ms. Solera seconded the motion and it passed unanimously.

Bobbie Lecroy-Landsdown

Ms. Lecroy-Landsdown was present and sworn in by the court reporter. Ms. Lecroy-Landsdown's request was based on a disciplinary action for the use of the title interior design in her contract. Mr. Minacci commented that based on the new Interior Design Federal Law Suit it would not be considered a violation. He commented that Ms. Lecroy-Landsdown requested that her disciplinary case be removed from Mr. Minacci's web page. One count was for architecture and therefore the case would remain posted unless the board directed him to remove the posting.

Mr. Minacci commented that this was a unique situation. Ms. Clark commented that the board previously determined to remove cases involving interior design advertising and the use of the title interior designer. She commented that Ms. Lecroy-Landsdown case involved a contract and used the term interior architectural features.

Ms. Lecroy-Landsdown commented that this case has encouraged others to file civil suits against her. The board discussed the wording of her contract that was developed by an attorney using the term interior design and interior architectural elements. After discussion the following motion was made.

Motion: Mr. Hall moved that Ms. Lecroy-Landsdown's unlicensed disciplinary case be removed from Mr. Minacci's web page based on her testimony and the Interior Design Federal Law Suit.
Second: Ms. Solera seconded the motion, it passed with Ms. Bao-Garciga opposed.

Building Official's professional guide

1. Letter from Dominick Scarfo

The letter addressed electronic signing and sealing being more user friendly. The board discussed the building officials requiring electronic signing and sealing transmittals for permitting.

The board discussed using a secured or certified pdf document for submitting signed and sealed plans. A certified pdf can not be altered and is considered equivalent to an original document.

2. E-mail from J. Foard Meriwether

The board discussed the need for a wet stamp for scanning documents in opposition to a metal embossed seal. The board requested that this item be researched by staff regarding the number of other states using a wet stamp and report back in November.

3. NCARB-BEA (John Ehrig)

Mr. Ehrig reported that NCARB invited the board to attend a November BEA review process in Orlando. The board discussed accepting the BEA as an avenue for licensure but it would require a statutory change.

The board requested that the department look at the statutory language and consider adjusting to accommodate the BEA or any other clean up language.

Rules Report and Discussion

Rules Report

Ms. Clark reported that all responses to the Joint Administrative Procedures Committee (JAPC) have been resolved and all prior rules are adopted. There are no pending rules.

Reports

Chair's Report – John Ehrig

Mr. Ehrig reported that he and Mr. Kuritzky attended the NCARB Annual Meeting.

Executive Director's Report – Tony Spivey

Mr. Spivey reviewed the Financial Report Ending March 31, 2010. The board discussed the money that was swept from their account.

AIA Report – Vicki Long

Ms. Long and Mr. Logan were present. Mr. Logan reported that they visited 13 AIA Florida Chapters and the most common issue was CCNA procurement by governmental agencies and unlicensed practice.

Mr. Logan reported that AIA Florida was concerned with the unlicensed practice due to the health, safety, and welfare of the public. He commented that the most egregious violators were other professionals including engineers that overstep their practice due to the term incidental practice. He commented that the board should increase their efforts to pursue individuals and business practicing architecture without a license or outside of their level of competence.

Mr. Logan reported on a Task Force that included AIA professionals and the Building Officials Association of Florida (BOAF) professionals. The Task Force was created to establish guidelines for building officials to assist with determining what practice is purely incidental. The focus of the guideline was the overlap between the practice of architecture and engineers since the professions statutorily refer purely incidental practice or crossover.

Mr. Logan reported that a draft document was sent to the professional associations including the American Society of Landscape Architects, Interior Design Associations Foundation, Florida Society of Engineers, and the Building Officials Association of Florida. The Task Force requests comments and dialog from the associations and interested parties. They have scheduled a telephone conference call for comments.

The board discussed the department's role regarding the consumer's interest. The board discussed that licensed professionals are allowed to perform design work and they are licensed by the department. The board discussed that the department should bring the board's together and resolve and document the issues.

The board discussed creating a Joint Committee with the other profession in the department as referenced in Chapter 455, Florida Statutes. The Joint Committee could update the guideline document and implement it by rule.

Motion: Mr. Hall moved that the board request the department appoint a special committee to resolve the issues between the boards.

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

Mr. Johnson commented that it was not the association's role to protect the consumers but the department's responsibility and they should step up efforts with resolving the issues between the professions. The board feels this is a very important issue.

Ms. Long reported that the Structural Engineering Society created a white paper and may pursue a licensing provision by discipline.

Ms. Long reported Senate Bill 1964 was vetoed by the Governor and AIA Florida pursued a veto override.

Ms. Long reported that NCARB was increasing their fees and the AIA State Chapters sent letters to NCARB regarding the difficulty to pay the increased fees.

Ms. Long reported that the Legislature was working with a \$6 Billion financial shortfall. She recommended that the board be prepared for the Legislature to look at reducing the privatization contract again. She recommended that the board be prepared to prove the benefit of the contract.

Mr. Long reported that AIA was launching a new continuing education tracking program know as Discovery.

The board discussed the difficulty for interns to gain their experience to meet the licensure requirements.

IDAF – Janice Young

Ms. Young reported that publicly and privately funded interior design schools were evaluated by their course curriculum in effort to assist Mr. Glogau with a response to the Federal Law Suit Amicus Briefs. She reported on the additional codes including fire, hotels and restaurants, prisons, education buildings, assisted living facilities, etc. that Mr. Glogau would use in response to the briefs.

Ms. Young commented that when she sat on a standing committee regarding legislative proposals. It was cut due to budgetary issues. She commented that the board should consider requesting the budget to reconvene the committee.

General Counsel's Report – Mary Ellen Clark

No report.

Prosecuting Attorney's Report – David K. Minacci

Licensed Architecture Legal Cases
Licensed Interior Design Legal Cases
Unlicensed Architecture Legal Cases
Unlicensed Interior Design Legal Cases
Licensed/Unlicensed Investigative Cases
Fines Chart – Summary
Fines Chart – Licensed
Fines Chart – Unlicensed
Billable Hours April 2010
Billable Hours May 2010
Billable Hours June2010
Board Meeting Results May 10, 2010
Press Releases/Speaking Engagements/Other Correspondence

Mr. Minacci provided the Annual Report as a handout and had no additional information regarding his reports provided in the agenda.

Future Board Meetings

November 1, 2010 Probable Cause Panel Meeting
November 2-3, 2010 General Business Meeting

Location: Naples, Florida

New Business

Mr. Ehrig reported that Orlando would have a new architectural degree program offered through Valencia Community College, University of Central Florida, and the University of Florida. The University of Florida would provide the fifth and sixth year in Orlando at the City Lab.

Mr. Ehrig presented Ms. Solera and Ms. Dolan with thank you plaques for their service on the board.

Mr. Kuritzky commented that he had a concern regarding future challenges for the use of the term architectural.

Old Business

No old business.

Adjourn

Motion: Mr. Johnson moved that the meeting be adjourned.

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

The meeting adjourned at 12:34 p.m.