

MINUTES

**Board of Architecture and Interior Design
Department of Business and Professional Regulation
Professions' Board Room
1940 North Monroe Street
Tallahassee, FL 32399**

**January 7, 2009
9:00 a.m.**

General Business Meeting

Call to Order

Ms. Shore, Chair called the meeting to order at 9:10 a.m.

Board Members Present:

John Ehrig
Wendell Hall
Eric Kuritzky
Rossana Dolan
Mary Jane Grigsby
Garrick Gustafson
Joyce Shore
Wanda Gozdz

Board Members Absent:

Roymi Membiela, excused
Lourdes Solera, excused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci Prosecuting Attorney
Juanita Chastain, Executive Director
Terri Estes, Government Analyst
Trent Manausa
Emory Johnson
Other Interested Parties

Court Reporter: Accurate Stenotype, 2894 Remington Green Lane, Tallahassee, Florida 32308. Telephone 850.878.2221

Appearance for compliance with Final Order

Mark Hobson

Mr. Hobson was present and sworn in by the court reporter. Mr. Minacci commented that Mr. Hobson was present based on a final order entered in October 12, 2007. He commented that Mr. Hobson's license was suspended until he personally appeared before the board based on his business practices. Mr. Minacci reviewed the counts in the administrative complaint and commented that Mr. Hobson provided a handout of his business practices for review.

Mr. Hobson commented that he was a sole practitioner when the violations occurred. He commented that if he opened a business again he would enter into a partnership with a business plan. He reviewed his business plan outlined in the handout. He commented that his strengths were working with design and the client. He commented that the areas of contracts, client management and business organization suffered when he was a sole practitioner. He commented that he outlined a business plan to address the weak areas.

Mr. Hobson reviewed his outline in detail. Ms. Clark commented that his outline was comprehensive but requested that he address issues outlined in the administrative complaint. She commented that Mr. Hobson did not respond or appear before the probable cause panel and requested an explanation. Mr. Hobson replied that he had health issues and he moved a couple of times and failed to inform the board of his address.

Ms. Clark commented that the administrative complaint was personally served but Mr. Hobson did not respond. She commented that the administrative complaint was served to his business address.

Mr. Hobson confirmed to the board that he paid the fine and costs imposed in the final order.

Ms. Clark asked what type of business he had been doing since his license was suspended. Mr. Hobson replied that he was working he was doing construction administration. He commented that if his suspension was lifted that he wanted to join another architect for projects.

Mr. Kuritzky commented that he would like to hear from Mr. Hobson's employers regarding his work. Ms. Clark commented that was not a requirement in the final order.

The board discussed concerns about lifting Mr. Hobson's suspension. Mr. Minacci commented that Mr. Hobson would be on probation for two years and would be required to submit a list of projects for monitoring.

Motion: Mr. Gustafson moved to accept Mr. Hobson's appearance to lift the suspension from his license and begin probation.

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

Consent Agenda - Settlement Stipulations

Licensed

DBPR vs. Lourdes Basadre-Alvarez
Case Number 2008-023291
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. Ramon Collado
Case Number 2008-023303
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. Joseph M. Dowd
Case Number 2005-018341
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Joseph M. Dowd
Case Number 2008-023305
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. Jeffrey Falkanger
Case Number 2008-023308
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. Ora Frazee
Case Number 2008-037819
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. Peter Gilstad
Case Number 2008-023317
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. William M. Leveille
Case Number 2008-023329
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. Phillip D. Morgan
Case Number 2008-025302
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. Barbara S. Nichols
Case Number 2008-097752
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. Dale H. Parsons
Case Number 2008-025422
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. Arnold Prato
Case Number 2008-025297
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. Christopher Sable
Case Number 2008-023442
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. Stephen R. Scheirman
Case Number 2008-037730
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. David R. Tichenor
Case Number 2008-022359
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. Angel Torrez-Collazo and AJT Architecture and Builders, Inc.
Case Number 2008-030364
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. Lynwood G. Willis
Case Number 2008-025421
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. Jon A. Zimmerman
Case Number 2008-038509
PCP: Rodriguez, Wirtz, and Gustafson

Unlicensed

DBPR vs. G. William Architectural Group, Inc. and Gerald Poorman
Case Number 2008-039597
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. In-Site Design Group and Anne Carruthers
Case Number 2008-021109
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. Frank Lincoln
Case Number 2008-019719
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. Fanitsa Meehan and Fanitsa, Inc.
Case Number 2007-029196
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Montero Design, Inc. and Tony Montero
Case Number 2008-011707
PCP: Rodriguez, Wirtz, and Gustafson

Motion: Ms. Gozdz moved that the board approve the settlement stipulations listed on the consent agenda.

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

Voluntary Relinquishments

DBPR vs. Herman G. Barnes
Case Number 2008-023237

DBPR vs. Isaac Franco
Case Number 2005-017091

Motion: Mr. Ehrig moved that the board approve the voluntary relinquishments for Herman G. Barnes, case number 2008-023237 and Isaac Franco, case number 2005-017091.

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

Disciplinary Cases

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

Unlicensed

DBPR vs. Carver & Associates, Inc. and Larry Carver
Case Number 2008-006593
PCP: Rodriguez, Wirtz, and Gustafson

Mr. Carver was present and sworn in by the court reporter. Mr. Gustafson was recused from the review of the case. Mr. Minacci commented that case was before the board based on a contract to offer interior design services when the respondent was not licensed. Probable cause was found to file a four count administrative complaint for two counts of practicing interior design when not licensed, one count for using the title interior designer, and one count for offering services through a business entity without a certificate of authorization.

On October 10, 2008, Mr. Carver filed an election of rights form and did not dispute the facts alleged in the complaint. Mr. Carver commented that he worked with a design firm to purchase the furnishing, fixtures, and installation. He commented that two clients requested a complete package that included interior design. He commented that they hired the interior designers to perform the services for the client and were not aware that a license was required.

Mr. Carver commented that the business had an employee that was going to take the NCIDQ to begin the licensure process.

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

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

Mr. Minacci commented that Mr. Carver was not personally invited to the Probable Cause Panel meeting because it was an unlicensed case. The panel recommended a \$5,000 per count penalty. He commented that if Mr. Carver had appeared before the panel they would not have imposed because he was remorseful and they were taking steps to gain licensure.

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

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

Ms. Clark requested that the board reconsider Mr. Lincoln's case.

Motion: Mr. Ehrig moved that the board pull Frank Lincoln, case number 2008-019719 for reconsideration and discussion.

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

Unlicensed

DBPR vs. Bryan Edson Design Services and Bryan Edson
Case Number 2008-002478

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Edson was present and sworn by the court reporter. Mr. Gustafson was recused from review of the case. Mr. Minacci commented that the case was before the board based on the respondent contracting to provide design services on a commercial project when not licensed. Probable cause was found to file a one count administrative complaint for practicing architecture on October 10, 2008. Mr. Edson filed an election of rights form on October 28, 2008 and did not dispute the facts.

Mr. Minacci commented that Mr. Edson was cooperative. Mr. Edson apologized for his actions. He commented that he provided preliminary drawings to be given to an engineer. He commented that the friend displayed the preliminary drawings at a ground breaking ceremony. He commented that the drawings went through the professional process for permitting but the preliminary drawings did not have the licensed information on the billboard.

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

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

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

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

DBPR vs. Jerry Thibodeau and Thibodeau Builders Corp.

Case Number 2008-023953

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Thibodeau was present and sworn in by the court reporter. Mr. Gustafson was recused from the case review. Mr. Minacci commented that the case was before the board based on the respondent preparing residential plans and sealed them with his corporate seal. The respondent's title block holds him out as an architect through a business that is not licensed. Probable cause was found to file a three count administrative complaint for practicing architecture without a license, using the title architect when not licensed, and offering architecture services through a business without a certificate of authorization.

On October 8, 2008 the respondent filed an election of rights form and did not dispute the facts alleged in the administrative complaint.

Mr. Thibodeau commented that he began a business as a building contractor in 1997. He commented that a friend's garage burnt down and asked him to draw plans to rebuild. He commented that he drew house plans for the building department without problems.

Ms. Clark asked how the plans were submitted with the words "architect" and "designer" if he was a building contractor. Mr. Thibodeau commented that he was trying to identify himself on the plans. Ms. Clark asked why he chose to use the word "architect". Mr. Thibodeau replied he was not sure and that he thought "architect" and "designer" were the same.

The board discussed that the respondent should not use the title or term "architect" or words to that effect.

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

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

Motion: Mr. Ehrig moved that the board impose a \$1,000 fine plus costs with payments over an eight month period.

Second: Mr. Hall seconded the motion.

Mr. Kuritzky commented that he did not think Mr. Thibodeau understood that he could not use the term "architect" or words to that effect.

The motion was called and it passed unanimously.

Presentations

The following resolution was presented to Les Smith, Investigator

RESOLUTION ACKNOWLEDGING THE PAST SERVICE AND VALUE OF MR. LESTER V. SMITH, JR., TO THE ARCHITECTS AND INTERIOR DESIGNERS OF THE STATE OF FLORIDA THROUGH HIS SERVICE AS AN INVESTIGATOR FOR THE FLORIDA BOARD OF ARCHITECTURE AND INTERIOR DESIGN.

- WHEREAS,** Mr. Smith became an investigator for the Department of Business and Professional Regulation in 1988; and
- WHEREAS,** Mr. Smith continued to provide investigative services to the Florida Board of Architecture and Interior Design after privatization commenced in 2002; and
- WHEREAS,** Mr. Smith has reviewed thousands of cases over the years providing his expertise to protect the health, safety, and welfare of the citizens of Florida; and
- WHEREAS,** Mr. Smith has provided such service in both an aggressive and caring manner depending on the circumstances of the case; and
- WHEREAS,** Mr. Smith has saved the State of Florida thousands of dollars throughout his years based on the fines collected due in large part to his investigative skills; and
- WHEREAS,** Mr. Smith has retired from his position as investigator for the Florida Board of Architecture and Interior Design on January 1, 2009.

THEREFORE BE IT RESOLVED, that the Board hereby takes this opportunity to confirm in writing to Lester V. Smith, Jr. for his outstanding service to the Florida Board of Architecture and Interior Design, and requests

- 1) *that this resolution be recorded in the minutes of the meeting of the Board of Architecture and Interior Design on January 7, 2009; and*
- 2) *that a copy of this Resolution be furnished to the Secretary of the Department of Business and Professional Regulation so that he will be knowledgeable of the action and appreciation of this Board; and*
- 3) *that an official copy of this Resolution be presented to Mr. Lester V. Smith, Jr. as a token of his service.*

Considered and Passed unanimously by the Board of Architecture and Interior Design in Tallahassee, Florida this 7th day of January of the year 2009.

*Joyce Shore
Chair*

*John Ehrig
Vice-Chair*

Motion for Order Waiving Formal Hearing

Licensed

DBPR vs. Ronald J. Olbekson

Case Number 2008-028624

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Olbekson was not present or represented by counsel. Mr. Gustafson was recused from the review of the case. Mr. Minacci commented that the case was before the board based on the respondent's license being suspended for practicing on a suspended license for failure to complete the Florida Building Code core course. Probable cause was found to file a one count administrative complaint for attempting to use an architectural license while the license was on a suspended status.

The administrative complaint was served by certified mail on October 1, 2008. The respondent failed to respond to the administrative complaint.

The Probable Cause Panel recommended a reprimand and probation until the respondent provides proof of continuing education for the current renewal cycle. Mr. Olbekson has taken the required Florida Building Code core course and the panel would like to impose the reprimand.

Motion: Mr. Ehrig moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived his right to dispute the material facts by failing to timely respond thereto; and that the board adopts the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Mr. Ehrig moved that the board impose a reprimand and probation until proof of compliance with continuing education for the 2007-2009 renewal cycle.

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

DBPR vs. Norman D. Palmer

Case Number 2007-042296

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Palmer was not present or represented by counsel. Mr. Gustafson was recused from the review of the case. Mr. Minacci commented that the case was before the board based on an unlicensed individual that prepared drawings for a residential project and the plans were signed and sealed by the respondent. The respondent did not provide responsible supervisory control over the documents prepared outside his office and when the respondent signed and sealed the documents his license was delinquent. Probable cause was found to file a three count administrative complaint for improperly certifying work

prepared by another, for aiding unlicensed activity, and for using a license in delinquent status.

The administrative complaint was hand served on November 3, 2008. The Probable Cause Panel recommended a reprimand and a \$3,500 fine plus costs.

Ms. Clark requested that the board consider both cases against Mr. Palmer and make one motion.

DBPR vs. Norman D. Palmer

Case Number 2008-011343

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Gustafson was recused from the review of this case. This case was before the board based on the respondent signing and sealing plans when the license was delinquent and failed to comply with the terms of a final order. Probable cause was found to issue a two count administrative complaint for using a license while on delinquent status and failure to comply with a final order.

The administrative complaint was served by hand delivery on September 11, 2008. The Probable Cause Panel recommended a \$1,000 fine plus costs and suspension until compliance of the final order.

The board discussed whether to suspend or revoke the license. Mr. Johnson referred the board to a letter in the investigative report about the respondent being in the hospital for a brain tumor. The board discussed that the respondent continued to sign and seal plans and he did not respond to the investigation. After further discussion the board made the following motion.

Motion: Mr. Ehrig moved that the board find that the administrative complaint for both cases was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failing to timely respond thereto; and that the board adopts the findings of fact and conclusions of law as set forth in the both administrative complaints.

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

Motion: Mr. Ehrig moved that the board revoke the license.

Second: Mr. Kuritzky seconded the motion and the motion passed with Ms. Dolan opposed.

DBPR vs. James Michael Rinehart

Case Number 2007-007995

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Rinehart was not present or represented by counsel. Mr. Gustafson was recused from the review of the case. Mr. Minacci commented that the case was before the board based on the respondent failing to produce permit and construction documents after receiving money for the documents. Mr. Johnson reviewed the file and found violations. Probable

cause was found to file a one count administration complaint for misconduct in the practice of interior design.

The administrative complaint was served by publication in the Tampa Bay Business Journal. The administrative complaint was attempted service on April 3, 2008 and was returned unclaimed. The respondent failed to respond. The Probable Cause Panels recommended a reprimand, two years probation, and a \$1,000 fine plus costs.

Mr. Kuritzky commented that the license was placed on inactive status two years ago. The board discussed that Mr. Rinehart was invited to the Probable Cause Panel meeting and today's meeting.

Motion: Mr. Ehrig moved that the board find that the administrative complaint for cases was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failing to timely respond thereto; and that the board adopts the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Mr. Ehrig moved that the board impose a reprimand, two years probation, and a \$1,000 fine plus costs.

Second: Ms. Grigsby seconded the motion and the motion passed unanimously.

Unlicensed

DBPR vs. Fabric Design Center II, Inc. and David Kramer

Case Number 2007-064818

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Kramer was not present or represented by counsel. Mr. Gustafson was recused from review of the case. Mr. Minacci commented that the case was before the board based on the respondent advertising in a magazine under interior design without a license. Probable cause was found to file a one count administration complaint for using the title interior designer when not licensed.

Service was achieved by hand delivery on November 3, 2008. The Probable Cause Panel recommendation was a \$5,000 fine plus costs. Mr. Minacci commented that the case began as a notice of order to cease and desist which was hand served but not returned. The Probable Panel reviewed the file and they recommended an administrative complaint that was hand served with no response.

After discussion the following motion was made.

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

board adopts the findings of fact and conclusions of law as set forth in the administrative complaint.

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

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

Second: Mr. Hall seconded the motion.

The board discussed an e-mail that was submitted but no additional response was received. Ms. Clark commented that the case would have been closed with a cease and desist order for an advertisement and the board should determine if the violation rose to the level of the maximum fine. She commented that there was no actual harm to consumers.

Mr. Ehrig requested that the motion be amended to a \$1,000 fine.

Motion: Mr. Kuritzky moved that the motion be amended to impose a \$1,000 fine plus costs.

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

DBPR vs. Betty Leyva and Betty's Home Interior Design

Case Number 2007-012598

PCP: Rodriguez, Wirtz, and Del Bianco

Ms. Leyva was not present or represented by counsel. Mr. Minacci commented that the case was before the board based on the respondent offering interior design services without a license. The respondent failed to respond. Probable cause was found to file a one count administration complaint for using the title interior designer when not licensed.

Service was achieved by publication in the Tampa Bay Business Journal. The Probable Cause Panel recommended a \$5,000 fine plus costs. Mr. Minacci commented that administrative complaint was served by certified mail on July 12, 2007 but did not receive acknowledgment of receipt. Hand service was attempted but was unsuccessful.

The board discussed the discrepancies regarding noticing address and the case was pulled from review.

DBPR vs. Robert M. Wildasin, Jr. and Robert Wildasin, Jr. Interior Inc.

Case Number 2007-045429

PCP: Rodriguez, Wirtz, and Hall

Mr. Minacci requested that this case be pulled from review because of noticing and servicing issues.

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

Licensed

DBPR vs. Carlos F. Llanos

Case Number 2008-022102

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Minacci commented that the respondent hired an attorney and the attorney requested a continuance.

Motion: Mr. Hall moved that the board continue the case until the next board meeting.

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

Settlement Stipulations

Licensed

DBPR vs. James T. Melvin

Case Number 2007-007048

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Melvin was not present or represented by counsel. Mr. Gustafson was recused from the review of the case. Mr. Minacci commented that at the last board meeting Mr. Melvin's wife passed away and a continuance was requested. He commented that Mr. Melvin's attorney requested that the board approve the settlement stipulation and waive the appearance requirement in the stipulation.

Ms. Clark cautioned the board about approving a settlement stipulation when the approval would be a violation of the agreement. She recommended that the board continue the case.

Motion: Mr. Hall moved that the board continue the case to the next board meeting.

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

Unlicensed

DBPR vs. Henri Almanzar and Concepts & Designs

Case Number 2007-066641

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Almanzar was not present or represented by counsel. Mr. Gustafson was recused from review of the case. Mr. Minacci commented that the case was before the board based on the respondent contracting to offer architectural services for a residential project, the respondent held himself out as an architect and interior designer, and offered the services through a business entity. Probable cause was found to file a four count administrative complaint for practicing architecture when not licensed, using the title architect when not licensed, using the title interior design when not licensed, and offering architectural services through a business when not licensed.

The Probable Cause Panel recommended a \$20,000 fine plus costs. The settlement stipulation reflects a \$5,000 fine plus costs. The fine was reduced because it was a first offense, the project was residential and the respondent agreed to comply.

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

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

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

DBPR vs. Briggs Edwards Design, Inc. and Briggs Edward Soloman
Case Number 2008-013258

PCP: Rodriguez, Wirtz, and Gustafson

The respondent was not present or represented by counsel. Mr. Minacci commented that the case was before the board based on the respondent contracting to offer interior design services on a commercial project when not licensed and offered the services through a business. Probable cause was found to file a two count administrative complaint for practicing interior design when not licensed and offering interior design services without a certificate of authorization.

The Probable Cause Panel recommended a \$10,000 fine plus costs. The settlement stipulation reflects a \$5,000 fine plus costs. The fine was reduced because it was a first offense and respondent agreed to comply.

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

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

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

DBPR vs. Frank Lincoln
Case Number 2008-019719

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Gustafson was recused from the review of the case. Ms. Clark requested that the board reconsider this case because a letter was received from the respondent. She commented that the board should review the letter, reject the stipulation, and counter-offer a lower fine amount.

Motion: Mr. Hall moved that the board reject the settlement stipulation and counter-offer a \$2,000 fine plus costs and allow 30 days to respond.

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

DBPR vs. Servex-US and Nicolas Fernandez
Case Number 2008-011432

PCP: Rodriguez, Wirtz, and Gustafson

The respondent was not present or represented by counsel. Mr. Gustafson was recused from the review of the case. Mr. Minacci commented that the case was before the board based on the respondent offering interior design services for a commercial project and the services were offered through a web site. Probable cause was found to file a two count administrative complaint for practicing interior design when not licensed and offering interior design services without a certificate of authorization.

The Probable Cause Panel recommended a \$10,000 fine plus costs. The settlement stipulation reflects a \$5,000 fine plus costs. This was a first time offense, they agreed to comply, and there was a licensed interior designer involved with the project.

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

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

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

Voluntary Relinquishments

DBPR vs. Atmosphere Design, Inc. and Joseph A. Mirabile
Case Number 2008-003407

The respondent was not present or represented by counsel. Mr. Minacci commented that the respondent is a licensed interior designer and the business dissolved. He commented the respondent failed to notify the department that the business was dissolved. The Probable Cause Panel requested that the respondent relinquish the business license.

Motion: Mr. Ehrig moved that the board approve the voluntary relinquishment of the business license.

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

Application Review
In-Site Design Group

Ms. Chastain commented that the application was on the agenda based on the settlement stipulation on today's agenda. The settlement stipulation was approved and Ms. Chastain requested that the board approve the application.

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

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

New Business

No new business.

Old Business

No old business.

Recess

The meeting recessed at 11:25 a.m.

Board Member Continuing Education Review Training

Architecture – John Ehrig and Lourdes Solera

Interior Design – Mary Jane Grigsby and Joyce Shore

The meeting began at 1:00 p.m. and ended at 1:45 p.m.

Mr. Ehrig and Ms. Grigsby were present for the training. Ms. Solera was absent due to flight delays and Ms. Shore was absent due to illness. Ms. Auguste from the Bureau of Education and Testing provided training to Mr. Ehrig and Ms. Grigsby on reviewing continuing education provider and course applications.

MINUTES

**Board of Architecture and Interior Design
Department of Business and Professional Regulation
Professions' Board Room
1940 North Monroe Street
Tallahassee, FL 32399**

**January 8, 2009
9:00 a.m.**

General Business Meeting

Call to Order

Roll Call – identify excused absences

Ms. Shore, Chair called the meeting to order at 9:05 a.m.

Board Members Present:

John Ehrig
Wendell Hall
Eric Kuritzky
Rossana Dolan
Mary Jane Grigsby
Garrick Gustafson
Joyce Shore
Wanda Gozdz
Lourdes Solera

Board Members Absent:

Roymi Membiela, excused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci Prosecuting Attorney
Juanita Chastain, Executive Director
Terri Estes, Government Analyst
Trent Manausa
Emory Johnson
Other Interested Parties

Court Reporter: Accurate Stenotype, 2894 Remington Green Lane, Tallahassee, Florida 32308. Telephone 850.878.2221

Petition for Declaratory Statement (DS 2008-082)

Interior Design Associations Foundation of Florida, Inc.
Dorothea Ramsey Felder and Christopher B. Scully

Ms. Clark commented that the petition was filed November 3, 2008 and was a petition for declaratory statement regarding an interpretation of the laws and rules for the sale of furnishings.

Fred Dudley with Holland & Knight was present and represented the petitioners. He requested that the board clarify the law because of application and enforcement of the law. He commented that there appears to be some confusion of the law with the prosecutor and the board's expert witness when applying the law to the sale of furniture.

Mr. Dudley commented that there were two exemptions in Chapter 481.229 (6)(a)(b), Florida Statutes. He commented that paragraph (a) was a residential exemption and paragraph (b) was a decorating exemption. He commented with paragraph b there were two exemptions; an employee of a retail establishment providing "interior decorator services" on the premises of the retail establishment **or** in the furtherance of a retail sale or prospective retail sale without using the title. He commented that those were two exemptions for providing interior decorator services.

Mr. Dudley commented that he could not locate a definition of furniture in the statutes and proposed that the board adopt the following definition, "furniture or other readily movable items of tangible personal property for residential or non-residential use, with or without the preparation of diagrams or drawings reflecting the placement of such items, except for partitions, panels or other spatial dividers that restrict the ingress, egress or life safety of persons".

Mr. Dudley commented that he did not want the definition to be restricted only to licensees. He commented that he did not feel the board's duty was to restrict anyone from selling tangible items or products with or without an interior design license. He commented the exemptions should not be allowed with diagrams for the placement of those items. Janice Young with the Interior Design Associations Foundation of Florida, Inc. was present to answer questions.

Mr. Dudley clarified that he did not want the board to restrict unlicensed individuals from selling products such as desks, chairs, bookcases, etc. with or without a diagram and he did not want the board to restrict the unlicensed individuals from selling non-structural partitions, work stations, cubicles, etc. but did not want unlicensed individuals providing diagrams for these items.

Ms. Young commented that the petition dealt with work stations and cubicles because they require knowledge of codes and accessibility. She commented that the furnishings could be sold by anyone but the placement of those furnishings would be considered a space plan which should be done by a licensed person. She commented that portable items such as desks, chairs, bookcases, etc. could be sold with a diagram by any person because they are moveable.

Mr. Kuritzky commented that the definition of partitions could be considered broad. He asked if they were referring to furniture or manufactured partitions. Ms. Young replied that they were referring to furniture and manufactured partitions.

Mr. Kuritzky commented that he was required by the building department to provide furniture layouts to validate fire code safety. He commented that he was concerned that an individual selling the furniture would not know those requirements.

The board discussed that furniture could be sold by anyone but the placement of certain furniture be done by licensed individuals. The board discussed the movement of furniture, after purchase and placement, by individuals in commercial spaces such as tables and chairs which could limit ingress and egress. The board discussed that cubicles and workstations are not easily moved which limit accessibility and that was a concern when an unlicensed person placed those items.

Ms. Dolan commented that there was multiple codes the building officials could apply to a diagram or plan. Ms. Young commented that local jurisdictions enforce more stringent requirements than the statutes depending on the project type such as hotels or restaurant.

Mr. Ehrig asked why there was an issue with statutory language as written and requested examples. Ms. Young commented that the statute was written in 1995 to address an issue brought by Home Depot for the sale of shelving to offices. She commented that today there is a concern by small retail furniture establishments that they could not sell, deliver and tell the delivery person where to place the furniture upon delivery unless those diagrams were done by a licensed person.

Ms. Young commented that the intent of the law was to allow the sale of furniture by anyone but the exception would be that the placement of certain furniture such as workstations and cubicles require a licensed individual to provide the placement of those items.

Mr. Kuritzky commented that cubicles and workstations are considered furniture even if they could not be easily moved. The board discussed different scenarios regarding the use of furniture as walls or partitions. The board discussed the hazards of certain partitions or furniture being placed in areas of sprinkler heads, ingress, and egress. Mr. Kuritzky commented that he had a concern with the exception because all furniture including partitions or cubicles could be a hazard in commercial settings.

The board discussed issues with commercial offices moving boxes, furniture, desks, etc. into hallways, doorways, ingress, egress, etc. and the Fire Marshall sites them because of code violations. Those moveable items are easily corrected unlike manufactured partitions and cubicles.

Ms. Grigsby commented that Chapter 481.203(15), Florida Statutes, addresses loose furnishing not subject to regulation under applicable building codes. She commented that this provision was clear and adding an additional statement may confuse the issue more.

Ms. Young commented that there was confusion currently and they were seeking to further clarify the original intent of the law. Ms. Grigsby commented that the intent was not to restrict the sale of furniture or reasonable delivery of the items.

Mr. John Rogers, Vice-President and General Counsel with the Florida Retail Federation, was present to provide comments about the declaratory statement. He commented that the exemption language was included in the law when the interior design title act was enacted prior to 1995 so there was nothing to impede retail sales. He commented that the exemption language remained after the title act changed to a practice act.

Mr. Rogers commented that they supported the definition of furniture up a point. He commented that the definition should not include, "except for partitions, panels or other spatial dividers that restrict ingress, egress or life safety of persons.

Mr. Rogers commented that an item sold or for sell that is not subject to building codes can be diagrammed by a person that is not licensed. The board discussed defining furnishing.

Mr. Dudley commented that the declaratory statement was not for the sale of furniture but the diagram that places the furniture within a space.

The board discussed that Chapter 481.203(15), Florida Statute, addressed furniture on a show room floor was not subject to the building code but the diagram that placed the furniture in the space was and required a licensed individual. Mr. Rogers disagreed with the interpretation of the statute.

Mr. Rogers commented that if an item is not regulated by the statute than an individual could draw any diagram they wanted. He commented that loose furniture was not subject to the building code and therefore not subject to the practice. The board discussed that they were not in place to regulate furniture, the sale or purchase of furniture but to regulate a person that draws the diagram for the commercial placement of that furniture.

Mr. Rogers commented that the statute says an item not subject to code is not regulated by the statute and any person could draw a diagram for the placement of the furnishing. The board disagreed with Mr. Rogers' interpretation.

Mr. Rogers commented that when the statute was written it was intended to allow individuals to sell furniture and draw diagrams for furnishings not regulated by the building code.

Mr. Johnson commented that when the language was written in 1994 that everyone agreed that the language should not prevent anyone from selling furniture. The issue was not the sale of furniture but the space planning or diagrams that accompany the sale of furniture that violates the interior design statute because it represents an individual as being licensed. Mr. Johnson commented that Mr. Dudley was asking for clarification on whether an unlicensed individual could provide space plans or diagrams for fixed partitions that have electrical fixtures.

Mr. Rogers commented that the law under exemptions states that an individual can't represent him or herself as an interior designer when an employee of a retail establishment. He used an example of the board interpreting laws and rules but they do not call themselves lawyers or attorneys. He commented that furnishings were not subject to codes as defined in the exemption and an individual could perform the tasks of an interior designer as long as they did not use the title or represent themselves as an interior designer because the items sold were not subject to regulation. He commented that as another example he practiced medicine on his son but did not hold himself out as a doctor.

Motion: Mr. Ehrig moved that the board issue a declaratory statement to define furnishings and that Ms. Clark work with the petitioners to create the language.
Second: Mr. Kuritzky seconded the motion.

Ms. Clark commented that the board could not direct her to develop language to define furnishings. She commented that the board could decline to answer the petition because they need more information to develop the definition.

Ms. Solera asked Mr. Johnson if he would accept Mr. Rogers' amendment to the language when the language was crafted originally in 1994. Mr. Johnson replied in the positive because the in 1994 they dealt primarily with loose furnishing not cubicles or partitions. He commented that he would not accept Mr. Rogers' amendment for today's application but would use the language presented by IDAF.

Mr. Kuritzky commented that he did not agree with the conclusion represented in the declaratory statement which read, the board shall determine whether a license is required under Chapter 481, Florida Statutes, for the sale by the petitioners for furnishing. He commented that he did not want the board involved defining something outside of their regulation.

Mr. Rogers commented that the retailers have an understanding of what the law was when it passed in 1994. He commented that to change the understanding would require a statutory change. He commented that retailers have operated under the intention or understanding of what the original was when it was implemented. He commented that under the law retailers should be able to diagram furnishings loose or otherwise. Ms.

Solera commented that they were no longer dealing with just loose furnishings that a retailer could diagram but they were dealing with partitions and manufactured walls and cubicles.

Ms. Clark commented that the intent of a law is an element but not the only element of interpreting a law. She commented that interpretations of laws can change over time.

Mr. Johnson requested that the item be tabled to allow the interested parties be allowed to discuss the petition off line to develop language they all would agree upon.

Motion: Mr. Ehrig withdrew his original motion.

Second: Mr. Kuritzky withdrew his second.

Motion: Mr. Hall moved that the declaratory statement be tabled to allow the interested parties to develop a definition or language to present to the board.

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

Presentations

Appreciation for Service Acknowledgment for Thomas Matthias

Ms. Shore presented Mr. Matthias was a certificate and thanked him for his service to the board.

Request for Waiver or Variance of Rule 61G1-21.001, Florida Administrative Code

Miriam Collada-Myers

The board reviewed the medical information provided and the following motion was made.

Motion: Mr. Ehrig moved that the board grant a variance and allow Ms. Collada-Myers until February 28, 2011 to obtain 40 hours of continuing education based on her hardship.

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

Application Review

Robert Mabe

Mr. Mabe was not present but submitted a letter to the board for review. The application was before the board based on disciplinary action against Mr. Mabe in another licensure state for failure to complete continuing education. After discussion the board made the following motion.

Motion: Mr. Ehrig moved that the board approve the application as presented.

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

Mark Hunt

Mr. Hunt was not present but submitted a letter to the board for review. The application was before the board based on disciplinary action taken by the Florida board. Mr. Hunt was making payments for the disciplinary action but had an outstanding balance. Mr. Minacci commented that he did not have an issue with the board approving Mr. Hunt for licensure. After discussion the board made the following motion.

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

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

Declaratory Statement

Mr. Dudley commented that all of the interested parties agreed upon modified language with the exception of Mr. Rogers representing the Florida Retail Federation. Mr. Dudley requested that the board issue a declaratory statement that reads, "A license pursuant to Chapter 481, Florida Statutes, is not required for the sale of furnishings. Furnishing is defined to mean furniture and other readily movable items of tangible personal property for residential or non-residential use, with or without the preparation of diagrams or drawings reflecting the placement of such items, except for manufactured partitions, manufactured panels, or other manufactured spatial dividers that restrict the ingress, egress, or life safety of persons.

Mr. Dudley commented that the board could define spatial planning and include furnishings. He commented that the board could decide many routes to address the declaratory statement.

Mr. Rogers commented thanked the board for allowing him to address the issue. He commented that he did not agree with the language because it narrowed the scope of what the exemption already allowed retailers to perform. He commented that he would take the language back to his clients.

Mr. Kuritzky commented that he did not want to interfere or provide an interpretation of the sale of furnishings or other items. Ms. Dolan commented that the board did not want to regulate the sale of furnishings but the individual or sales person that provides drawings that infringe on the practice of architecture or interior design.

Motion: Ms. Grigsby moved that the board answer the declaratory statement that reads, "A license pursuant to Chapter 481, Florida Statutes, is not required for the sale of furnishings. Furnishing is defined to mean furniture and other readily movable items of tangible personal property for residential or non-residential use, with or without the preparation of diagrams or drawings reflecting the placement of such items, except for manufactured partitions, manufactured panels, or other manufactured spatial dividers that restrict the ingress, egress, or life safety of persons.

Second: Mr. Gustafson seconded the motion.

Mr. Ehrig asked if manufactured partitions were considered the same as modular systems furniture. The board discussed modular systems and the fact that they were manufactured.

The question was called, the motion passed with Ms. Dolan opposed.

Review and Approval of Meeting Minutes

July 28-29, 2008 – Palm Beach, Florida

Motion: Ms. Grigsby moved that the minutes be approved as presented.

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

October 2-3, 2008 – Ft. Lauderdale, Florida

Mr. Gustafson requested that the minutes be updated to reflect his attendance.

Motion: Mr. Kuritzky moved that the minutes be approved as amended.

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

November 4, 2008 – Telephone Conference Call

Motion: Mr. Gustafson moved that the minutes be approved as presented.

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

Ratification Lists

Applicants

Motion: Mr. Ehrig moved that applicant ratification list be approved as presented.

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

Continuing Education

Motion: Mr. Ehrig moved that the continuing education ratification list be approved as presented.

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

Architecture Discussion

Construction Administration

Mr. Kuritzky commented that he put together a list of thoughts and concerns for the board to review. He commented that he thought addressing the issue through the building code may be an avenue instead of a legislative approach. He commented that he wanted to encourage dialog between the professions, address the residential issue, and implement continuing education.

Ms. Solera commented that another licensed architect or a field representative from the originating architect's office could provide construction administration. Mr. Kuritzky

commented that he wanted to initiate the discussion and lay the ground work to implement construction administration.

Vicki Long and Steve Jernigan were present from Florida American Institute of Architects (AIA) to provide some background on their efforts with construction administration. Ms. Long commented that the issue had been discussed since 1989. She commented that when she began with Florida AIA in 2004 and the statute was in the process of clean-up and rewrite and briefly identified the language. She commented that a panel was created to study the feasibility and desire to implement construction administration. She commented that they surveyed other states to determine what states required construction administration and what it entailed.

Ms. Long provided information regarding the associations and other professions that supported construction administration for architects. She commented that based on all of the data gathered they moved forward with legislative construction administration language. She commented that as soon as the bill language was published they were overwhelmed with opposition and concerns about the proposed language impact.

Ms. Long commented that again Florida AIA surveyed their membership and received membership support. The construction administration language excluded residential applications.

The engineers opposed construction administration for architects.

Ms. Long commented that she did not feel that the language would pass through legislation but the building code was a new approach to pursue.

The board discussed the role of the architect during construction administration and the political process. The board discussed the need for construction administration to protect the health, safety, and welfare of the public.

Mr. Ehrig commented that he would like to create a plan to move forward with educating people about the need for construction administration.

Ms. Long commented that the department should pursue legislative language for construction administration and the board should solicit the support of the department's Secretary. The board discussed the multiple professions that the department regulated and the need to have them on board with the need for construction administration.

The board discussed the exclusion of residential construction administration. They discussed personal experiences regarding the need for construction administration and the amount of money it would save builders and owners.

Use of AIA Appellation when not licensed in Florida

Mr. Kuritzky commented that individuals were using the AIA Appellation when they are not licensed in Florida. The board discussed that AIA was a national affiliation and had certain

criteria required to use the Appellation. The board discussed that the Appellation could be misleading if used in Florida when an individual is not licensed in Florida but another state.

Report

AIA Report – Vicki Long

Ms. Long reported that AIA Florida was very involved in the political legislative process this year. She commented that they were working on an Intern Development Program (IDP) coordinator.

Mr. Jernigan commented that 2009 would be a challenge for everyone with the economy. He commented that they were working with members regarding membership dues.

Mr. Huey reported that he was contacted about the cut off date regarding the degree requirement in the NCARB endorsement statute. He reported that individuals were contacting Legislators to have the date changed. He reported that the proposal was to change the date from June 30, 1984 to June 30, 2000 to be in line with NCARB's requirements. Ms. Young commented that she was aware of ten states that allow individuals to sit for the examination with a high school degree.

Ms. Clark commented that since 1960 the board had required the five-year professional degree. She commented that in 1989 the statute changed to include NCARB in the statute. The board discussed the Broadly Experience Architect (BEA) program and the education requirements imposed on examination candidates for more than 20 years. Mr. Ehrig commented that the degree requirement was important.

NCARB Regional Director's Report
NCARB Letter from Blake Dunn
No discussion.

Recess for lunch at 12:40 p.m.
Reconvened at 1:30 p.m.

IDAF Report – Janice Young

Ms. Young reported that they participated in a vignette with the Florida Building Commission. She reported that they were approved for inclusion in paragraph 106.1 Florida Building Code regarding construction documents and submittals.

Ms. Young reported that small businesses are complaining about hiring a licensed interior design or architect which is required for a certificate of authorization.

Interior Design Discussion

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

Florida Community College at Jacksonville

Associate in Science Interior Design Technology

David Butler presented the program and requested that the board approve the program as presented. The school will change the name of the architectural design course to interior design detailing. Mr. Hall commented that he was an instructor that taught course TAR2120 and could be fair and impartial.

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

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

Palm Beach Community College

Associate in Science in Interior Design Technology

David Butler presented the program and requested that the board approve the program as presented.

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

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

Florida State University

Interior Design Master of Science First Professional Degree

David Butler presented the program, advised that he was an instructor at Florida State University, and requested that the board approve the program as presented. He commented that a site visitor from the Council of Interior Design Accreditation (CIDA) reviewed the program and approved the content.

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

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

Seminole Community College

Associate in Science Interior Design

David Butler presented the program and requested that the board approve the program as presented.

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

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

Bachelor of Applied Science in Interior Design

David Butler presented the program and requested that the board approve the program as presented upon approval by the Department of Education. Mr. Butler stated that they should not use the board's approval for obtaining CIDA approval because board was an accrediting body.

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

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

Art Institute of Pittsburgh Online Interior Design Curriculum

Interior Design Bachelor of Science Degree

Mr. Butler presented the program and commented that the Art Institute of Pittsburgh was an accredited program and had applied for 100 % Online accreditation through the Council for Interior Design Accreditation (CIDA). He commented that CIDA had recently accredited a California Online program. He commented that the board's current rules did not allow for an all Online approval method.

Mr. Butler commented that the program was on the agenda for the board to understand the Online programs and the need to update the education rules to accommodate Online review and board approval.

The board discussed the fact the CIDA was changing their program review guideline July 1, 2009 and would like to use their guidelines to update the board's rules. The board discussed the board's rule language requires program completion "in residence". Until the board changed the rule language the Art Institute would have to wait for CIDA accreditation of the 100% Online approval.

Indian River State College (Addendum)

Associate of Science Degree in Interior Design Technology

Mr. Butler presented the program and requested that the board approve the program as presented.

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

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

International Academy of Design & Technology – Tampa (Addendum)

Associate of Science Program in Interior Design

Mr. Butler presented the program and requested that the board approve the program as presented.

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

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

NCIDQ Board of Director's Telephone Conference Call

September 2008

The board did not discuss the item.

Rule 61G1-22.002, Florida Administrative Code

Mr. Butler reviewed the language and commented that the proposal was to change the language from a month or year completion requirement to hour completion requirements for experience. This would allow an individual working part-time or overtime to gain their experience. The proposed language equated years into 35.5 hours per week for 50 weeks. The year is quantified by hours. This language is in line with the National Council for Interior Design Qualifications (NCIDQ) requirements.

The board discussed the language and the need to clarify the sentence structure. Board staff will work with Ms. Clark to revise the language and present it to the board at the next meeting.

Ms. Clark advised the board that they should determine if the rule changes would impact small business and complete a "Statement of Estimated Regulatory Cost" (SERC).

Ms. Shore commented that the proposed language would not impact small business. Mr. Butler commented that it would impact the applicant in a positive way because they would receive experience credit for overtime worked. Ms. Clark commented that would impact small businesses in a positive way.

Motion: Mr. Hall moved that Ms. Chastain complete a Statement of Estimated Regulatory Costs (SERC).

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

Rule 61G1-22.003, Florida Administrative Code

Mr. Butler presented the proposed language and commented that the current language was in line with the Foundation for Interior Design Education Research (FIDER) and the proposed language was in line with the Council for Interior Design Accreditation (CIDA) language effective July 1, 2009. The board discussed the proposed language. The proposed language would remove the specific hour requirements in discipline areas. The board discussed distance learning programs and accreditation was optional.

Ms. Clark commented that when a rule refers to a Professional Standard established by CIDA then those must be incorporated by reference and give the exact dates they were adopted; provide a copy to JAPC and notify applicants how to obtain a free copy as part of the rule language.

Ms. Clark commented that they should not use the word may in rule language. The board discussed striking the last sentence in paragraph five (5).

Motion: Ms. Solera moved that the board determine the proposed rule changes would not affect small business.

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

Reports

Chair's Report – Joyce Shore

No report.

Executive Director's Report – Juanita Chastain

Financial Report September 30, 2008

Ms. Chastain reviewed the financial statement and reported that the board's portion of the sweep would reflect in the Operating Account under transfers. Ten thousand dollars (\$10,000) would be transferred quarterly for a total transfer of Forty thousand (\$40,000)

from their Operating Account to General Revenue. Thirty-six thousand two hundred-fifty dollars (\$36,250) would be transferred quarterly for a total transfer of One hundred thirty-five thousand (\$135,000) from the Unlicensed Activity Account to General Revenue.

Ms. Chastain commented that the board requested that Secretary Drago support Mr. Minacci's privatization contract be returned to Five hundred twenty-five thousand dollars (\$525,000). She reported that the department will submit that request to the Legislature. She commented that she would submit a travel request for her, Mr. Kuritzky, and Mr. Ehrig to be approved for the upcoming NCARB trip to Savannah, Georgia.

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

Billable Hours September 2008

Billable Hours October 2008

Billable Hours November 2008

Probable Cause Panel Meeting Results September 8, 2008

Probable Cause Panel Meeting Results October 1, 2008

Probable Cause Panel Meeting November 13, 2008

Board Meeting Results October 2, 2008

Press Releases/Speaking Engagements/Other Correspondence

The board discussed the licensed and unlicensed collection percentages. Mr. Minacci commented that he filed cases in Circuit Court for unlicensed activity cases. He commented that the budget cuts have affected the number of filings in Circuit Court.

Application Review (Addendum)

R. P. R. dba Richard Plumer Design

The application was before the board based on prior disciplinary action. Mr. Mooney and Mr. Kvarnberg were present and sworn in by Mary Ellen Clark. Mr. Minacci and Ms. Estes confirmed that the applicant had paid the fines and costs associated with the disciplinary action.

Motion: Mr. Hall moved the board approve the application as presented.

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

Board Member Training

This item was postponed to the May meeting.

Rules Report and Discussion

Ms. Clark reported that she responded to the Joint Administrative Procedures Committee (JAPC) that the board executed their duties regarding Rule 61G1-12.001 and there was no impact to small business. The rule was adopted on December 7, 2008.

Ms. Clark reported that Rules 61G1-21.003 and 24.002 were adopted October 16, 2008.

Development of Rule 61G1-22.002 and 22.003, Florida Administrative Code

Ms. Clark commented that the board discussed the proposed rule language earlier with Mr. Butler and revised language would be brought back to the board at the next meeting.

Unadopted Rules Implementing Disciplinary Penalties for Unlicensed Practice

Ms. Clark commented that she would write a letter to JAPC based on the board's direction that disciplinary guidelines for unlicensed practice are not needed. Mr. Minacci commented that the Mr. Wirtz and Mr. Rodriguez were present to discuss implementing unlicensed citation rules. The following citation rules were proposed for unlicensed practice.

1. A license engineer aids and abets an unlicensed draftsman to practice architecture.
2. A general contractor enters into a design build contract and does not name the licensed architect.
3. An architect or interior designer practicing with a null and void license.

Mr. Rodriguez commented that unlicensed activity varies in nature. Ms. Clark commented that unlicensed activity guidelines would be more difficult to identify but implementing citations for unlicensed activity could be workable. She commented that for an offense to be cited with a citation the violation could not be a threat to the public health, safety or welfare.

Mr. Minacci commented that there is a citation in place for practicing without a certificate of authorization.

Future Board Meetings

May 6, 2009 – Probable Cause, Fernandina Beach

May 7-8, 2009 – General Business, Fernandina Beach

July 27, 2009 – Probable Cause, Tampa

July 28-29, 2009 – General Business, Tampa

October 28, 2009 – Probable Cause, Miami

October 29-30, 2009 – General Business, Miami

New Business

The board scheduled a telephone conference call for February 17, 2009 at 2:00 p.m.

Ms. Shore appointed Mr. Gustafson, Mr. Wirtz, and Mr. Rodriguez to serve on the Probable Cause Panel.

Ms. Shore appointed herself as the delegate for the National Council for Interior Design Qualifications (NCIDQ) since Ms. Grigsby was appointed to the NCIDQ Board.

Ms. Shore appointed Mr. Ehrig as the delegate for the National Council of Architectural Registration Boards (NCARB) and Mr. Kuritzky as the alternate delegate.

Ms. Shore commented that all board members will review the continuing education courses.

Ms. Young encouraged the board members to contact their Legislator to restore the budget for the privatization contract. Ms. Clark reviewed the policy about board members lobbying Legislators.

Mr. Kuritzky requested that responsible supervisory control for remotely produced documents be placed on the May agenda for discussion.

Old Business

No old business.

Adjourn

The meeting adjourned at 3:50 p.m.