

MINUTES  
BOARD OF ARCHITECTURE AND INTERIOR DESIGN

TELEPHONE CONFERENCE CALL

March 22, 2011

2:00 p.m. Eastern Time

Toll Free 888.808.6959 conference code 4879597

Call to Order

Mr. Ehrig, Chair, called the meeting to order at 2:09 p.m.

Roll Call

Board Members Present:

John Ehrig, Chair

E. Wendell Hall

Warren Emo

Johnstone Reid, Jr.

Aida Bao-Garciga

Joyce Shore

J. Emory Johnson

Wanda Gozdz

Board Member Absent:

Garrick Gustafson, unexcused

Others Present:

Mary Ellen Clark, Board Counsel

David Minacci, Prosecuting Attorney

Anthony Spivey, Executive Director

Terri McEwen, Government Analyst

M.H. Allen

Trent Manausa

Jay Chung

Robert Herscoe

Tim Vaccaro

Joseph Dean

George Ayrish

Mr. Spivey requested that individuals block out all background noise and individuals identify themselves before speaking.

Mr. Ehrig announced that the telephone conference was being held for application reviews, requests continuing education extensions, and general business items for information

purposes only and limited discussion for full review in May. Mr. Ehrig commented that the conference call was not for individuals to market, lobby, or discuss the interior design deregulation House Bill 5005. He commented that the conference call was for licensing and regulation.

## **Application Review**

Jay Chung

Mr. Chung was present. Mr. Chung applied for licensure through state endorsement. He has a four year Bachelor of Science in Architectural Studies. He does not meet the first professional degree of five years or more as outlined in rule 61G1-13.003, Florida Administrative Code.

Mr. Chung graduated from a National Architectural Accreditation Board (NAAB) school but with a four year pre-professional degree. Mr. Hicks, the board's consultant, recommended denying the application.

Mr. Chung commented that he interprets Chapter 481.213(3) (b), Florida Statute to be substantially equivalent to the Illinois licensing law. He commented that Illinois allows a NAAB degree with experience to meet the five year education requirement.

Ms. Clark commented that Illinois allowed for a four year degree and substitution of the fifth year with experience which is not substantially equivalent to Florida's requirements.

Motion: Mr. Hall moved that the board deny the application because the criteria for licensure in Wisconsin in 1998 or Illinois in 2011 was not substantially equivalent to the licensure criteria that existed in Florida at those times per Chapter 481.213(3)(b), Florida Statutes and Rule 61G1-13.003(2), Florida Administrative Code.

Second: Mr. Johnson seconded the motion.

Mr. Chung commented that he was applying by endorsement not examination. Mr. Chung quoted Chapter 481.209(1), Florida Statutes which allows for a NAAB degree or a board approved degree. The board explained that he did not have a five year professional degree as required.

The question was called and it passed unanimously.

Robert Herscoe

Mr. Herscoe was present. Mr. Herscoe applied for licensure by direct endorsement. Mr. Herscoe was initially licensed in Florida in 2000. His license was suspended for failing to comply with a citation issued in 2005 for the Florida Building Code Core course and payment of a fine. Mr. Herscoe paid the fine and completed the Florida Building Code Core course prior to today's meeting.

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

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

## **Requests for continuing education extension**

Joan Greenfield

Ms. Greenfield requested an extension to complete the continuing education requirements due to hardship and provided documentation of her illness.

Motion: Mr. Hall moved that the board grant her a 90-day extension to complete the continuing education requirements.

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

Michael Corbett

Mr. Corbett requested an extension to complete the continuing education requirements due to hardship based on illness.

Motion: Ms. Bao-Garciga moved that the board grant him a 90-day extension to complete the continuing education requirements.

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

## **General Business** (information purposes only)

This item will be placed on the May agenda for discussion

Article on the Locke vs. Shore Lawsuit

Ruling on the Locke vs. Shore Lawsuit Appeal

Mr. Ehrig commented that the information was provided for review and will be discussed at the May board meeting. Mr. Glogau will attend the meeting to update the board. Ms. Clark commented that the case law overrules the current statute.

## **New Business**

No new business.

## **Old Business**

Board's Operating Budget (e-mailed)

Unlicensed Activity Account (e-mailed)

Deregulation HB 5005 (e-mailed)

Mr. Emo commented that the unlicensed activity account information was incomplete.

Mr. Johnson commented that he followed up on the Task Force which consisted of himself, Mr. Emo, Mr. Minacci, Ms. Gozdz, and Mr. Manausa to utilize the unlicensed activity funds to combat unlicensed activity. He commented that they attempted to meet however, they were not able to because there was no one in the department available to answer questions regarding the funds.

Mr. Johnson commented that he, Mr. Spivey, and Mr. Vaccaro spoke and it was explained that only the funds approved by the Legislature could be used. He commented that the unlicensed

activity funds were being used for the privatization contract for prosecution and investigation. He commented that the remaining funds were placed in the trust funds which are subject to be swept by the Legislature. Mr. Spivey explained the difference between budget authority and cash authority.

Mr. Johnson requested that Mr. Spivey provide the year end projected income. Mr. Spivey replied that he would contact Finance and Accounting for that information. Mr. Johnson asked if the projected amount was going to be less or in excess of what the privatization contract utilizes. Mr. Spivey replied that there is budget authority for the contracted amount and an overage could not be used.

Motion: Mr. Johnson moved that the board reduce all biennial fees to reflect a level necessary to implement the provisions of law with the respect to the regulation of architects and interior designers. Further and respect and acknowledge that the Governor's expressed desire to remove all added financial burdens to persons or businesses doing work in Florida that all funds currently held in the unlicensed activity account above those fees necessary to meet legislative mandated budget requirements be returned on a pro-ratio share to each licensed individual architect and interior designer.

Second: Ms. Gozdz seconded the motion.

Mr. Spivey commented that there was not a provision or law for Mr. Johnson's motion. He cautioned the board that they run the risk of reducing fees and the account being swept at the same time would put them in a deficit.

Ms. Clark commented that Mr. Johnson's motion addresses Rule 61G1-17.001, Florida Administrative Code, Fees. She commented that the board can't vote on proposed rule language when it has not been properly noticed. She commented they could discuss the issue and place it on the next agenda. She suggested that Mr. Johnson put his request in writing for the board to review and it be placed on the next agenda.

Mr. Johnson commented that he made the motion based on Chapter 481.207, Florida Statutes, Fees, which states the board shall establish the fees that are adequate to ensure operation of the board.

Mr. Johnson commented that there was no unlicensed activity budget for next year. He commented that the department's 2011-2012 budget request reflects a negative amount. He commented that there was a substantial amount being removed from the unlicensed activity account. He commented that fees were eliminated for board meetings as well.

Mr. Johnson commented that the budget was an important issue and asked if the budget included the funds for the privatization contract.

Mr. Vaccaro commented that every year the Legislature requires the department to perform a reduction exercise. He commented that the department must look at the budget and determine where they could cut expenses. He commented that it was an exercise and it does not mean the Legislature would accept that budget. He commented that the department does

the standard eight percent and the Legislature asked for a budget reduction of 15%. Mr. Vaccaro commented that the department must look at reducing the contracts as well.

Mr. Vaccaro commented that depending on what the Legislature approves for the board would determine the amount of the privatization contract. He commented that before the beginning of May the board would know what the budget would be for the next year.

Mr. Johnson commented that the department understands the importance of the privatization contract. He commented that he was disappointed that the board had to find out the budget information from a board member and not the department. He commented that the department should have notified the board of the reduction exercise and the proposed budget since it reduces the privatization contract.

Mr. Vaccaro commented that Mr. Johnson had asked for generic budget and fee information. He commented that it would be helpful if Mr. Johnson could pin point what information he was looking for and the department would provide that information.

Mr. Ehrig agreed with Mr. Johnson and stated the department should have provided the budget information to the board instead of a board member presenting the information. He commented that the budget exercise was an important issue.

Mr. Johnson commented that at the last board meeting several of the board members raised questions about the operating budget presented. He commented that the figures overlapped in areas, were provided in six month intervals and provided in years.

Mr. Ehrig requested that the budget item be addressed again at the May meeting as well as have a department representative attend the meeting to explain the budget reports.

Mr. Spivey requested that the board members submit their request for budget information in writing so he would have all of the information they were interested in at the May meeting.

Mr. Johnson withdrew the motion.

## **Adjourn**

Motion: Ms. Gozdz moved that the meeting adjourn.

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

The meeting adjourned at 3:00 p.m.