

**MINUTES OF
BOARD OF ARCHITECTURE AND INTERIOR DESIGN
Department of Business and Professional Regulation
Telephone Conference Call
Dial in: 888 808-6959
Conference Code: 4879597
Monday, December 7, 2010 @ 2:00P.M.**

Call to Order

Mr. Ehrig, Chair, called the meeting to order at 2:00 p.m.

Board Members Present:

John Ehrig, Chair
Warren Emo
Johnstone Reid
J. Emory Johnson
Joyce Shore
Aida G. Bao-Garciga
Wanda Gozdz
Garrick Gustafson

Board Members Absent:

E. Wendell Hall, excused

Others Present:

David Minacci, Prosecuting Attorney
Anthony Spivey, Executive Director
Terri McEwen, Government Analyst
Rick Logan, AIA Florida
Barbara Harrison, AIA Florida
Doug Feldman, IDAF

Discussion of Rule 61G1-23, F.A.C.

61G1-23.010 – Johnstone Reid

Mr. Reid commented that he was licensed in numerous states and reviewed their statutes and rules regarding responsible supervisory control. He commented that the language was written in the negative i.e. what an architect can't do. He commented that Virginia's language expands supervisory control and reads "under the direct control and personal supervision of the professional while said person or unlicensed person was an employee of the same firm or was under written contract with the same firm that employs the professional".

Mr. Reid commented that New York has guidelines that explain the statutes in everyday language.

Mr. Reid commented that he felt the language should be clearer regarding employees with today's electronic age.

Mr. Manausa comment that Rule 23.015 was for supervision of employees that work outside of an office or even country. He commented that he felt both provisions were clear and did not need to be revised.

Mr. Reid commented that having a written contract does not clarify the in state and out of state or country issue because his office has employees located out of the country and they are not under a contractual agreement. The out of country employees are performing CADD work for the design professionals in state and both are employed by the same company. The professionals are providing supervisory control.

After discussing different scenarios, Mr. Reid commented that he would like to review Rule 61G1-23.010 and 23.015, F.A.C., language with Ms. Clark and Mr. Manausa.

Mr. Manausa suggested looking at the language from a complainant's point of view.

Mr. Logan commented that Rule 61G1-23.010 uses the plural word "offices" and the board should take that into consideration responsible supervision for multiple office or out of the country employee issues.

61G1-23.015- Wendell Hall

Mr. Hall was not in attendance.

61G1-23.020 & 025 – Warren Emo

Mr. Emo had no suggested language changes.

61G1-23.030 – John Ehrig

Mr. Ehrig had no suggested language changes.

61G1-23.040 – Aida Bao-Garciga

Ms. Bao-Garciga commented that she had the same issues or questions that Mr. Reid had. She commented that adding subcontractors in addition to employee may be helpful. The board determined to leave the language as it is.

61G1-23.050 – Joyce Shore

Ms. Shore had no suggested language changes.

61G1-23.060 – Emory Johnson

Mr. Johnson had no suggested language changes. He commented that the probable cause panel could work within the rule language as it is written.

Motion: Mr. Johnson moved that the board would not make changes to the rule language pending Mr. Reid's review with Ms. Clark.

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

E-Mail from Mary Ellen Clark
Memorandum from Joint Administrative Procedures Committee
Bill Analysis for HB 1565

Mr. Spivey reported that the Legislature met and overrode Governor Christ's bill vetoes. He reported that all rules proposed by the board must be reviewed by the Legislature based on a cost threshold imposed on the public. He reported that the department was creating guidelines for future proposed rule changes.

Old Business

No old business.

New Business

The board confirmed December 16, 2010 and January 6, 2011 telephone conference call dates.

Mr. Ehrig requested a joint meeting with the Building Code Administrators and Inspectors Board in February and was waiting for a response.

Mr. Spivey updated the board regarding unlicensed activity funds and the creation of unlicensed activity pamphlets, video, etc. He reported that the matter was on hold for now until the department had a new Communications Director and Unlicensed Activity Coordinator. Mr. Ehrig requested that Mr. Minacci, Mr. Manausa, Mr. Emo, Mr. Johnson, and Ms. Gozdz be included in that meeting.

Adjourn

The meeting adjourned at 2:50 p.m.