

MINUTES

Board of Architecture and Interior Design

Hilton Naples
5111 Tamiami Trail North
Naples, Florida 34103
239.430.4900

July 27, 2011
9:00 a.m.

General Business

Call to Order

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

Roll Call

Board Members Present:

Garrick Gustafson
E. Wendell Hall, Vice-Chair
Wanda Gozdz
Aida Bao-Garciga
John Ehrig, Chair
J. Emory Johnson
Joyce Shore
Warren Emo

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Anthony Spivey, Executive Director
Terri McEwen, Government Analyst
Derek Haese, NCARB
Ingrid Triplett
Jaime Colmenares
Jaime Canaves
Grant Gribble
Michael Wirtz
Alice Gribble
Doug Brown
Trent Manausa
Jan Merle

Doug Feldman

Court Reporter: Andrea Stefanick, Martina Reporting Services, 2069 First Street, Suite 201, Ft. Myers, Florida 33901. Telephone 239.334.6545

Disciplinary Cases

Motion for Order Waiving Formal Hearing

Licensed

DBPR vs. Jaime P. Colmenares
Case Numbers 2010-012079 and 2010-036771
PCP: Rodriguez, Wirtz, and Gustafson

Mr. Comenares was present and sworn in by the court reporter. Mr. Gustafson and Mr. Johnson were recused from the review of the case based on their participation with the probable cause panel. Mr. Minacci reported that Mr. Colmenares failed to provide a projects list during probation, failed to pay the fines and costs, and failed to complete continuing education as imposed by the final order entered on March 8, 2010.

Probable cause was found and administrative complaint was filed for failure to comply with a lawful order of the board. The administrative complaint was served by certified mail. The respondent responded in writing and submitted a partial payment for the fines imposed.

The probable cause panel recommended revocation.

Mr. Colmenares provided continuing education certificates but they were outside the cycle for which he was audited. He requested that he be allowed to make payments for the fines and costs and not complete the continuing education.

The board discussed Mr. Colmenares options which were to complete the penalties imposed, voluntarily relinquish his license, or the board would revoke his license.

Motion: Ms. Gozdz moved that the board find 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 facts as set forth in the administrative complaint.

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

Motion: Ms. Gozdz moved that the board adopts the conclusions of law as set forth in the administrative complaint.

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

Mr. Hall commented that Mr. Colmenares should be given an opportunity to consider his options and that the board should reconsider his case at the October meeting.

Motion: Mr. Hall moved that the case be continued to the October board meeting.

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

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

Unlicensed

DBPR vs. Ingrid H. Triplett

Case Number 2010-020088

PCP: Rodriguez, Wirtz, and Gustafson

Ms. Triplett was present and sworn in by the court reporter. Mr. Gustafson 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 the respondent contracting to provide architectural services without a license.

Probable cause was found to file a two count administrative complaint. On June 15, 2011, Ms. Triplett filed an election of rights form and did not dispute the facts alleged in the administrative complaint.

The probable cause panel recommended a \$10,000 fine plus costs.

Ms. Triplett explained that she did the field work with sketches and worked with Mr. Belgrave a licensed architect. She requested mercy from the board and a payment plan because she is disabled.

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

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

Motion: Mr. Hall moved that the board impose a \$500 fine plus costs to be paid within two years.

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

Mr. Johnson commented that Mr. Belgrave was the responsible architect for the project other than the contractor. Mr. Minacci commented that he wanted Ms. Triplett to understand that she can not contract for architecture services.

Motion for Order Waiving Formal Hearing

Unlicensed

DBPR vs. AEC Services, Inc. and Ron Fair
Case Number 2010-034294
PCP: Rodriguez, Wirtz, and Gustafson

Mr. Minacci pulled this case from board review.

DBPR vs. Lionel Dausa and JM Development Group
Case Number 2010-013465
PCP: Rodriguez, Wirtz, and Gustafson

The respondent was not present or represented by counsel. Mr. Gustafson 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 the respondent offering architectural services. A three count administrative complaint was filed for practicing architecture, using the title architect, and offering architectural services with out a license. The administrative complaint was hand delivered.

The probable cause panel recommended a \$15,000 fine plus costs.

Motion: Ms. Bao-Garciga moved that the board find 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 facts and conclusions of law as set forth in the administrative complaint.

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

Motion: Mr. Hall moved that the board impose a \$15,000 fine plus costs.

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

Mr. Hall requested that the construction board be notified of Mr. Dausa's actions.

Settlement Stipulations

Licensed

DBPR vs. Raymond Lee Enfield
Case Number 2010-059153
PCP: Rodriguez, Wirtz, and Gustafson

The respondent was not present or represented by counsel. Mr. Gustafson 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 the respondent failing to comply with a final order entered March 8, 2010 for failing to complete continuing education.

The probable cause panel recommended suspension until compliance and the respondent agreed.

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

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

DBPR vs. Timothy Krebs

Case Number 2009-044158

PCP: Rodriguez, Wirtz, and Gustafson

The respondent was not present or represented by counsel. Mr. Gustafson 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 the respondent signing and sealing insufficient plans that were prepared by a draftsman. A two count administrative complaint was filed for aiding and abetting unlicensed activity and for signing and sealing plans that were not sufficiently detailed.

The probable cause panel recommended a reprimand, \$2,000 fine plus cost, and two years probation. The settlement stipulation reflected a reprimand plus costs.

Motion: Mr. Emo moved that the board adopt the settlement stipulation as presented.

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

Unlicensed

DBPR vs. Michael D. Tarvin

Case Number 2010-039119

PCP: Rodriguez, Wirtz, and Gustafson

The respondent was not present or represented by counsel. Mr. Gustafson 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 plans prepared for a commercial project by an unlicensed draftsman. A one count administrative complaint was filed for practicing architecture without a license.

The probable cause panel recommended a \$5,000 fine plus costs. The settlement stipulation reflects the same.

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

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

Voluntary Relinquishment

DBPR vs. David M. Putnam and David M. Putnam, PA

Case Numbers 2010-005868 and 2010-001916

The respondent was not present or represented by counsel. Mr. Putnam requested that he be able to complete outstanding projects as provided on a list.

Motion: Ms. Gozdz moved that the board accept the voluntary relinquishment of his license and allow him the ability to complete outstanding projects.

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

The board requested that Mr. Minacci obtain Mr. Putnam's seal upon completion of the outstanding projects.

Mr. Ehrig announced that Ms. Shore was elevated to fellow with the American Society of Interior Design (ASID).

Review and Approval of Meeting Minutes

May 2, 2011 – Probable Cause Panel Meeting (ratify)

Ms. McEwen pulled this item from the review and it would be brought back before the board at the October meeting.

May 3, 2011 – St. Petersburg, Florida

Mr. Hall requested that on page 604, line 237, be corrected to reflect "Collier County Government including but not limited to the City of Naples, Marco Island Building Department, town and city councils, and City and County Commissions".

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

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

June 2, 2011 – Telephone Conference Call

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

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

Request for Reinstatement of Null and Void License due to Hardship

Kim Cauthers

Ms. Cauthers was present and sworn in by the court reporter. Ms. Cauthers was initially licensed through the grandfathering title provision in 1991. She has a Bachelor of Interior Design, experience, and passed the NCIDQ. Her license lapsed delinquent in 2007 and null and void in 2009 for failing to renew.

Ms. Cauthers has provided an explanation of her hardship and 35 hours of the required 40 hours of continuing education credits including the Florida Building

Code. Ms. Cauthers provided a handout at the meeting providing proof of completing the 40 hours required.

Ms. Cauthers was disciplined for failing to provide proof of completing the Florida Building Code core course. She was issued a citation for \$500.00, and the license was suspended until proof of completing that course. Ms. Cauthers states that she completed the core course timely with provider Shelly Siegel. She is trying to obtain a copy of the certificate. The \$500.00 fine and proof of completing the course is outstanding. If Ms. Cauthers can obtain proof of completing the course the citation would no longer be valid. Ms. Cauthers was audited and cited in 2002 for failing to submit proof of continuing education.

Ms. Cauthers provided proof at the meeting that she completed the core course in 2005 and she retook the core course in an effort to comply. She provided a brief explanation of her hardship as documented in her application.

Motion: Mr. Hall moved that the board approve the reinstatement of Ms. Cauthers' license based on her documented hardship.
Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

Charles Pereira

Mr. Pereira was not present or represented by counsel. Mr. Pereira was licensed through the grandfathering title provision in 1990. He would not qualify to regain licensure if he had to reapply. Mr. Pereira's license lapsed in 1998 for failing to provide the required 10 hours of continuing education courses relating to the building and barrier free code regulation prior to having the practice license renewed.

Mr. Pereira provided an explanation of his hardship and continuing education credits including the Florida Building Code advanced and core courses.

Mr. Pereira was disciplined for practicing without a license in 2005. The board imposed a \$10,000 fine plus \$451 costs. Mr. Pereira paid that penalty in full in 2008. Ms. Clark commented that Mr. Pereira did not participate during the disciplinary proceedings.

Motion: Mr. Gustafson moved to table the application to the next meeting.
Second: Mr. Hall seconded the motion.

Due to Chapter 120.57, Florida Statutes, the board must approve or deny the application.

The motion was withdrawn.

Motion: Mr. Gustafson moved that the board deny the application.
Second: Mr. Johnson seconded the motion and it passed unanimously.

Mr. Johnson commented that based on letters in his application that he is contracting as well as continues to practice interior design without a license.

Request for Rule Waiver/Variance of Rule 61G1-22.002(1), F.A.C.

Jennifer Wood

Ms. Wood was not present or represented by counsel. Ms. Wood is licensed in Nevada, passed the NCIDQ, and has the required education. The rule request was before the board based on validation of her work experience. Ms. Wood provided an additional letter for the board to review regarding her work experience. After reviewing the additional information the board made the following motion.

Motion: Mr. Hall moved that the board approve the rule waiver request as presented.

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

Ratification List(s)

Licensure

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

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

Continuing Education

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

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

Mr. Johnson complimented Ms. Lee on her expertise, professionalism, and efforts with processing the continuing education courses.

General Discussion

Review the Invitation to Negotiate (ITN) Language for the upcoming publication
The board will review the ITN for comments, changes, etc. for the next meeting.

Review Rule Repeal of Rule 61G1-17.003, F.A.C.

Mr. Spivey advised the board that the department reviewed all rules to determine if a rule restated the statute. This was a directive by the Governor to streamline the licensure process. The rule is restated in statute as well as in another rule of the board.

Motion: Mr. Hall moved that the board repeal Rule 61G1-17.003, F.A.C. and that it does not impact small businesses or increase regulatory costs to any entity in excess of \$200,000 in the first year.

Second: Gustafson seconded the motion and it passed unanimously.

Electronic Signing and Sealing Update (handout)

Ms. McEwen provided information regarding the differences between Adobe.pdf and the Professional Electronic Data Delivery System (PEDDS). It was determined that both used hash codes, were secure and the public could authenticate the signature and seal at no fee. The Adobe.pdf was a cost to the professional but not the public. The PEDDS is a free program for both the professional and public. The professional has the option to use either. After discussion the board made the following motion.

Motion: Mr. Hall moved that Adobe and PEDDS were functionally equivalent and met the requirements set for in Rule 61G1-16.005, F.A.C.

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

Demonstration of Paperless Agendas

This item was pulled from the agenda.

Reports

Chair's Report – John Ehrig

Mr. Ehrig reported that the NCARB Model Law increased the continuing education hours to 12 hours and the courses must be health, safety, and welfare related.

Mr. Ehrig reported that he and Mr. Hall attended a review of the NCARB Broadly Experience Architect (BEA) process. The BEA is an in depth review of an architect's education and/or practice experience.

Mr. Ehrig introduced Mr. Haese from NCARB. He reported that staff met with Mr. Haese regarding updating the statutes to the actual process with NCARB. An example was the statutes state the department administers the examination when NCARB administers the examination. The statutes need updating to align with the actual process.

Ms. Clark commented that the informal meeting determined that most of the changes would require statutory changes. However, the continuing education hour change could be handled by a rule change.

Motion: Mr. Hall moved that Ms. Clark notice Rule 61G1-24.001 for rule development.

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

The board discussed changing the renewal date to coincide with NCARBs renewal. Mr. Haese commented that the board would not have to change their renewal date to align with NCARBs continuing education requirements.

The board discussed increasing the hours and that it would impact the licensees financially. Mr. Ehrig commented that there was a benefit to licensees that practice in multiple jurisdictions.

The board discussed that the courses must be structured but not necessarily a classroom setting. The changes would eliminate the self study method that the board currently offers.

Executive Director's Report – Tony Spivey Financial Report ending March 31, 2011

Mr. Spivey reported that the budget office would provide an in depth presentation at the October meeting.

AIA Report – Vicki Long

Ms. Long reported that she had contacted the Governor's Office regarding board appointments.

Ms. Long reported that the Building Officials Guide was released and was a working tool. She commented that AIA Florida had an ongoing relationship with the Building Officials Association of Florida (BOAF) and they were working together to expedite the permitting process.

Ms. Long reported that they have a Codes and Standards Technical Advisory Council (CSTAC) to improve involvement during the codes update and changes process.

Ms. Long reported that the Florida Building Commission was moved to the Department of Business and Professional Regulation. She reported that the Building Coalitions members were interested in reaching out to the department to create a separate division for the building professions. The creation of the division would require a statutory language change.

Ms. Long recapped the 2011 Legislative Session.

Ms. Long reported that AIA Florida was opposed to loosening the standards for licensure. She reported that the only acceptable NCARB route would be the BEA process.

Ms. Long reported that AIA would celebrate their 100th year. She reported that they would rank the top 100 buildings and provide an application for individuals to download information about those buildings.

Jaime Canaves a Professor with the School of Architecture from Florida International University reported that students participated in a design competition and placed first and second place.

Ms. Long reported that their membership committee was working with mentors, the schools of architecture, IDP coordinators, students, leadership, membership benefits, etc. She reported that AIA and NCARB visited students at the NAAB schools in an effort to update them on changes to IDP.

Mr. Jacob reported that National AIA and NCARB met to discuss continuing education and the need to improve the course content. He reported that AIA required more continuing education than most states. He reported that they were looking at moving towards the NCARB standard regarding the health, safety, and welfare requirements.

Mr. Jacob reported that AIA analyzed the age of architects and the profession is growing older. The median age is 49 and the largest group of members was 52-57. The profession had declined 17%. He reported that IDP was a factor.

Mr. Jacob reported that NCARB was working within the economy and the changes in practice to allow for IDP credit. He reported that they were looking at emerging professionals receiving credit for work experience with an organization and volunteerism during national disasters. This would allow for IDP credit during a down turned economy and a non-traditional work environment.

Mr. Jacob reported that the AIA brand approved a Middle East chapter.

Mr. Jacob commented that the recent Legislative Session was difficult and the deregulation bill regarding interior design licensing act resulted in some untruthful and negative comments. He commented that AIA took pride in preparing individuals that testify in front of Governmental Entities with accurate information, integrity, and ethical behavior. He commented that testimony was given that architects and AIA supported the deregulation bill which was not true. He commented that they were on the sidelines but was pulled into the issue to respond to issues because of incorrect information.

Mr. Johnson commented that he saw a letter presented to the Senate Office from National AIA supporting the deregulation bill. He recommended that AIA Florida address the individuals that testified at Session not the board. Mr. Jacob commented that AIA National responded to the Senate regarding allegations made by the interior design industry.

Mr. Johnson asked that the board reach out to the other licensed individuals that are not affiliated specifically with AIA or IDAF but with other architecture and interior design associations.

IDAF – Douglas Feldman

Mr. Feldman reported that IDAF was comprised of ASID, IIDA, unaffiliated designers, industry partners, and students. He commented that IDAF was expecting another deregulation bill at the upcoming session. He commented that the Governor's push of deregulation will create jobs but it will also put licensed individuals out of jobs. He welcomed open discussions with AIA Florida.

Prosecuting Attorney's Report – David K. Minacci

Licensed Architecture Legal Cases

Licensed Interior Design Legal Cases

Unlicensed Architecture Legal Cases

Unlicensed Interior Design Legal Cases

Licensed/Unlicensed Investigative Cases

Fines Chart – Summary

Fines Chart – Licensed

Fines Chart – Unlicensed

Billable Hours April 2011

Billable Hours May 2011

Billable Hours June 2011

Board Meeting Results May 3, 2011

Press Releases/Speaking Engagements/Other Correspondence

Mr. Minacci reported that he met with the Building Officials in Daytona Beach, students at FAMU, and interior designers in Jacksonville.

Mr. Minacci reported that he was working to bring criminal charges against Timothy Reeves. Apparently, Mr. Reeves fled the United States to the Bahamas. He commented that the Bahamas now has a case against Mr. Reeves for providing fraudulent information on his application.

Mr. Johnson asked if there were unlicensed activity funds for the investigation and prosecution team to utilize. Mr. Spivey responded that the contract covered the unlicensed activity efforts.

Future Board Meetings

August 30, 2011 at 2:00 p.m. – Telephone Conference Call

October 12-13, 2011 – Tampa, Florida

February 9-10, 2012 – Tallahassee, Florida

May 2-4, 2012 - TBA

New Business

No new business.

Old Business

No old business.

Adjourn

Motion: Ms. Shore moved to adjourn the motion.

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

The meeting adjourned at 12:50 p.m.