

MINUTES

**Board of Architecture and Interior Design
Crowne Plaza Orlando Universal
7800 Universal Boulevard
Orlando, Florida 32819
407.355.0550**

**February 10, 2016
1:00 p.m.**

General Business

Call to Order

Mr. Toppe, Chair, called the meeting to order at 1:00 p.m. and a quorum was established.

Board Members Present:

John Ehrig
Miguel Rodriguez
Francisco Costoya, Jr.
Jonathan Toppe, Chair
Hector Fernandez, Vice-Chair
Kenan Fishburne
Aida Bao-Garciga
Dylan Rivers
James Blanz
Ivette O'Doski

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Thomas Campbell, Executive Director
Donald Shaw, Government Analyst
G.W. Harrell, Director of Professions
Ed Tellechea, Chief Assistant Attorney General
Liz Brady Chief, Multistate Antitrust Enforcement, Antitrust Division at Florida
Office of the Attorney General
Michael Armstrong, NCARB
Kathy Hillegas, NCARB
Holly Dennis, New Board Appointee
Cynthia David
Michael Wirtz

David Roberts, Public Policy Advisor, Akerman LLP
Paul Cooper

Court Reporter: American Court Reporting, 3213 Hargil Drive, Orlando, Florida,
32806. Telephone (407) 896-1813 Email reportingorlando@aol.com

Review and Approval of Meeting Minutes

October 7, 2015 – Probable Cause Panel Meeting, Pensacola, Florida

Motion: Mr. Rodriguez moved that the board approve the minutes as presented.
Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

October 8-9, 2015 – General Business Meeting, Pensacola, Florida

Motion: Mr. Costoya moved that the board approve the minutes as presented.
Second: Mr. Fernandez seconded the motion and it passed unanimously.

November 16, 2015 – General Business, Telephone Conference Call

Motion: Mr. Rodriguez moved that the board approve the minutes as presented.
Second: Mr. Ehrig seconded the motion and it passed unanimously.

January 15, 2016 – General Business, Telephone Conference Call

Motion: Ms. Fishburne moved that the board approve the minutes as presented.
Second: Mr. Costoya seconded the motion and it passed unanimously.

General Discussion/Information

Report on Joint Task Force Meeting – Florida Board of Professional Engineers and the Board of Architecture and Interior Design

Mr. Rodriguez reported that the Task Force meeting was positive and the respective boards would review the white paper for updates. The Task Force reviewed how the respective boards process and impose disciplinary actions. A discussion was held regarding the Good Samaritan Legislative Language. The Task Force agreed to meet annually.

Chapter 481.229, F.S., Exemptions – Hector Fernandez
Rule Chapter 61G1-23, F.A.C., Supervisory Control – Thomas Campbell

Held for tomorrow's meeting, February 11, 2016.

Rule 61G1-14.001, F.A.C., Examination Designated, General Requirements –
Thomas Campbell

61G1-14.001 Examination Designated, General Requirements.

~~Applicants for licensure by examination shall take and pass the examination prepared and administered by the National Council of Architectural Registration Boards (NCARB). The prescribed licensure examinations for purposes of licensure as a registered architect under Chapter 481, part I, Florida Statutes, are as follows:~~

~~(1) Applicants for initial licensure, pursuant to Section 481.209, F.S., or by endorsement, pursuant to Section 481.213(3)(a), F.S., shall take and pass the examination prepared and administered by the National Council of Architectural Registration Boards (NCARB) or have taken and passed a predecessor exam to the examination prepared and administered by the National Council of Architectural Registration Boards (NCARB).~~

~~(2) Applicants for licensure by endorsement, pursuant to Section 481.213(3)(b), F.S., shall have taken and passed the examination prepared and administered by the National Council of Architectural Registration Boards (NCARB) or have taken and passed a predecessor exam to the examination prepared and administered by the National Council of Architectural Registration Boards (NCARB).~~

~~(3) Applicants for licensure by endorsement, pursuant to Section 481.213(3)(c), F.S., shall have taken and passed one of the following examinations:~~

~~(a) The examination prepared and administered by the National Council of Architectural Registration Boards (NCARB);~~

~~(b) A predecessor exam to the examination prepared and administered by the National Council of Architectural Registration Boards (NCARB);~~

~~(c) A Canadian licensure examination accepted by the National Council of Architectural Registration Boards (NCARB) for certification as outlined in subsections 3.4 and 4.4 of the National Council of Architectural Registration Board's (NCARB) July 2013 Certification Guidelines;~~

~~(d) The Examination for Architects in Canada (EXAC).~~

*Rulemaking Authority 455.217, 481.213(6) FS. Law Implemented 455.217(1)(b), (c), 481.209 FS. History—
New 12-23-79, Amended 5-18-83, Formerly 21B-14.01, 21B-14.001, Amended 4-22-97, 3-8-04, 7-14-05.*

Mr. Campbell presented the language and explained that the language addressed issues for Canadian Architects that have not taken the NCARB prepared and administered examination. The board discussed concerns regarding the equivalency of the Examination for Architects in Canada (ExAC). The board reviewed the language and after discussion the following motions were made.

Motion: Mr. Ehrig made a motion to notice Rule 61G1-14.001, F.A.C. for rule development and approve the language as drafted with paragraph 3(d) stricken.

Second: Ms. Fishburne seconded the motion, it passed with Mr. Rodriguez opposed.

After discussion the following motion was made.

Motion: Mr. Ehrig moved that the proposed rule would not have an adverse impact on small business or be likely to directly or indirectly increase regulatory cost to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule and that no statement of estimated regulatory cost need be prepared.

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

Rule 61G1-13.001, F.A.C., Experience Requirements – Thomas Campbell

61G1-13.001 Experience Requirements.

The requirements of Section 481.211, F.S. regarding the diversified program of architectural experience may be satisfied as follows:

(1) For applicants for initial licensure, pursuant to Section 481.209, F.S., or by endorsement, pursuant to Section 481.213(3)(a), F.S., completion of the Intern Development Program (IDP) through the National Council of Architectural Registration Boards (NCARB).

(2) For applicants for licensure by endorsement, pursuant to Section 481.213(3)(b), F.S., completion of the Intern Development Program (IDP) through the National Council of Architectural Registration Boards (NCARB) or two (2) years of experience as a licensed architect in another NCARB jurisdiction.

~~(3) For applicants for licensure by endorsement, pursuant to Section 481.213(3)(c), F.S., who have taken and passed only the Examination for Architects in Canada (EXAC), X (X) years of experience as a licensed architect in a NCARB or Canadian jurisdiction. For applicants who have taken and passed a professional practice examination as outlined in paragraph 4.4 (D) of the National Council of Architectural Registration Boards' (NCARB) July 2013 Certification Guidelines, incorporated by reference herein, five (5) years of experience as a licensed architect in a NCARB or Canadian jurisdiction.~~

Rulemaking Authority 481.2055, 481.211, ~~481.213(6)~~ FS. Law Implemented 481.211, ~~481.213~~ FS. History—New 12-23-79, Amended 5-18-83, Formerly 21B-13.01, Amended 12-10-86, 1-3-93, Formerly 21B-13.001, Amended 7-14-05, 10-28-12.

After discussion the following motion was made.

Motion: Mr. Rodriguez moved that the board notice Rule 61G1-13.001, F.A.C. for rule development and approve the language as drafted, with portions of the first sentence of paragraph 3 stricken, and add incorporated by reference herein.

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

After discussion the following motion was made.

- Motion: Mr. Rodriguez moved that the proposed rule would not have an adverse impact on small business or be likely to directly or indirectly increase regulatory cost to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule and that no statement of estimated regulatory cost need be prepared.
- Second: Mr. Ehrig seconded the motion and it passed unanimously.

Presentation by Frank Bosworth

University of Florida Graduate School of Architecture at CityLab-Orlando

Mr. Bosworth presented the different paths of graduate programs available through CitLab-Orlando. Based on the statute, the board administers the exam to graduates of a National Architectural Accrediting Board (NAAB) program. The proposed integrated path to licensure would allow students to begin the examination while in school and as part of the graduation process as well as incorporates NCARB exam and intern requirements. Mr. Campbell advised that he would research the application of the current statute and report back to the board and Mr. Bosworth.

In 2014 the board provided a letter of support of the integrated path to licensure to Florida education programs and Mr. Bosworth requested another letter of support from the board.

Ratification Lists

Licensure

Categories of Licensure: Architect License by Examination, Architect License by NCARB Examination, Architect License by NCARB Endorsement, Architect License by State Endorsement, Architect License by Reinstatement of Null and Void/Hardship, Architect Business by Corporation, Partnership, Limited Liability Company, and Fictitious Name, Architect Business License by Name Change, Interior Design, License by Endorsement, Interior Design by Dual License, Interior Design License by Null and Void/Hardship, Interior Design Business by Corporation, Partnership, Limited Liability Company, and Fictitious Name, Interior Design Business License by Dual, and Interior Design Business by Name Change.

- Motion: Ms. Bao-Garciga moved that the board approve the Licensure Ratification List as presented on page 68 of the agenda materials.
- Second: Ms. Fishburne seconded the motion and it passed unanimously.

Continuing Education

Courses submitted by the following providers: ACHA, Boss Construction School, Design Arts Seminars, Florida Concrete & Product Association, RedVector, and Simpson Strong-Tie.

Motion: Mr. Rodriguez moved that the board approve the Continuing Education Ratification List as presented on page 73 of the agenda materials.

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

Rules Report and Discussion

Ms. Clark reviewed the Rules Report and the status of the rules in progress and those that have been adopted.

Ms. Clark reported that Rule 61G1-21.003, F.A.C. and 61G1-24.001, F.A.C. were brought back before the board for revisions to the handbook. The rule must be updated to incorporate by reference the most recent handbook that the board approved in January 2016.

Motion: Mr. Rivers moved that the board notice Rule 61G1-21.003, F.A.C., for rule development as amended.

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

Motion: Mr. Rodriguez moved that the board notice Rule 61G1-24.002, F.A.C., for rule development as amended.

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

Motion: Mr. Rodriguez moved that the proposed Rules 61G1-21.003, F.A.C. and Rule 61G1-24.002, F.A.C. would not have an adverse impact on small business or be likely to directly or indirectly increase regulatory cost to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule and that no statement of estimated regulatory cost need be prepared.

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

Reports

Board Chair's Report – Jonathan Toppe

Mr. Toppe encouraged board member participation on NCARB Committees.

Mr. Toppe appointed the following to the Probable Cause Panel.

Wendell Hall, Architect, Chair

Joyce Shore, Interior Designer

Dylan Rivers, Consumer

Francisco Costoya, Architect, and Hector Fernandez, Architect will rotate this position

Mr. Toppe appointed Kenan Fishburne, Interior Designer, as the CIDQ Delegate and himself as the NCARB Delegate.

Executive Director's Report – Thomas Campbell

Legislative Update

Mr. Campbell reported on the Department's House Bill 535 and Senate Bill 1080. House Bill 535 removes the Florida Building Commissions duties to certify the Building Code training courses. Senate Bill 1050 eliminates duplicative licensing requirements or excessive regulations such as the certificate of authorization. The certificate of authorization would be replaced with a qualifying agent; which is an individual licensee tied to a business instead of the business obtaining the additional license. Mr. Minacci reported that changes would not impact prosecution. Ms. Long reported that AIA Florida has worked with the Department to address their concerns.

Financial Statement

Operating Account ending September 30, 2015

Unlicensed Activity Account ending September 30, 2015

Mr. Campbell reviewed the financial reports and reported that the board is a good financial position.

AIA Florida – Vicki Long

Ms. Long reported that AIA Florida has new Florida Building Code advanced courses available online to licensees, AIA Florida's Board completed a three year strategic planning session, they provided two programs of Architect and Education with Licensed Architects meeting with fifth graders, and completed a Grassroots Development Meeting with Leadership regarding Association Management.

Ms. Long reported that their concerns with proposed changes to the Florida Board of Professional Engineers' Rule 61G15-35.004, F.A.C., threshold inspectors, was resolved and Rule 61G15-18.011, F.A.C., traffic engineering, was up for reconsideration at a later date. AIA Florida will continue to monitor the changes and be present for discussions to provide input on proposed language.

Ms. Long reported that they are monitoring House Bill 273 for predator lawsuits regarding public records. They are monitoring House Bill 535 regarding the administrative process of accrediting and approving Florida Building Code advance courses and the Bill's impact on their courses. They are monitoring House Bill 95 regarding public private partnerships. They are monitoring House Bill 297 regarding the statute of repose.

Ms. Long reported that they will revisit or reaffirm the 2011 Florida Building Officials' Professional Guide produced by the Associations representing architects, engineers, and building officials.

Ms. Long reported that they have a concern with Florida State University renaming their Interior Design program to Interior Architecture. Clarification was given that the degree or program name of Interior Design did not change but the Department that the program is housed changed from the Department of Fine Arts to the Department of Interior Architecture and Design. The board discussed a concern that the term Interior Architecture is misleading to the students and public that interior designers can practice architecture or become licensed as architects.

IDAF – Cynthia David

Ms. David, President IDAF, reported that she would be providing a report for Florida Chapters IIDA, ASID, and NEWH. She reported that there were joint IIDA and ASID Advocacy meetings held to discuss issues for the upcoming year including Legislative issues. She reported that Ms. Suttles was attending the Florida Building Commission meeting being held today in Jacksonville. IDAF is working towards the clarification of terms regarding the Interior Architecture degree. They are monitoring Senate Bill 1050.

Ms. David reported that Interior Design and Architecture students attending Florida International University (FIU) have established an IIDA Student Center. Local IIDA members meet with students to educate them on business practices regarding CIDQ registration and advocacy support.

Ms. David reported that the Florida State University, Department of Interior Architecture and Design, Interior Design program was reaccredited for six years by the Council of Interior Design Accreditation (CIDA).

Ms. David reported that the IIDA Central Chapter in 2015 marked their First Annual Interior Design Excellent Awards Design Competition, had representatives that attended the 2015 Advocacy Symposium in Austin, Texas, and have established Twitter, Facebook, and LinkedIn for 2016. She reported that the IIDA South Chapter was encouraging all to attend the Annual Regional Trade Show – SUNCON at the Broward Convention Center Thursday, February 25, 2016. A two hour Florida Building Code advance course will be offered at the convention as well as a student competition.

Ms. David invited the board members to attend the Annual Fashion Show held at the Perez Museum, Miami, on Saturday, March 12, 2016.

Ms. David reported all ASID Chapters promote and offer continuing education courses.

ASID – Dave Roberts

Mr. Roberts reported that Congress enacted the Real Estate Investment Job Act which changed Foreign Investment of Real Property Tax Act (FIRPTA). They are monitoring House Bill 535 and Senate Bill 1050.

Prosecuting Attorney's Report – David K. Minacci

Prosecutor's Case List Licensed/Unlicensed Cases

Investigator's Case List Licensed/Unlicensed Cases

Fines Chart – Summary

Fines Chart – Unlicensed

Fines Chart – Licensed

Billable Hours – September 2015

Billable Hours – October 2015

Billable Hours - November 2015

Billable Hours – December 2015

Results of October 2015 Board Meeting

Antitrust Presentation

Mr. Tellechea and Ms. Brady were present to inform the board that they would no longer have the state action immunity from Antitrust causes of action as a result of the North Carolina Board of Dental Examiners vs. Federal Trade Commission. They provided background information on the case and the implications it has on licensure boards' actions currently and in the future.

Future Board Meetings

Location: Fernandina Beach, Florida

Resident Inn Amelia Island, 2301 Sadler Road, Fernandina Beach, Florida 32034. Telephone (904) 277-24040

May 11, 2016, 9:00 a.m. – Probable Cause Panel Meeting

May 12-13, 2016, 9:00 a.m. – General Business Meeting

Meeting in conjunction with AIA

Location: Palm Beach, Florida

The Breakers Palm Beach, 1 S County Road, Palm Beach, Florida 33480

Telephone (561) 655-6611

One South County Road, Palm Beach Florida 33480

July 18, 2016, 9:00 a.m. – Probable Cause Panel Meeting

July 19-20, 2016, 9:00 a.m. – General Business Meeting

Location: Marco Island

Hilton Marco Island, 560 South Collier Blvd, Marco Island, Florida 34145

Telephone (239) 394-5000

October 26, 2016, 9:00 a.m. – Probable Cause Panel Meeting

October 27-28, 2016, 9:00 a.m. – General Business Meeting

New Business

No new business.

Old Business

No old business.

Recess

The meeting recessed at 5:06 p.m.

MINUTES

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Crowne Plaza Orlando Universal
7800 Universal Boulevard
Orlando, Florida 32819
407.355.0550**

**February 11, 2016
9:00 a.m.**

General Business

Call to Order

Mr. Toppe, Chair, called the meeting to order at 9:00 a.m. and a quorum was established.

Board Members Present:

John Ehrig
Miguel Rodriguez
Francisco Costoya, Jr.
Jonathan Toppe, Chair
Hector Fernandez, Vice-Chair
Kenan Fishburne
Aida Bao-Garciga
Dylan Rivers
James Blanz
Ivette O'Doski

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Thomas Campbell, Executive Director
Donald Shaw, Government Analyst
Michael Armstrong, NCARB
Kathy Hillegas, NCARB
Holly Dennis, New Board Appointee
Michael Wirtz
Jeff Peters
Mark Richter
Ruben Pujol
Thomas Schwiebert
Jack Harris
Ed Bayo

Court Reporter: American Court Reporting, 3213 Hargil Drive, Orlando, Florida, 32806. Telephone (407) 896-1813 Email reportingorlando@aol.com

Application Review

Thomas Schwiebert – NCARB Endorsement

Mr. Schwiebert was present and sworn in by the court reporter. The application was before the board based on affirmative answer to a background question regarding a criminal conviction. After discussion the following motion was made.

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

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

Disciplinary Cases

Mr. Rivers requested to be excused from the meeting due to his participation on the Probable Cause Panel and his concerns regarding the Antitrust issue. Mr. Toppe granted his request.

DBPR vs. Christopher P. Miller

Case Number 2014-030129

PCP: Hall, Shore, Costoya, and Rivers

Mr. Miller was not present but was represented by Jeff Peters. Mr. Costoya was recused from the review of the case based on his participation on the probable cause panel. The case was before the board based on two prior final orders against the respondent. Probable cause was found to issue a two count administrative complaint for failing to comply with a lawful order of the board dated November 23, 2011 and February 6, 2013.

The Probable Cause Panel recommended suspension until compliance plus costs. The settlement stipulation reflects \$11,755.00 fine and \$825.00 costs to be paid within two years of the filing of the final order.

After reviewing the case and board discussion, the board made the following motion.

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

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

DBPR vs. Jack Harris and Jack Harris Designs, Inc.

Case Number 2014-047990

PCP: Hall, Shore, Costoya, and Rivers

Mr. Harris was present and sworn in by the court reporter. Mr. Costoya was recused from the review of the case based on his participation on the Probable Cause Panel. The case was before the board based on a one count administrative complaint for using the title architect without a license.

The Probable Cause Panel recommendation was a \$1,000.00 fine plus \$1,972.50 costs. Mr. Harris requested a formal hearing. The case was forwarded to the Division of Administrative Hearings (DOAH), on September 17, 2015, Mr. Minacci filed a request for admissions, Mr. Harris failed to respond, and on November 12, 2015, DOAH entered an order relinquishing jurisdiction to the board. Therefore, the facts of the case were admitted.

After reviewing the case and board discussion, the board made the following motion.

Motion: Mr. Ehrig moved that the board finds that the facts are deemed admitted based on the Administrative Law Judge's Order and adopt as the board's findings of fact.

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

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

Second: Ms. Bao-Garciga seconded the motion, it passed with Ms. Fishburne opposed.

Motion: Ms. O'Doski moved the board impose no fine or costs.

Second: Mr. Rodriguez seconded the motion, it passed with Mr. Fernandez opposed.

DBPR vs. Michael Sheeley and Sheeley Architects, Inc.

Case Number 2014-046143

PCP: Hall, Shore, Costoya, and Rivers

Mr. Sheeley was not present but was represented by Ed Bayo. Mr. Costoya was recused from the review of the case based on his participation on the Probable Cause Panel. The case was before the board based on a two count administrative complaint for failing to exercise responsible supervisory control and aiding and abetting the unlicensed practice of architecture.

The Probable Cause Panel recommended a \$6,000.00 fine plus \$1,785.00 costs. The settlement stipulation reflects a \$2,000.00 fine plus \$1,785.00 costs and an appearance before the board.

After reviewing the case and board discussion, the board made the following motion.

Motion: Ms. Bao-Garciga moved that the board approve the settlement stipulation as presented.
Second: Mr. Blanz seconded the motion and it passed unanimously.

DBPR vs. Ruben J. Pujol
Case Numbers 2014-044272 and 2014-048926
PCP: Hall, Shore, Costoya, and Rivers

Mr. Pujol was present, sworn in by the court reporter, and represented by Amie Patty. Mr. Costoya was recused from the review of the case based on his participation on the Probable Cause Panel. The case was before the board based on a two count administrative complaint for failing to exercise responsible supervisory control and aiding and abetting the unlicensed practice of architecture.

The Probable Cause Panel did not make a recommendation. The settlement stipulation reflects a reprimand, \$3,000.00 fine plus \$2,635.08 costs, and two years' probation.

After reviewing the case and board discussion, the board made the following motion.

Motion: Mr. Rodriguez moved that the board approve the settlement stipulation as presented.
Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

DBPR vs. Mark Vincent Richter and Richter Engineering, Inc.
Case Number 2013-044086
PCP: Hall, Shore, Costoya, and Rivers

Mr. Richter was present and sworn in by the court reporter. Mr. Costoya was recused from the review of the case based on his participation on the Probable Cause Panel. The case was before the board based on a two count administrative complaint for practicing architecture without a license per Section 481.223(1) (a), Florida Statutes, and practicing architecture through a business entity without a certificate of authorization per Section 481.219 (2), Florida Statutes.

The Probable Cause Panel recommendation was \$4,500.00 fine plus \$1,522.50 costs. The settlement stipulation reflects a \$2,500.00 fine plus \$1,522.50 costs.

The board reviewed the Department's disciplinary guidelines and after discussion the following motion was made.

Motion: Mr. Blanz moved that the board approve the settlement stipulation as presented.
Second: Ms. O'Doski seconded the motion and it passed unanimously.

DBPR vs. Emilio Agrenot
Case Number 2014-008444
PCP: Hall, Shore, Costoya, and Rivers

Mr. Agrenot was not present or represented by counsel. Mr. Costoya and Mr. Rodriguez were recused from the review of the case based on their participation on the Probable Cause Panel. The case was before the board based on a three count administrative complaint for committing misconduct in the practice of architecture, failing to comply with a lawful order of the board, and failing to perform a statutory or legal obligation.

The respondent requested a formal hearing. The case was forwarded to the Division of Administrative Hearings (DOAH), on September 17, 2015 Mr. Minacci filed a request for admissions, Mr. Agrenot failed to respond, and on October 13, 2015 DOAH entered an order relinquishing jurisdiction to the board. Therefore, the facts of the case were admitted.

The Probable Cause Panel recommended revocation. After reviewing the case and board discussion, the board made the following motion.

Motion: Ms. O'Doski moved that the board finds that the facts are deemed admitted based on the Administrative Law Judge Order and that the board adopts the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Mr. Fernandez moved that the board revoke the license and impose \$1,967.50 costs to be paid within 30 days of the filing of the final order.

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

DBPR vs. Noreen Sachs
Case Number 2014-023954
PCP: Hall, Shore, Costoya, and Rivers

Ms. Sachs was not present or represented by counsel. Mr. Costoya was recused from the review of the case based on his participation on the Probable Cause Panel. The case was before the board based on a one count administrative complaint for failing to complete continuing education as required for renewal of the license. The respondent requested a formal hearing. The case was referred to the Division of Administrative Hearings (DOAH) on June 2, 2015, the respondent failed to respond to the request for admissions, and on July 24, 2015 DOAH relinquished jurisdiction the board.

The Probable Cause Panel recommended a \$1,000.00 fine plus \$1,170.00 costs and 32 hours of continuing education to be completed within 150 days of the final order.

After reviewing the case and board discussion, the board made the following motion.

Motion: Ms. O'Doski moved that the board finds that the facts are deemed admitted based on the Administrative Law Judge's Order and adopt as the board's findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Mr. Fernandez moved that the board impose \$1,000.00 fine plus \$1,170.00 costs and 32 hours of continuing education within 150 days of the final order.

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

The board requested that a case be opened for filing a false report.

DPBR vs. Alexander Preston, III and The Forum Group & Associates, LLC
Case Number 2014-006836

PCP: Hall, Shore, Costoya, and Rivers

The respondent was not present or represented by counsel. Mr. Costoya was recused from the review of the case based on his participation on the Probable Cause Panel. The case was before the board based on a one count administrative complaint for using the title architect without a license per Section 481.223(1) (c), Florida Statutes. Service of the administrative complaint was attempted at the last known address and service was achieved through publication in the Louisiana Weekly. The respondent has failed to respond.

The Probable Cause Panel recommended a \$5,000.00 fine plus \$1,159.96 costs. The Department's disciplinary guidelines recommend a \$1,000.00 fine plus costs.

After reviewing the case and board discussion, the board made the following motion.

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

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

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

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

Motion: Mr. Ehrig moved that the board impose a \$1,000.00 fine plus \$1,159.96 costs.

Second: Ms. Bao-Garciga seconded the motion, it passed with Mr. Rodriguez opposed.

DBPR vs. Flack Architecture, LLC and Grover C. Flack, Jr.

Case Number 2015-018840 and 2015-018855

PCP: Hall, Shore, Costoya, and Rivers

The respondent was not present or represented by counsel. Mr. Costoya was recused from the review of the case based on his participation on the Probable Cause Panel. The case was before the board based on a two count administrative complaint for practicing architecture without a license per Section 481.223(1) (a), Florida Statutes, and practicing architecture through a business entity without a certificate of authorization per Section 481.219 (2), Florida Statutes. The respondent filed an election of rights on November 12, 2015 and did not dispute the facts.

The Probable Cause Panel recommended a \$4,500.00 fine plus \$675.00 costs.

After reviewing Department's disciplinary guidelines and board discussion, the board made the following motion.

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

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

Motion: Mr. Rodriguez moved that the board impose a \$4,500.00 fine plus \$675.00 costs.

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

DBPR vs. Thomas Lanier Melton

Case Number 2014-050639

PCP: Hall, Shore, Costoya, and Rivers

Mr. Melton was not present or represented by counsel. Mr. Costoya was recused from the review of the case based on his participation on the Probable Cause Panel. The case was before the board based on a two count administrative complaint for failing to exercise responsible supervisory control and aiding and abetting unlicensed practice of architecture.

The Probable Cause Panel recommended a \$3,000.00 fine plus \$2,220.00 costs. The settlement stipulation reflects the Probable Cause Panel's recommendation.

After reviewing the case and board discussion, the board made the following motion.

- Motion: Mr. Blanz moved that the board approve the settlement stipulation as presented.
Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

DBPR vs. American Architectural Graphics, Inc. and Wendy Sydeski
Case Number 2013-035518

PCP: Hall, Shore, Costoya, and Rivers

The respondent was not present or represented by counsel. Mr. Costoya was recused from the review of the case based on his participation on the Probable Cause Panel. The case was before the board based on a two count administrative complaint for practicing architecture without a license per Section 481.223(1) (a), Florida Statutes, and practicing architecture through a business entity without a certificate of authorization per Section 481.219 (2), Florida Statutes.

The Probable Cause Panel recommended a \$3,000.00 fine plus \$240.00 costs. The settlement stipulation reflects \$240.00 costs.

After reviewing the case and board discussion, the board made the following motion.

- Motion: Mr. Fernandez moved that the board approve the settlement stipulation as presented.
Second: Mr. Blanz seconded the motion and it passed unanimously.

DBPR vs. Michael A. Heron and Michael Heron & Assoc., Inc.
Case Number 2013-041683

PCP: Hall, Shore, Costoya, and Rivers

The respondent was not present or represented by counsel. Mr. Costoya was recused from the review of the case based on his participation on the Probable Cause Panel. The case was before the board based on a four count administrative complaint for practicing architecture without a license per Section 481.223(1) (a), Florida Statutes, using the title architect per Section 481.223(1) (c), Florida Statutes, using the license of another per Section 481.223(1) (d), Florida Statutes, and practicing architecture through a business entity without a certificate of authorization per Section 481.219 (2), Florida Statutes.

The Probable Cause Panel recommended a \$10,500.00 fine plus \$2,115.00 costs. The settlement stipulation reflects a \$7,500.00 fine plus \$2,115.00 costs.

After reviewing the case and board discussion, the board made the following motion.

Motion: Ms. Bao-Garciga moved that the board approve the settlement stipulation as presented.
Second: Mr. Fernandez seconded the motion and it passed unanimously.

DBPR vs. Mariela Martin-Fernandez and Remodel by Design, LLC
Case Number 2014-042066

PCP: Hall, Shore, Costoya, and Rivers

The respondent was not present or represented by counsel. Mr. Costoya was recused from the review of the case based on his participation on the Probable Cause Panel. The case was before the board based on a three count administrative complaint for practicing architecture without a license per Section 481.223(1) (a), Florida Statutes, using the title architect per Section 481.223(1) (c), Florida Statutes, and practicing architecture through a business entity without a certificate of authorization per Section 481.219 (2), Florida Statutes.

The Probable Cause Panel recommended a \$4,500.00 fine plus \$1,672.50 costs. The settlement stipulation reflects a \$1,250.00 fine plus \$1,672.50 costs and an appearance before the board.

After reviewing the case and board discussion, the board made the following motion.

Motion: Mr. Rodriguez moved that the board reject the settlement stipulation as presented.
Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

Motion: Mr. Fernandez moved that the board impose \$4,500.00 fine plus \$1,672.50 costs to be paid within 30 days and an appearance.
Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

DBPR vs. Debra L. Yates
Case Number 2013-047455

PCP: Hall, Shore, Toppe, and Rivers

The respondent was not present or represented by counsel. Mr. Costoya and Mr. Toppe were recused from the review of the case based on their participation on the Probable Cause Panel. Mr. Fernandez, Vice-Chair, conducted the hearing. The case was before the board based on a two count administrative complaint for practicing architecture without a license per Section 481.223(1) (a), Florida Statutes and practicing architecture through a business entity without a certificate of authorization per Section 481.219 (2), Florida Statutes. This is a second offense.

The Probable Cause Panel recommended a \$10,000.00 fine plus \$525.00 costs. The settlement stipulation reflects \$4,000.00 fine plus \$525.00 costs.

After reviewing the case and board discussion, the board made the following motion.

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

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

Voluntary Relinquishment

The following were handled on a consent agenda. Mr. Costoya was recused based on his participation on the Probable Cause Panel.

DBPR vs. Lynn Nussbaum
Case Number 2015-044123

DBPR vs. Desmond Perschall
Case Number 2014-009515
PCP: Hall, Shore, Costoya, and Rivers

DBPR vs. Terrance J. Short
Case Number 2015-047245

DBPR vs. Emery C. Stewart, Jr.
Case Number 2015-047279

DBPR vs. Julie E. Swiatek
Case Number 2015-044134

Motion: Ms. Bao-Garciga moved that the board approve the voluntary relinquishments as presented.

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

General Discussion

Application Reviews – Thomas Campbell

Mr. Campbell reminded the board that discussions regarding application reviews should be contained to the issue at hand such as affirmative answers to background questions and the materials within the agenda.

The following items were pulled from the agenda.

Chapter 481.229, F.S., Exemptions – Hector Fernandez

Rule Chapter 61G1-23, F.A.C., Supervisory Control – Thomas Campbell

Board Member Training

Ms. Clark, Mr. Minacci, and Mr. Campbell presented the New Board Member Training and answered questions from the board members.

New Business

NCARB Presentation

Michael Armstrong and Kathy Hillegas

Mr. Armstrong reported that NCARB was working to serve the licensure boards to facilitate licensure, foster collaboration, and centralize data.

- He reported that the Intern Development Program (IDP) guidelines would change June 29, 2016, to allow for an E-Portfolio Alternative and the program will be renamed the Architectural Experience Program (AXP). The categories for experience will be reduced but will be in line with the upcoming changes to the exam.
- He provided a brief review of some of the upcoming changes to the Broadly Experienced Architecture (BEA) program.
- He provided a brief overview of the changes to the ARE 5.0 that will be launched in the Fall of this year.
- He provided a brief overview of the Integrated Path to Licensure.
- He provided an overview regarding negotiations between Association of Collegiate Schools of Architecture (ACSA) and the National Architectural Accrediting Board (NAAB) on program changes, NCARB and AIA support NAABs suggested changes.
- He provided an update that the American Institute of Architects Students (AIAS) are adding a board position known as an NCARB Liaison.
- He provided information on the ethics of being a good supervisor for interns.
- Mr. Armstrong encouraged board members to participate on NCARB committees.
- Ms. Hillegas reviewed her role as a collaborator of information for states and provide helpful tools to assist boards in licensing and regulating the profession.
- Mr. Armstrong reported that they were monitoring the Antitrust issues.

The board members discussed their concerns regarding the Antitrust Presentation and their roles as board members.

Motion: Ms. Bao-Garciga moved that the Board Chair write a letter to Governor Scott and copy Secretary Lawson, stating that this board would not conduct business until they were assured that the board members were provided Indemnification Insurance as a result of performing their duties on behalf of the state of Florida.

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

After additional discussion regarding the Antitrust Presentation the following motions were made regarding rules.

Motion: Ms. Bao-Garciga moved that the board reconsider rulemaking on Rules 61G1-13.001 and 61G1-14.001, F.A.C.

Second: Mr. Costoya seconded the motion, it passed with Mr. Rodriguez opposed.

Motion: Mr. Ehrig moved that the board table the discussion on Rules 61G1-13.001 and 61G1-14.001, F.A.C.

Second: Ms. Fishburne seconded the motion, it passed with Mr. Rodriguez opposed.

Old Business

No Old Business.

Adjourn

Motion: Mr. Rodriguez moved that the board meeting adjourn.

Second: Ms. O'Doski seconded the motion and it passed unanimously.

The meeting adjourned at 1:27 p.m.