

MINUTES

Board of Architecture and Interior Design

**Days Inn & Suites
2707 Sadler Road
Fernandina Beach, Florida 32034
904.277.2300**

**February 17, 2011
9:00 a.m.**

General Business

Call to Order

Mr. Ehrig called the meeting order at 9:02 a.m. A quorum was established and an invocation performed.

Roll Call

Members Present:

John P. Ehrig, Chair
E. Wendell Hall, Vice-Chair
Warren Emo
Johnstone Reid, Jr.
Aida Bao-Garciga
Joyce Shore
Wanda Gozdz
J. Emory Johnson

Member Absent:

Garrick Gustafson, excused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Anthony Spivey, Executive Director
Terri McEwen, Government Analyst
Trent Manausa

Court Reporter: Statewide Reporting Service, 233 East Bay Street, Suite 606,
Jacksonville, Florida. Telephone 904.353.7706.

Disciplinary Cases

Unlicensed

DBPR vs. Raja Buchanan and Buchanan P.E. Consulting, Inc.

Case Number 2009-054083

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Buchanan was not present but was represented by Mr. Sherman. The respondent is a licensed engineer but the respondent provided the architecture services for a commercial project. The case was before the board based on a three count administrative complaint for practicing architecture without a license, practicing interior design without a license, and offering services through a business without a certificate of authorization.

The probable cause panel recommended a \$10,500 fine plus costs. The settlement stipulation reflected a \$2,500 fine plus costs. The fine was reduced because this was a first time offense and the respondent agreed to comply.

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

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

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

Liliana Custy – WV2010-736

Ms. Custy was present, sworn in by the court reporter and represented by Mr. Klapholz. Mr. Klapholz commented that the waiver was for diversified experience for individuals out of the United States. The rule provides for experience in the state of Florida and outside the state of Florida but not experience obtained outside of the United States. Mr. Klapholz commented that requiring her to obtain additional experience under a licensed architect or interior designer would be a hardship. After reviewing her request the following motion was made.

Mr. Emo arrived at 9:08 a.m.

Motion: Ms. Shore moved that the board grant the petition for variance/waiver based on her passage of NCIDQ, her Masters degree in Design, her teaching experience, her Florida certified general contractor's license, her portfolio, and 36 years in the interior design field.

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

Application Review for Liliana Custy

Motion: Ms. Shore moved that the board approve her application for licensure.

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

Request for Reinstatement of a Null and Void License

Francisco DeMoya

Mr. DeMoya was present and sworn in by the court reporter. Mr. DeMoya's license lapsed delinquent March 1, 2005 and null and void March 1, 2007. He was cited in 2005 for failure to take the Florida Building Code core course and complied with that requirement in 2006. He provided an explanation of his hardship along with a doctor's note and completed the required continuing education. He commented that he had not practiced since 2005.

Motion: Mr. Hall moved that the board approve the request for reinstatement of a null and void license based on his personal and financial hardship and completion of continuing education.

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

Petition for Declaratory Statement

Miguel Rodriguez – DS2011-001

Mr. Rodriguez was present and sworn in by the court reporter. The declaratory statement related to the procedures for signing and sealing electronically transmitted plans, specifications, reports or other documents. Mr. Rodriguez presented that Miami-Dade only accepts electronically signed and sealed plans however he feels that what they require violates the board's statutes and rules. Miami-Dade requires an architect to sign and seal plans then scan them to a disk in a pdf format and submit for permitting instead of utilizing the program outlined in the rule.

Mr. Rodriguez supports the electronic sealing and signing process because it expedites the permitting process.

Based on Rule 61G1-16.005, Florida Administrative Code, the board answered the following questions outlined in the declaratory statement.

1. Is it the intent of this rule that the electronic means described within the rules be used in lieu of my actual signature and seal on such documents? The board answered yes.
2. If so, when my drawings are signed and sealed by such electronic means are they considered to have been signed and sealed in compliance with the statutes and rules without further signature, seal or other documentation? The board answered yes.
3. Am I allowed to include an electronic image of my seal and/or signature on an electronic portable document (i.e. Acrobat, .pdf) if the documents are secured by this procedure? The board answered no.

4. May I sign and seal paper documents, then scan their image into a secured portable document file and submit them as official documents? The board answered no.
5. May I use an electronic image of my seal and/or signature under any circumstances? The board answered no.

Mr. Rodriguez commented that the building department was aware of the rule but not familiar with the program cited in the rule.

The board reviewed that the rule does not allow plotting an electronic signature or seal. Miami-Dade does not accept paper submittals for permitting.

Mr. Rodriguez commented that the licensed professionals are confused about the rule.

Mr. Manausa commented that engineers used the program outlined in the rule for submittals to the Department of Transportation. At the time the rule was written the referenced electronic method was the only one available at the time. The board discussed that the electronic method submits an encrypted signature and authenticates the signature for the drawings. The files are not able to be manipulated.

Mr. Rodriguez commented that Miami-Dade currently has no way to authenticate files because they only use Adobe Acrobat and the file could be manipulated. He commented that the board should clarify the rule in the future.

Mr. Rodriguez commented that the language stands on its own that an encryption of a signature or seal is not the same as a signature or seal being scan in a pdf and submitted. There is no guarantee of security with scanning the document into a pdf.

The board determined that the rule is not a scanned signature or seal it is an encrypted signature. Ms. Gozdz commented that Adobe Acrobat has a security measure that prevents alteration of a secured document. Adobe Acrobat allows for securing a file without a signature or digitally signing a file which is secure. The board discussed that the intent of the rule is that the software itself is the electronic signature and seal not a scanned image of a signature and seal.

Mr. Rodriguez commented that Adobe Acrobat has an application for an electronic signature capability and securing the file. Adobe Acrobat has two methods secure a file without a signature or digitally sign and secure a file. When the file is opened a note pops up that says the file has been secured or digitally signed. Mr. Rodriguez commented that he was not sure that Adobe Acrobat's encryption method meets the rule requirement.

Mr. Rodriguez commented that he was trying to establish if an electronic image of the seal could be used by it being printed on a CADD drawing and him signing the drawing. He commented that he did not believe the current rule language allowed for the seal to be electronically printed on the drawings.

The board discussed contacting Adobe Acrobat to have them review the board's rule and determine if their encryption technology meets or exceeds the rule requirement then that could resolve the issue.

Motion: Mr. Reid moved that based on the discussion, review of the rule, and counsel's input the board answer the petition for declaratory statement with the following answers:

Based on Rule 61G1-16.005, Florida Administrative Code, the board answered the following questions outlined in the declaratory statement.

1. Is it the intent of this rule that the electronic means described within the rules be used in lieu of my actual signature and seal on such documents?
The board answered yes.
2. If so, when my drawings are signed and sealed by such electronic means are they considered to have been signed and sealed in compliance with the statutes and rules without further signature, seal or other documentation? The board answered yes.
3. Am I allowed to include an electronic image of my seal and/or signature on an electronic portable document (i.e. Acrobat, .pdf) if the documents are secured by this procedure? The board answered no.
4. May I sign and seal paper documents, then scan their image into a secured portable document file and submit them as official documents?
The board answered no.
5. May I use an electronic image of my seal and/or signature under any circumstances? The board answered no.

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

Mr. Rodriguez requested that the board use less specific language when the rule is changed and suggested that they use broader language like commercially acceptable or a digitally encrypted program.

Consent Agenda

Settlement Stipulations

DBPR vs. Michael A. Heron and MAH & Associates, Inc.
Case Number 2009-042325
PCP: Rodriguez, Wirtz, and Gustafson

Voluntary Relinquishment

DBPR vs. Donald F. Goodrich and A & E Support Services, Inc.
Case Number 2009-044065

DBPR vs. Joy A. Vannice and Joy's Creative Interior Designs, Inc.
Case Number 2008-049836

Mr. Johnson was recused from the review of the case based on his participation with the probable cause panel.

Motion: Mr. Hall moved that the board approve the settlement stipulations and voluntary relinquishments on the consent agenda as presented.

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

Motion for Order Waiving Formal Hearing

Licensed

DBPR vs. Sandra Ramos
Case Number 2010-016860

PCP: Rodriguez, Wirtz, and Gustafson

Ms. Ramos was not present or represented by counsel. Mr. Johnson was recused from the review of the case based on his participation with the probable cause panel. The case was before the board based on the respondent's failure to complete the Florida Building Code core course and failed to comply with the 2008 final order. An administrative complaint was filed for failure to comply with a lawful order of the board. The administrative complaint was served by certificate mail on December 2, 2010. The respondent replied late but Mr. Minacci requested that the board consider the response.

The probable cause panel recommended revocation of the license.

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

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

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

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

After discussion the following motion was made.

Motion: Ms. Shore moved to revoke Ms. Ramos' licensed.

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

DBPR vs. Joel S. Schultz and J.S. Schultz Architect and Associates

Case Number 2009-060571

PCP: Rodriguez, Wirtz and Gustafson

Mr. Schultz was present or represented by counsel. The case was before the board based on the respondent signing and sealing projects prepared by an unlicensed draftsman without meeting with the client. The respondent is not able to document supervision for plans prepared outside his office. A two count administrative complaint was filed for aiding the unlicensed practice of architecture and improperly certifying work prepared by another.

The administrative complaint was served by certified mail and the respondent requested a formal hearing. The respondent failed to respond to the Division of Administrative Hearings and the matter was relinquished jurisdiction back to the board.

The probable cause panel recommended a reprimand and \$2,000 fine plus costs.

Motion: Ms. Gozdz moved that the board adopt that the respondent waived the right to dispute the material facts, that the board adopt 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.

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

Motion: Ms. Gozdz moved that the board impose a reprimand, two years reporting probation, and \$2,000 fine plus costs.

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

Unlicensed

DBPR vs. Paul P. Mineo and PMD Group, Inc.

Case Number 2009-034521

PCP: Rodriguez, Wirtz, and Gustafson

The respondent was not present or represented by counsel. The case was before the board based on the respondent offering and practicing architectural service without a license. A three count administrative complaint was filed for practicing architecture without a license, using the title architect without a license, and offering architectural services without a certificate of authorization. Service was attempted twice by hand delivery and was unsuccessful. The administrative complaint was served by publication in the South Florida Business Journal. The respondent failed to respond to the administrative complaint.

The probable cause panel recommended a \$10,500 fine plus costs. The complaint was generated by a private citizen.

Motion: Ms. Shore moved that the board find that the administrative complaint was properly served upon the respondent and that respondent waived the right to dispute the material facts for failure to timely respond thereto, and that the board adopt the findings of fact and conclusions of law set forth in the administrative complaint.

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

Motion: Ms. Shore moved that the board impose a \$10,500 fine plus costs.

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

DBPR vs. Chungsun Kang and Tarlos & Associates, Inc.

Case Number 2009-046898

PCP: Rodriguez, Wirtz, and Gustafson

The respondent was not present or represented by counsel. The respondent is a California licensed architect and offered services in Florida without a Florida license. A three count administrative complaint was filed for practicing architecture without a license, using the title architect without a license, and offering architectural services without a certificate of authorization. The administrative complaint was served by certified mail and the respondent elected a formal hearing. The respondent failed to respond to the Division of Administrative Hearings and they relinquished jurisdiction back to the board.

The probable cause panel recommended \$10,250 fine plus costs.

Motion: Mr. Reid moved that the board find that the respondent waived the right to dispute the material facts for failure to timely respond thereto, and that the board adopt the findings of fact and conclusions of law set forth in the administrative complaint.

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

Motion: Mr. Reid moved that the board impose a \$10,250 fine plus costs.

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

DBPR vs. Zureida Molina-Julio and Zands Design Concepts, Inc.

Case Number 2009-060440

PCP: Rodriguez, Wirtz, and Gustafson

The respondent was not present or represented by counsel. The case was before the board based on a contract to offer architectural services by an unlicensed individual. A two count administrative complaint was filed for offering architectural services without a license and offering architecture service through a business without a certificate of authorization. The administrative complaint was served by certified mail and the respondent elected a formal hearing. The

respondent failed to respond to the Division of Administrative Hearings and they relinquished jurisdiction back to the board.

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

Motion: Ms. Gozdz moved that the board find that the respondent waived the right to dispute the material facts for failure to timely respond thereto, and that the board adopt the findings of fact and conclusions of law set forth in the administrative complaint.

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

The board reviewed the public harm reflected in the case and after discussion the following motion was made.

Motion: Ms. Gozdz moved that the board impose a \$10,000 fine plus costs.

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

Settlement Stipulations

Licensed

DBPR vs. Gayle Barr and Country Club Designers, Inc.

Case Number 2010-018220

PCP: Rodriguez, Wirtz, and Gustafson

The respondent was not present or represented by counsel. The case was before the board based on the respondent practicing on a delinquent license and without a certificate of authorization. A two count administrative complaint was filed for practicing interior design on a delinquent license and practicing through a business without a certificate of authorization.

The probable cause panel recommended an appearance before the board, a \$2,500 fine plus costs. The settlement stipulation reflected an appearance, \$1,250 fine plus costs.

Motion: Mr. Hall moved that the board continue the case until the May meeting to allow Ms. Barr to appear.

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

DBPR vs. Oram H. Tonge

Case Number 2009-046868

PCP: Rodriguez, Wirtz, and Gustafson

The respondent was not present or represented by counsel. The case was before the board based on the respondent previously qualifying a firm that he left but continued to sign and seal documents. The respondent failed to provide documentation that he properly supervised work performed outside his office. A

one count administrative complaint was filed for improperly certifying work prepared by another.

The probable cause panel recommended costs, two hours of continuing education pertaining to the laws and rules, and two years reporting probation. The settlement stipulation reflected the panel's recommendation.

Mr. Tonge appeared before the probable cause panel and this was a first time offense for the respondent. The board had concerns with the lenient penalty based on the information in the case file.

Motion: Mr. Johnson moved that the case be continued to the May meeting.
Second: Ms. Bao-Garciga seconded the motion, it passed with Mr. Emo opposed.

Unlicensed

DBPR vs. Robert McGoldrick and Consultech & Associates, Inc.
Case Number 2010-002527

PCP: Rodriguez, Wirtz, and Gustafson

The respondent was not present or represented by counsel. The case was before the board based on an advertisement offering architectural services on a web site. The respondent was initially issued a cease and desist order and the respondent responded that he was not violating the statutes. The case was taken back to the probable cause panel and a two count administrative complaint was issued for practicing architecture without a license and offering architectural services through a business without a certificate of authorization.

The probable cause panel recommended a \$10,000 fine plus costs. The settlement stipulation reflected a signed affidavit and costs.

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

DBPR vs. William E. Allison and CPS, Inc.
Case Number 2009-041623

PCP: Rodriguez, Wirtz, and Gustafson

The respondent was not present or represented by counsel. The case was before the board based on multiple contracts offering architectural services. A nine count administrative complaint was filed for eight counts of practicing architecture without a license and one count for offering architectural services through a business without a certificate of authorization.

The probable cause panel recommended a \$45,000 fine plus costs. The settlement stipulation reflected a \$15,000 fine plus costs. The fine was reduced

because the respondent agreed to comply and was working in an architectural firm.

Motion: Ms. Gozdz moved that the board adopt the settlement stipulation as presented.

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

The board requested that the case information be forwarded to the Board of Realtors, the Construction Industry Licensing Board, and other state agencies.

Review and Approval of Meeting Minutes

November 1, 2010 – Probable Cause Panel Meeting

Motion: Mr. Hall moved that the board accept the meeting minutes as presented.

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

November 2, 2010 – General Business – Naples

Motion: Mr. Johnson moved that the board approve the November 2, 2011 meeting minutes as presented.

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

November 3, 2010 – General Business - Naples

Mr. Ehrig had multiple edits to the meeting minutes. The board reviewed the probable cause panel rule to determine if more than three members could be appointed. It was determined that only three members were required for the probable cause panel.

Motion: Mr. Johnson moved that the November 3, 2011 meeting minutes be revised and brought back to the board for review.

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

December 7, 2010 – General Business – Conference Call

Motion: Ms. Gozdz moved that the board approve the December 7, 2010 meeting minutes as presented.

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

December 16, 2010 – General Business – Conference Call

Motion: Ms. Gozdz moved that the board approve the December 16, 2010 meeting minutes as presented.

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

Continuing Education Application Review

Continuing Education Rule 61G1-24, F.A.C.
Architecture Continuing Education Handbook
Information to assist with the continuing education application reviews.

American Construction School, Inc. (provider)
E-mail from the provider

OSHA course application

The applicant requested 10 hours of health, safety, and welfare credit. Mr. Ehrig commented that the course was specific for construction contractors not architects. Mr. Ehrig recommended approval for 10 hours of optional credit in a general category not health, safety, and welfare credit. The board discussed that the rules only allow for 4 hours of optional credit. The board discussed them compressing the information into a 4 hour course. After further discussion the following motion was made.

Motion: Mr. Johnson moved that the course be approved for 4 hours of optional credit (AO.04).

Second: Mr. Hall seconded the motion, Ms. Bao-Garciga opposed and the motion passed.

Lead RRP course application

The board discussed that this course could apply to architects or interior designer that specialize in renovations.

Motion: Mr. Johnson moved that the board approve 4 hours for health, safety, and welfare (AR.02) credit and 4 hours of optional credit (AO.04).

Second: Ms. Bao-Garciga seconded the motion, Mr. Reid opposed and the motion passed.

Laws and Rules course application

The board discussed that there was limited information submitted regarding the course content. The individual presenting the course was not an architect or attorney.

Motion: Mr. Johnson moved that the board deny the course application based on the instructor's lack of governmental, professional, or business background or knowledge of Chapter 481, Florida Statutes, Rule 61G1, Florida Administrative Code, or disciplinary proceedings as required by Rule 61G1-24.002, F.A.C.

Second: Mr. Emo seconded the motion.

The board reviewed the handbook and determined the following reasons applied to the basis for denial because the applicant failed to meet:

1. subject area expertise of the providers and/or instructor(s);
2. ability or demonstrated ability in written instructional material and testing;
3. experience of provider and/or instructor;
4. providers ability to meet deadlines.

Ms. Clark recommended that the board deny based on the applicants failure to meet the provider's responsibilities one through four in the architecture continuing education handbook as referenced in Rule 61G1-24.002, F.A.C.

Mr. Johnson amended his motion to reflect Ms. Clark's recommended language and Mr. Emo accepted the amended motion and the motion passed unanimously.

Rule 61G1, Florida Administrative Code
Chapter 481, Florida Statutes
Chapter 489, Florida Statutes
Chapter 471, Florida Statutes
Chapter 468, Florida Statutes

The statutes and rules were provided for a later discussion regarding the acceptance of courses approved by other boards.

Ratification List(s)

Licensure

Motion: Ms. Gozdz moved that the board approve licensure ratification list provided on pages 1426 through 1431 of the agenda.

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

Continuing Education

Motion: Mr. Johnson moved that the board approve the continuing education ratification list provided on pages 1433 through 1434 of the agenda.

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

General Discussion and Information

Appoint Probable Cause Panel members

This item was resolved at the November 2010 meeting.

Letter from Michael Kotler regarding Earle Jay Goodman and Goodman Design

The letter requested that the disciplinary action be removed from the Smith, Thompson, Shaw and Manausa's web site.

Motion: Mr. Johnson moved that board deny the request.

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

Reports

AIA Report – Vicki Long

Ms. Long and Mr. Lingerfelt were present at the meeting. Ms. Long reported that AIA Florida would have a Legislative Day March 16, 2011. She reported that the Governor's Budget recommended terminating 124 trust funds. She reported that AIA Florida was working on four bills for the upcoming legislative session.

Ms. Long reported that AIA Florida was working with architects to assist with the continuing education requirements for the upcoming renewal. She reported that the AIA National transfer of credits to the new monitoring system went smoothly. She reported that NCARB was watching and monitoring their process regarding the quality of courses.

Ms. Long reported that they were reaching out to licensed individuals for building code issues. She commented that the goal was to gather the issues and work with the Building Code Officials for resolution.

Mr. Lingerfelt provided some background as to how and why the Building Officials Guide was created. He reported that the Building Officials of Florida, the Professional Engineering Society Association, and the Interior Design Association Foundation were involved in the creation of the Building Officials Guide. The guide identifies the differences and overlap within the architecture and engineering professions.

The interior designers voiced a concern that they were not clearly identified in the document.

Mr. Johnson commented that he provided a copy of the guide to contractors and they felt it was a stumbling block and would limit their abilities to perform services. He cautioned the board about the document since it may come across as limiting competition. Mr. Spivey commented that he met with the Construction Industry Licensing Board's Executive Director, G.W. Harrell, and felt this was only a helpful guide.

The board did not endorse the document but thanked AIA Florida for their efforts regarding the Building Officials Guide.

The board discussed the Governor's Executive Order ceasing all rule making. Ms. Clark commented that all state agencies were reviewing the rules to determine statutory authority for such rules and repealing rules that impede business.

Mr. Johnson reported to the board that a document was presented to a legislative subcommittee stating that architects and interior designers were on a list that limited competition and he was concerned about the information in the document. The document was titled Regulation Review for the Department of Business and Professional Regulation and portions of the Department of Agriculture and Consumer Services.

Ms. Long commented that the Building Officials Guide was still a work in progress.

IDAF – Janice Young

Ms. Young was not present but Julie Hargrove, IDAF President Elect, reported that IIDA had three chapters in Florida now as opposed to one.

Chair's Report – John Ehrig

Mr. Ehrig commented that the board would meet with the Building Code Administrators and Inspectors Board. He report that NCARB was concerned that Florida had additional continuing education requirements. He commented that they would like to have a national continuing education standard for certificate holders.

Mr. Ehrig reported that NCARB changed from intern development units to hours.

Mr. Ehrig reported that the board would not be able to attend the future NCARB Conference due to the lack of funds. Mr. Hall was appointed as an NCARB alternate delegate for future meetings.

Board Counsel's Report – Mary Ellen Clark

No report.

Executive Director's Report – Tony Spivey

Mr. Spivey reviewed the December 31, 2010 financial report. He reported that money in the general revenue account is used to cover boards in a deficit. He reported that the transfer was money that was swept by the Legislature.

Mr. Johnson requested that the financials provide information consistent from report to report an example was six month to six month intervals. Ms. Clark

recommended that the board request that someone from the budget office explain the financials.

The board discussed reviewing and approving annual budgets for submittal to the Legislature.

Mr. Johnson commented that he was appointed to head a Task Force regarding the unlicensed activity funds and the use of those funds for publications. He commented that the financials reflected more than \$400,000 in the unlicensed activity account that should be utilized to combat unlicensed activity. He commented that he was concerned that the funds would be swept by the Legislature if they were not used for unlicensed activity public service announcements.

Mr. Ehrig offered to write a letter to the department requesting the use of the unlicensed activity funds for radio and television public service announcements.

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 October 2010
Billable Hours November 2010
Billable Hours December 2010
Board Meeting Results November 2, 2010
Press Releases/Speaking Engagements/Other Correspondence

Mr. Minacci reviewed the reports for the board members. He commented that he completed a presentation at the Ringling School of Design and would be presenting to architects and interior designers next week in Palm Beach.

Request for Board approved curricula per Rule 61G1-22, F.A.C.

Seminole State College

1. Associate of Science in Interior Design
2. Bachelor of Applied Science in Interior Design

Motion: Ms. Shore moved that the board approve both programs as presented.

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

Continuing Education credits between boards

Construction Industry Licensing Board's Rule and continuing education provider and course application (for information)

Advanced = Florida Building Code Advanced credit
Business Practice = optional credit
Laws & Rules = health, safety, and welfare credit (AR05)
Workers' Compensation = optional credit
Workplace Safety = optional credit
Wind Mitigation = health, safety, and welfare credit (AR01)
General = optional credit

Building Code Administrators and Inspectors Rule and continuing education provider and course application (for information)

Area of Accessibility = health, safety, and welfare credit (AR01)
Ethics = health, safety, and welfare credit (AR14)
Laws and rules = health, safety, and welfare credit (AR05)
General = optional credit

NCARB Model Law and Regulations (seal discussion)

No discussion was held.

Future Board Meetings

May 2, 2011 Probable Cause Panel Meeting
May 3-4, 2011 General Business Meeting
Location: St. Petersburg/Tampa area

July 25, 2011 Probable Cause Panel Meeting
July 26-27, 2011 General Business Meeting
Location: Naples Grande Beach Resort

Old Business

Responsible Supervisory Control

Mr. Reid reported that he spoke with Ms. Clark regarding the regarding Rule 61G1-23.010, F.A.C, responsible supervisory control in the office and Rule 61G1-23.015, F.A.C., responsible supervisory control outside the office. He commented that the concern was clarity on the rules. He commented that he understood from Ms. Clark that the office location was not necessarily the governing factor but who pays the employee. If an office was located in Orlando and the business hired someone to do production work in Tampa or Mumbai and

if a single employer was paying the employees; than that scenario fell within the perimeters of the rule.

Mr. Reid commented that he understood from Ms. Clark and it was the consensus of the board that an architect could provide supervisory control to someone outside of his office whether out side of the office or out of the country as long as the architect delivered the documents and the employees are paid by the same company. Mr. Reid commented that he understood the governing factors were the paycheck or control of the document.

Mr. Reid commented that the rules could be clearer and the architects in the field are confused by how the rules are written and how the board is interpreting the rules. He suggested the language should be worked to clarify the issue of supervisory control over one location when a location has employees out side of the country performing services for an architectural firm in Florida.

New Business

Mr. Spivey commented that Mr. Johnson presented a document earlier in the meeting that was prepared for and by the Florida House of Representatives Business & Consumer Affairs Subcommittee dated February 8, 2011. Mr. Spivey commented that the department did not prepare the document.

Continuing Education Provider and Course Review

Ms. McEwen trained Mr. Emo, Mr. Reid, Mr. Ehrig, and Mr. Hall on the procedures for reviewing and approving or denying continuing education courses. She provided example continuing education course packets for each of the members to review.

Recess

The meeting recessed at 4:30 p.m.

MINUTES

Board of Architecture and Interior Design

**Hampton Inn & Suites Amelia Island
19 South 2nd Street
Fernandina Beach, Florida 32034**

**February 18, 2011
9:00 a.m.**

General Business

Call to Order

Chair McCormick, Chair with the Building Code Administrators and Inspectors Board (BCAIB), called the meeting to order at 9:03 a.m.

Roll Call

BCAIB Members Present:

Bob McCormick, Chair
Richard Gathright, Vice-Chair
Art Barthlow
Dennis Carpenter
Gerry Demers
Fred Dudley
Bob Kymalainen
Nick Sasso

BCAIB Member Absent:

Orlando Lamas

Others Present:

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Tim Dennis, Board Counsel
Tony Spivey, Executive Director, Board of Architecture and Interior Design (BOAID)
Terri McEwen, Government Analyst, BOAID
Mary Ellen Clark, Board Counsel, BOAID
John Ehrig, Chair, BOAID
E. Wendell Hall, BOAID
Warren A. Emo, BOAID
Johnstone N. Reid, Jr., BOAID
J. Emory Johnson, BOAID

Joyce Shore, BOAID
Aida G. Bao-Garciga, BOAID
Wanda Gozdz, BOAID
Rob von Kampen, ICC
Doug Harvey, BOAF
David Minacci, BOAID
Stephen A. Gaydosh, Jr., Florida Engineering Society
Doug Brown
Trent Manassua, BOAID
John Burke, Board of Professional Engineers
David Hodges

JOINT MEETING WITH THE BOARD OF ARCHITECTURE AND INTERIOR DESIGN

DRAFT GUIDELINE – “A BUILDING OFFICIAL’S GUIDE TO THE PROFESSIONAL PRACTICE OF ARCHITECTS AND ENGINEERS IN FLORIDA”

Chair McCormick welcomed all attendees to the meeting. Chair Ehrig thanked the BCAIB for the Board of Architecture and Interior Design’s (BOAID) opportunity to meet with the BCAIB.

BCAIB Chair McCormick stated that Mr. Doug Harvey, Executive Director, Building Officials Association of Florida (BOAF), requested an opportunity to make a presentation regarding the draft guideline. BOAID Chair Ehrig stated that the American Institute of Architects (AIA) participated in the development of the document, not the BOAID. Mr. Harvey thanked the Florida Chapter of AIA and the Florida Engineering Society for their participation.

Mr. Harvey stated that this document was being presented to the various design professional boards for their review and comment and BOAF was open for suggestions. He stated that it will be presented to the Board of Professional Engineers at their next meeting. Mr. Harvey indicated a willingness to consider further input from members of the interior design profession. BOAF will review the results of the meetings and revise the document, if necessary. Mr. Harvey stated that the document will be posted on the BOAF web page when it is finalized.

Following discussion, Mr. Harvey thanked everyone for their input. No formal action was taken by either board.

BOAID Chair Ehrig stated that he had another issue he wanted to discuss which was related to electronic plans and seals. He stated that the BOAID received a Declaratory Statement request that will be provided to the BCAIB. BOAID Chair Ehrig stated that Miami Dade only uses electronic seals. The second issue was that Engineers have the ability to use rubber seals, and Architects and Interior

Designers do not. The rule would have to be amended, along with the law, and he was not sure that would be accomplished.

BCAIB Chair McCormick responded that he did not think the BCAIB would have any input on the electronic seal issue. Mr. Dennis responded that the BOAID rules will have to address this, however, this board could give their input.

BCAIB Chair McCormick thanked everyone for their input and attendance at the meeting. This portion of the meeting concluded at approximately 10:30.