

MINUTES

**Board of Architecture and Interior Design
Hilton Cocoa Beach Oceanfront
1550 North Atlantic Avenue
Cocoa Beach, Florida 32931**

**April 3, 2014
9:00 a.m.**

General Business

Call to Order

Mr. Rodriguez, Chair, called the meeting to order at 9:10 a.m.

Roll Call

Members Present:

Miguel Rodriguez, Chair
Jonathan Toppe, Vice-Chair
Francisco Costoya
Hector Fernandez
John Ehrig
J. Emory Johnson
Aida Bao-Garciga
Kenan Fishburne
James Blanz
Dylan Rivers

Member Absent:

Ivette Arango O'Doski, excused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Juanita Chastain, Executive Director
Trent Manausa
Victoria Horbin, CIDQ President
Michelle Hernandez

Court Reporter: Cindy Green American Court Reporting, 425 Old Magnolia Road,
Crawfordville, Florida 32327. Telephone 407.896.1813. E-mail
reportingorlando@aol.com

Disciplinary Cases

Mr. Minacci requested that the board consider the following settlement stipulations and voluntarily relinquishments as a consent agenda.

Settlement Stipulations

Licensed

DBPR vs. Jorge C. Catalan
Case Number 2013-039596
PCP: Hall, Shore, and Costoya

DBPR vs. David M. Chason
Case Number 2012-052922
PCP: Hall, Shore, and Costoya

DBPR vs. Constance A. Davidson
Case Number 2013-041253
PCP: Hall, Shore, and Costoya

DBPR vs. Jason K. Gove
Case Number 2013-039601
PCP: Hall, Shore, and Costoya

DBPR vs. Clyde Joyner
Case Number 2013-039581
PCP: Hall, Shore, and Costoya

DBPR vs. Ricardo E. Ramos
Case Number 2013-017833
PCP: Hall, Shore, and Costoya

DBPR vs. Arthur C. Shand
Case Number 2013-030187
PCP: Hall, Shore, and Costoya

DBPR vs. Timothy Alan Wagoner
Case Number 2013-030221
PCP: Hall, Shore, and Costoya

DBPR vs. Christina Zagorac
Case Number 2013-030193
PCP: Hall, Shore, and Costoya

Unlicensed

DBPR vs. Snyder Drafting Services, Inc. and Robert L. Snyder
Case Number 2012-040509
PCP: Hall, Shore, and Costoya

Voluntary Relinquishment

DBPR vs. Mercia Ellis Bailey
Case Number 2013-051380

DBPR vs. Georgia L. Carlee
Case Number 2013-030184

DBPR vs. Richard Glen Moore
Case Number 2012-052965

DBPR vs. Peter Thomas Ricci
Case Number 2013-024768

DBPR vs. Salvador E. Subira
Case Number 2008-025280

DBPR vs. William M. Thompson
Case Number 2013-051548

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

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

Motion for Order Waiving Formal Hearing

Licensed

DBPR vs. Carlos Gles
Case Number 2012-052927
PCP: Hall, Shore, and Costoya

Mr. Gles was not present or represented by counsel. Mr. Costoya was recused from the vote based on his participation with the probable cause panel. The case was before the board based on a one count administrative complaint for failing to complete the required continuing education prior to license renewal. The administrative complaint was served by certified mail. The respondent failed to respond to the administrative complaint.

The probable cause panel recommended a \$1,000.00 fine plus costs, completion of 40 hours of continuing education, and suspension of the license until compliance.

Motion: Mr. Ehrig made a motion 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; 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. Ehrig made a motion that the board imposes a \$1,000.00 fine plus costs, completion of 40 hours of continuing education, and suspension of the license until compliance.

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

DBPR vs. Ida Sarah Goldstein

Case Number 2013-008862

PCP: Hall, Shore, and Costoya

Ms. Goldstein was not present or represented by counsel. Mr. Costoya was recused from the vote based on his participation with the probable cause panel. The case was before the board based on a one count administrative complaint for failing to complete the required continuing education prior to license renewal. The administrative complaint was served by certified mail. The respondent failed to respond to the administrative complaint.

The probable cause panel recommended a \$1,000.00 fine plus costs, completion of 40 hours of continuing education, and suspension of the license until compliance.

Motion: Ms. Bao-Garciga made a motion 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; and that the board adopts the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Ms. Bao-Garciga made a motion that the board imposes a \$1,000.00 fine plus costs, completion of 40 hours of continuing education, and suspension of the license until compliance.

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

DBPR vs. Jay Christopher Lovell

Case Number 2012-052961

PCP: Hall, Shore, and Costoya

Mr. Lovell was not present or represented by counsel. Mr. Costoya was recused from the vote based on his participation with the probable cause panel. The case was before the board based on a one count administrative complaint for failing to complete the required continuing education prior to license renewal. The administrative complaint was served and the respondent responded waiving his right to be heard.

The probable cause panel recommended a \$1,000.00 fine plus costs, completion of 40 hours of continuing education, and suspension of the license until compliance.

Motion: Ms. Fishburne made a motion 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; and that the board adopts the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Ms. Fishburne made a motion that the board imposes a \$1,000.00 fine plus costs, completion of 40 hours of continuing education, and suspension of the license until compliance.

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

DBPR vs. Donald P. Senatore

Case Number 2013-039606

PCP: Hall, Shore, and Costoya

Mr. Senatore was not present or represented by counsel. Mr. Costoya was recused from the vote based on his participation with the probable cause panel. The case was before the board based on a one count administrative complaint for failing to complete the required continuing education prior to license renewal. The administrative complaint was served by certified mail. The respondent failed to respond to the administrative complaint.

The probable cause panel recommended a \$1,000.00 fine plus costs, completion of 40 hours of continuing education, and suspension of the license until compliance.

Motion: Mr. Fernandez made a motion 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; 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.

The board discussed Mr. Lovell's response and mitigating factors. After discussion, the question was called and the motion passed with Mr. Ehrig opposed.

Motion: Mr. Fernandez made a motion that the board imposes a \$1,000.00 fine plus costs, completion of 40 hours of continuing education, and suspension of the license until compliance.

Second: Ms. Bao-Garciga seconded the motion.

Motion: Mr. Johnson moved that the motion be amended to reduce the fine to \$100.00 per Chapter 481.215(3), Florida Statutes.

Second: Mr. Fernandez seconded the motion.

After discussion of mitigating factors and optional penalties, Mr. Johnson withdrew his motion and Mr. Fernandez withdrew his second.

The question was called on the original motion, it passed with Mr. Johnson, Mr. Toppe, and Mr. Ehrig opposed.

DBPR vs. Gary Thresher

Case Number 2013-008887

PCP: Hall, Shore, and Costoya

Mr. Thresher was not present or represented by counsel. Mr. Costoya was recused from the vote based on his participation with the probable cause panel. The case was before the board based on a one count administrative complaint for failing to complete the required continuing education prior to license renewal. The administrative complaint was hand served. The respondent failed to respond to the administrative complaint.

The probable cause panel recommended a \$1,000.00 fine plus costs, completion of 40 hours of continuing education, and suspension of the license until compliance.

Motion: Ms. Bao-Garciga made a motion 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; and that the board adopts the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Ms. Bao-Garciga made a motion that the board imposes a \$1,000.00 fine plus costs, completion of 40 hours of continuing education, and suspension of the license until compliance.
Second: Mr. Ehrig seconded the motion and it passed unanimously.

DBPR vs. Marc E. Walk

Case Number 2013-041248

PCP: Hall, Shore, and Costoya

Mr. Walk was not present or represented by counsel. Mr. Costoya was recused from the vote based on his participation with the probable cause panel. The case was before the board based on a one count administrative complaint for failing to complete the required continuing education prior to license renewal.

The probable cause panel recommended a \$750.00 fine plus costs, completion of 26 hours of continuing education within 150 days of the final order. Mr. Minacci presented a settlement stipulation that reflected the probable cause panel's recommendation.

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

Unlicensed

DBPR vs. ART & Stylo and Ravaal Almada

Case Number 2013-004016

PCP: Hall, Shore, and Costoya

Mr. Minacci pulled the case from the agenda.

Settlement Stipulation

Licensed

DBPR vs. Rosario Salazar and Rosario Salazar Design, Inc.

Case Number 2013-013569

PCP: Hall, Shore, and Costoya

The respondent was not present or represented by counsel. The respondent is a licensed interior designer. The case was before the board based on a two count administrative complaint for offering architectural services without a license and offering services through a business without a certificate of authorization.

The probable cause panel recommended a \$3,000 fine plus cost. The settlement stipulation reflects a \$1,500 fine plus costs. The fine was reduced because this was a first time offense, the subject agreed to comply, and they applied for a certificate of authorization.

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

General Discussion

CIDQ President – Victoria Horbin

Ms. Horbin was present to answer the board's questions regarding NCIDQ exam reviews. Mr. Johnson reported that the department and CIDQ had worked towards finalizing the documents for applicants to apply to the department for an exam review similar to NCARB. Due to funding and lack of staff, the examination reviews would take place in Washington, DC. Mr. Johnson reported that only applicants that apply to the department for examination will have a right to review the examination. There is a \$75.00 application fee paid to the department and a \$300 application fee, per section, and \$300 per question for the multiple choice sections, paid to CIDQ.

Ms. Horbin provided an overview of the NCIDQ exam grading process. The board discussed multiple issues and examples of grading and reviewing exams.

Mr. Rodriguez advised Ms. Horbin that the board sent a letter to CIDQ regarding the concern of the interior design degree being retitled interior architecture within the educational institutions. Ms. Horbin reported that the Council for Interior Design Accreditation (CIDA) is the accrediting body for interior design. CIDQ qualifies candidates on the course content of their degree not the title of their degree. She advised that the title interior architecture is used and recognized world-wide.

Construction Contract Administration
This item was held for the April 4, 2014 agenda.

Review and Approval of Meeting Minutes

January 15, 2014 - Probable Cause Panel, Jacksonville, Florida (ratify)

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

January 16-17, 2014 – General Business, Jacksonville, Florida

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

February 24, 2014 General Business, Telephone Conference Call

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

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

Ratification List(s)

Licensure

Motion: Mr. Costoya moved that the board approve the licensure ratification list as presented on pages 1001-1003 in the agenda.

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

Continuing Education

Motion: Mr. Ehrig moved that the board approve the continuing education ratification list as presented on page 1007 in the agenda.

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

General Discussion

NCARB Proposed IDP Changes

After discussion the following motion was made.

Motion: Mr. Ehrig moved that the board approve the NCARB Proposed IDP Changes.

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

NCARB Draft Resolutions 2014 Regional Summit

The board briefly discussed the resolutions and the proposed changes.

NCARB TriNational Agreement

The board briefly discussed the agreement.

NCARB CEO Update

This was for information only.

Task List

The board briefly reviewed the list.

Rules Report

Rules Report

Ms. Clark presented the report and reported that the board received a letter from the Joint Administrative Procedures Committee (JAPC) regarding Rule 61G1-

11.018, F.A.C., Public Comment. Ms. Clark reported that she responded to their concerns and the rule would be effective by the end of April. Ms. Clark reported that Rule 61G1-25.003, F.A.C., Qualification Program for Threshold Building Inspectors would be effective April 21, 2014.

2014-2015 Regulatory Plan

Ms. Clark requested that the board consider rules for the 2014-15 Regulatory Plan and bring those forward during tomorrow's meeting.

Recess

The meeting recessed at 12:03 p.m.

MINUTES

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Hilton Cocoa Beach Oceanfront
1550 North Atlantic Avenue
Cocoa Beach, Florida 32931**

**April 4, 2014
9:00 a.m.**

General Business

Call to Order

Mr. Rodriguez, Chair, called the meeting to order at 9:00 a.m.

Roll Call

Members Present:

Miguel Rodriguez, Chair
Jonathan Toppe, Vice-Chair
Francisco Costoya
Hector Fernandez
John Ehrig
J. Emory Johnson
Aida Bao-Garciga
Kenan Fishburne
James Blanz
Dylan Rivers

Member Absent:

Ivette Arango O'Doski, excused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Juanita Chastain, Executive Director
Trent Manausa
David Roberts
Michelle Hernandez

Court Reporter: Cindy Green American Court Reporting, 425 Old Magnolia Road, Crawfordville, Florida 32327. Telephone 407.896.1813. E-mail reportingorlando@aol.com

Mr. Rodriguez presented Mr. Ehrig with a plaque thanking him for his four years of service to the board as Chair.

Mr. Rodriguez appointed Dylan Rivers as the consumer member to the probable cause panel.

Construction Contract Administration

The language presented was the draft language approved by the board during the February 24, 2014 telephone conference call. Mr. Butler, President, with AIA Florida reported that they would be reviewing the language at their upcoming meeting. The board discussed the language and made minor revisions. Mr. Ehrig would make the changes and provide a final version later in the meeting.

Chair's Report – Miguel Rodriguez

Mr. Rodriguez reported that while attending the NCARB Annual Convention he was made aware of Mississippi's statutes and rules that address the interior architecture issue. He was going to research the language and report back to the board.

Mr. Rodriguez reported that he voiced a concern at the Department's Chairs and Vice-Chairs meeting that Ms. Clark was not able to provide advice regarding proposed legislative language. He reported that other boards have voiced the same concern.

Mr. Toppe reported on the Region 3, Educators Conference. He reported that there were discussions about what to call interns and why it takes so long from graduation to licensure.

Mr. Rodriguez reported that he serves on a Licensure Task Force and they are launching a pilot program that should address the length of time from graduation to licensure.

Executive Director's Report – Juanita Chastain

Financial Statement

Operating ending December 31, 2013

Unlicensed Activity Account ending December 31, 2013

Renewal Fee Holiday

Ms. Chastain reviewed the financial statements and informed the board that the department was considering a \$75.00 fee holiday for renewal due to the board's large cash balance. The board discussed a fee reduction of \$25. Ms. Chastain will research the fee reduction and bring the projections to the board at the July meeting.

AIA Report – Vicki Long

Ms. Long and Mr. Butler were present and reported on their upcoming Annual Convention in July. They reported that they are updating and upgrading their web site. They reported that NCARB was meeting with the universities throughout Florida and AIA Florida was working with them regarding the intern development program. They reported that they were monitoring bills that may impact the profession and the appropriation for the privatization contract. They reported that they were looking at the use of the term “intern” and possible changing the title for interns. They reported that an AIA Florida member was appointed to the Building Code Administrators and Inspectors Board. They reported on the white paper regarding the road to licensure and streamlining the licensure process.

Ms. Long reported that there was an unlicensed activity article in the Florida Trend for Certified Public Accountants and that it was funded by the department. She requested that the department consider the same for this board and professions. The board requested that Ms. Chastain request that the unlicensed activity funds be used to sponsor an article or public service announcement for this board and professions. The board discussed crafting an approach regarding public service announcements then request funding from the department.

IDAF – Doug Feldman
No report.

ASID – Dave Roberts

Mr. Roberts reported on an upcoming 2014 Legislative Symposium in Orlando. He reported that they were monitoring bills that may impact the profession.

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 – Licensed
Fines Chart – Unlicensed
Billable Hours December 2013
Billable Hours January 2014
Billable Hours February 2014
Results of January 2014 Board Meeting

Press Releases/Speaking Engagements/Other Correspondence

Mr. Minacci reported that they hired a part time investigator, Les Smith. He reported that he gave a presentation on unlicensed activity to the architects, engineers, and building officials. He reported that he had upcoming presentations in West Palm Beach and then Gainesville.

2014-2015 Regulatory Plan

The board discussed and the following motion was made.

Motion: Ms. Bao-Garciga moved that the board add Rule 61G1-17.001, F.A.C., fee for architects and 17.002, F.A.C., fees for interior designers to the 2014-15 Regulatory Plan.

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

Future Board Meetings

The board scheduled a telephone conference call May 13, 2014 at 11:00 a.m.

July 14-16, 2014 – Miami, Florida
Trump National Doral Golf & Spa Resort
440 NW 87th Avenue
Miami, Florida 33178

July 14, 2014, 9:00 a.m. – Probable Cause Panel Meeting

July 15-16, 2014, 9:00 a.m. – General Business Meeting

October 27-29, 2014 – Location TBD

October 27-28, 2014, 9:00 a.m. – General Business Meeting

October 29, 2014, 9:00 a.m. – Probable Cause Panel Meeting

The board discussed having a joint meeting with the Board of Professional Engineers regarding practice overlap, engineers opining on architectural elements, and the construction contract administration language.

Construction Contract Administration

After discussion and minor revisions to the language the following motion was made.

Motion: Mr. Toppe moved that the board approve the language as a final draft for submittal to the department.

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

FLORIDA HOUSE OF REPRESENTATIVES
AND
FLORIDA SENATE
2015 Session
HB - XXXX 2015
SB - XXX 2015

A bill to be entitled

An act relating to the practice of architecture and interior design; amending s. 481.203, F.S.; defining "administration of construction contracts"; amending s. 481.221, F. S. providing that architects or interior designers are required to perform administration of construction contract services; amending s 481.225 F.S.; amending s 481.2251; providing grounds for disciplinary action relating to the reporting of administration of construction contract services; amending s

481.229, F.S.; providing an exemption in certain circumstances; providing rule making authority and providing an effective date.

Be it enacted by the Legislature of the State of Florida:

Section 1 Subsection (17) is added to section 481.203, Florida Statutes; to read: 481.203 Definitions. As used in this part:

(17) "Administration of the Construction Contracts" means:

(a) the conducting of periodic site observation visits for the purpose of determining whether the work designed by the architect or interior designer is proceeding in general accordance with the technical submissions to the building official at the time the building permit was issued;

(b) the processing of shop drawings and other technical submissions required of the contractor by the terms of the construction contract documents;

(c) the notification to the owner and the building official of significant deviations that affect code compliance from the approved technical submissions which the architect or interior designer has observed during the periodic site visits.

(d) The Board shall adopt rules to implement this section.

Section 2. Addition of Subsection (13) of section 481.221, Florida Statutes; to read:

(13) An architect who signs and seals any such final construction documents or instruments of service shall provide administration of construction contract services, either directly or through an individual working under her or his responsible supervision and control, unless not included in or limited by the agreement with the owner or the owner provides notice pursuant to s. 481.229(10).

(14) An interior designer who signs and seals any such final construction documents or instruments of service shall provide administration of design construction contracts, either directly or through an individual working under her or his responsible supervision and control, unless not included or limited by the agreement with the owner or the owner provides notice pursuant to s. 481.229(10).

Section 3. Paragraph (m) is added to subsection (1) of section 481.225 (1), Florida Statutes; to read:

481.225 Disciplinary proceedings against registered architects.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(m) Failing to report to the appropriate building official, in writing, if she/he is not going to be employed by the owner to perform administration of construction contract services.

Section 4. Paragraph (p) is added to subsection (1) of section 481.2251 (1), Florida Statutes; to read:

481.2251 Disciplinary proceedings against registered interior designers.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken; (p) Failing to report to the appropriate building official, in writing, if she/he is not going to be employed by the owner to perform administration of construction contract.

Section 5. Subsections (9) and (10) are added to section 481.229, Florida Statutes; to read:

(9) Nothing contained in this part shall be construed to prevent the employment of a qualified professional engineers to perform administration of construction contract services relative to the engineering technical submissions for a project or the employment of another architect or interior designer relative to their area of licensure.

(10) Notwithstanding the provisions of this part or of any other law, an owner may notify the architect or interior designer of record, in writing, that said architect or interior designer will not be employed to provide administration of construction contract services as defined in 481.203 (17). In that event, the architect or interior designer of record has the duty to notify the appropriate building official that she/he is not performing those services or annotate the plans accordingly.

Section 6. This act shall take effect July 1, 2015.

New Business

Ms. Bao-Garciga request that there be a continuing education discussion placed on the July agenda.

Old Business

No old business.

Adjourn

Motion: Mr. Johnson moved that the meeting adjourn.

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

The meeting adjourned at 11:40 a.m.