

MINUTES

**BOARD OF ARCHITECTURE AND INTERIOR DESIGN
CROWNE PLAZA PENSACOLA GRAND HOTEL
200 EAST GREGORY STREET
PENSACOLA, FL 32501**

**FEBRUARY 5, 2003
9:00 a.m.**

General Business Meeting

Board Members Present:

Sharon Del Bianco, Chair
Ellis Bullock, Vice-Chair
Orlando Lopez-Isa
Mary Jane Reeves
Kenneth Hortsmyer
Neil Hall
Miguel Rodriguez
Rick Gonazalez
Garrick Gustafson

Board Members Absent:

Ivette Planas

Others Present:

Ann Cocheu, Board Counsel
David Minacci, Prosecuting Attorney
Leon Biegalski, Executive Director
Terri Estes, Government Analyst II
Les Smith
Trent Manausa
Lindy Thomas
Jay Leonard
Steve Hefner
Susette Wilder
Jose Blanco
Shelley Siegel
Julie Hargrove
L. Dunn-Glispin
Ann Wingate
Alfred Drake

Call to Order

Ms. Del Bianco, Chair, called the meeting to order at 9:15 a.m.

Informal Hearings

Lindy Thomas

Ms. Thomas was present and sworn in. She was not represented by counsel. Ms. Cocheu commented that Ms. Thomas' application was considered by the board on September 24, 2002 and it revealed Ms. Thomas had engaged in commercial work prior to licensure. The board denied the application for licensure. Ms. Cocheu asked Ms. Thomas if she had engaged in commercial work. Ms. Thomas replied that she has been practicing in Atlanta since 1972 and began practicing commercial work in 1998. She stated that she has not practiced commercial work in Florida. She commented that she has a degree in interior design from Georgia State. Ms. Del Bianco stated that she has a concern with her education even though David Butler had reviewed and approved. Mr. Horstmyer stated that the curriculum included interior design and if they choose not to call it interior design it is an institution decision. Ms. Reeves stated that if the education consultant had reviewed and approved the education as equivalent then the board should accept his recommendation. The board determine that the institutions can call the program what they determine to be an acceptable title of the degree. Ms. Cocheu encouraged the board to be consistent with their determinations. Ms. Del Bianco stated the equivalency is compared to a FIDER degree. Mr. Lopez-Isa referred to the Interior Design Educational Requirements and stated it reads "FIDER or is found to be substantially equivalent by the board. He stated that the consultant says it is equivalent.

MOTION: Mr. Lopez-Isa moved to approve her education and eligibility to sit for the examination.

SECOND: Mr. Bullock seconded the motion and it passed unanimously.

Disciplinary Cases

Hearing Not Involving Disputed Issues of Material Fact

DBPR vs. Jose E. Blanco

Case Number 2001-08340

(PCP: Rodriguez and Reeves)

Mr. Blanco was present and represented by Mr. Alexander Anguiero, they were both sworn in. Mr. Rodriguez and Ms. Reeves recused themselves from the proceeding. Mr. Bullock opposed that they recuse themselves because he finds them to be a source of knowledge and would request that they waive the statute to be available. Ms. Cocheu stated that they could not waive a statute. She commented that the questions should be directed to her or Mr. Minacci.

Ms. Cocheu stated this was a hearing not involving disputed issues of material fact. She directed the board how to proceed. Mr. Anguiero stated that it was relevant to have input from the Probable Cause Panel and felt it would be helpful to the board. Ms. Cocheu responded by commenting that the it was a dangerous precedent because those individuals may have information that is not public information and not relevant to the case as well as the legislation has determined those individuals should not participate.

Mr. Minacci presented the case stating that the facts not in dispute are on or about October 24, 2001, A criminal case was with the United States District Court, Southern District of Florida, against the respondent. Allegations included mail fraud, bribery to Mr. Lynn so the respondent could be awarded architectural contracts for services to be provided to the United States Postal Service, and the architectural contracts were awarded in an excess of \$ 3 Million. He continued by stating on or about October 31, 2001, the respondent entered a guilty plea agreement with the United States Prosecutor for mail fraud and was adjudicated guilty and received 4-years probation and order to pay \$70,000 restitution, \$20,000 fines and \$100 assessment. Mr. Minacci stated that based on these facts the respondent has violated Section 481.225(1)(d), F.S., which states being found guilty of a crime in any state or jurisdiction which directly relates to the practice of architecture constitutes grounds for disciplinary action.

Mr. Minacci stated that the respondent has cooperated and worked closely with the U.S. Prosecutor and is compliance with his probation, paid his restitution and performed the required hours of community service.

MOTION: Mr. Lopez-Isa moved to accept findings of fact and conclusions of law.

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

Mr. Minacci stated that the Probable Cause Panel recommended was 1 year suspension, 3 years probation, \$1,000 fine, 2 hours of continuing education regarding the laws and rules, and 4 hours of continuing education on ethics. Ms. Cocheu stated to the board that was the lower end of the discipline allowable for a felony conviction.

Mr. Anguiero addressed the board and commented they were not there today to argue the facts. He commented that they have letters from the Postal Manager indicating that not all of the contracts were paid through Mr. Lynn. He commented that Mr. Blanco accepted his responsibility and entered into a pre-charged plea agreement with the Prosecutor. He commented that Mr. Blanco agreed to pay restitution, fines, investigative costs, and provided substantial assistance to the government. He commented that Mr. Blanco has agreed to be barred from accepting contracts from the Postal Service for a minimum of 3 years. Mr. Anguiero wanted the board to know what steps Mr. Blanco has taken to rectify this situation. He commented that this was one instance that he did not want to ruin his stellar career and referred to the positive reference letters from his peers and investigators.

Mr. Lopez-Isa asked Mr. Blanco how did he decide to go into bribery and fraud and what were the conditions that lead him in that direction. Mr. Blanco responded that he received the first contact in 1989 buy submitting an application, being reviewed, and the contract was awarded based on individual qualifications. He continued by stating initially the contract was awarded from the Tampa office, then it was awarded from the Atlanta office, then they were awarded from the local offices. He commented that the business increased 25%, then 75%, until he was working around the clock. Mr. Blanco stated that Mr. Lynn was insistant in what he wanted and he finally gave into Mr. Lynn's requests to avoid losing the contracts.

Mr. Lopez-Isa asked Mr. Blanco if he considered bringing charges against Mr. Lynn for coercion. Mr. Blanco stated he should have had a stronger character and not made this mistake in life, however, he would like to move on.

Mr. Lopez-Isa asked Mr. Minacci if he knew Mr. Lynn's position regarding this issue. Mr. Minacci responded that he has no documentation for Mr. Lynn. Mr. Bullock asked Mr. Minacci if Mr. Blanco had any priors. Mr. Minacci responded in the negative. Ms. Cocheu commented that he had a stipulation and a cease and desist. Mr. Lopez-Isa stated he had a reprimand for negligence and misconduct. Ms. Cocheu referred the board to page 334, which was a settlement stipulation for negligence and misconduct and then to page 333 for the order to cease and desist for unlicensed activity.

Mr. Bullock stated that he has worked with numerous federal agencies including the Postal Service and stated that bribery could not have happened without Mr. Blanco's participation and he is embarrassed that he is an architect. Mr. Horstmyer commented that the facts are not disputed, the plea guilty, and the mitigating factors had been recommended that he receive the low end of the disciplinary guidelines. Mr. Bullock commented that was a recommendation.

Mr. Hall reviewed the process of completing the forms to obtain the work and then going through the selection process he wanted to understand why he felt that he would have to pay someone to obtain this work. Mr. Blanco commented that he obtained this work and contract based on his merits. He continued by stating that Mr. Lynn was the contract officer that was delegated to work with him. He stated that he obtained the work in 1989 and Mr. Lynn was delegated later from Atlanta to work with him in 1994. Mr. Anguiero stated there were issues of coercion and they are not trying to justify that fact. He commented that Mr. Blanco made a bad choice. He stated that there were pre and post mitigating factors. He stated that he spoke with Mr. Minacci and requested that the 1-year suspension be reduced to minimize the impact on Mr. Blanco's family and finances. Mr. Lopez-Isa stated that the maximum was not imposed which would have been revocation. He continued by stating that the board needs to send a message to the professionals that there are options for the individuals to choose and that mitigating factors have been handled through the process.

Ms. Del Bianco asked Mr. Blanco if he had a construction company. Mr. Blanco commented that he applied for a construction company license with his name in the title and he was going to do a joint venture with another company. He continued by stating it never came to fruition but he used the opened account to pay a bill. He stated that he appeared before the construction board, plead no contest and the matter was closed. He commented it was out of naivete and ceased immediately.

Mr. Bullock asked Mr. Blanco if Mr. Lynn was not connected with this contract why did he feel that Mr. Lynn could keep him from receiving future contracts. Mr. Blanco replied that Mr. Lynn was assigned to manage contracts after they were awarded.

Mr. Bullock commented that there was a disparity in what was recommended and what the board has passed previously for offenses that are less severe. Mr. Minacci commented that he felt bad for Mr. Blanco and encouraged him to come before the board and make amends for

prior mistakes. Mr. Bullock asked if the Probable Cause Panel was made aware of Mr. Blanco's prior discipline. Mr. Minacci replied that Ms. Gaffney, the previous prosecuting attorney, attended the Panel meeting and the Panel was made aware of the prior discipline before making the recommendation.

MOTION: Mr. Lopez-Isa moved to accept the Probable Cause Panel's recommendation.

SECOND: Mr. Hall seconded the motion.

Ms. Cocheu reviewed the recommendation which was 1 year suspension, 3 years probation, \$1,000 fine payable during probation, 2 hours of continuing education on the laws and rules, and 4 hours of continuing education on ethics. Mr. Bullock commented that they were not being consistent. Mr. Lopez-Isa stated the board usually has gone with the Probable Cause Panels recommendations. Ms. Cocheu commented that the board has not seen the felony conviction. Mr. Bullock stated that 1 year is too light of a recommendation, he would rather it be a 3 to 4 year suspension. Mr. Minacci commented that the Probable Cause Panel recommended a 1 year suspension and 3 years probation. He continued by stating that Mr. Blanco would be under the Probable Cause Panels review for that timeframe. Mr. Bullock stated that was not substantial and the severity warrants more than a year. Mr. Lopez-Isa commented that the Probable Cause Panel has seen all of the factors involved and they are the best to give the recommendation and make the judgement based on the factors. Ms. Cocheu reviewed the disciplinary range.

Motion called. Mr. Hall, Mr. Gustafson, and Mr. Lopez-Isa approved. Mr. Horstmyer, Mr. Bullock, Ms. Del Bianco, and Mr. Gonzalez opposed. Motion died.

MOTION: Mr. Bullock moved to modify the recommendation to 3 years suspension, 3 years probation, \$1,000 fine, 2 hours of continuing education on the laws and rules, and 4 hours of continuing education on ethics.

SECOND: Mr. Hall seconded the motion.

Motion called. Mr. Bullock, Mr. Gonzalez, and Mr. Horstmyer approved. Mr. Hall, Mr. Gustafson, Mr. Lopez-Isa, and Ms. Del Bianco opposed. Motion dies.

Mr. Minacci and Mr. Anguiero left the meeting to discuss.

Mr. Anguiero addressed the board commenting that the Probable Cause Panel consists of respected board members. Mr. Lopez-Isa commented that the board puts faith in the people assigned to the Probable Cause Panel and there is a reason why they came up with their recommendations and historically the board accepts the Probable Cause Panel's recommendations regardless of whether or not you agree with their recommendation.

Ms. Cocheu stated that the attorney had an opportunity to submit a response and information during the Probable Cause Panel meeting. Mr. Anguiero commented that they never met with

the Probable Cause Panel and only knew of the four letters forwarded to Mr. Minacci and Mr. Blanco pleaded to one count.

MOTION: Mr. Bullock moved to accept the Probable Cause Panel's recommendation with an exception of the suspension being for 2 years.

SEOND: Mr. Gonzalez seconded the motion.

Motion called. Ms. Del Bianco, Mr. Bullock, Mr. Gonzalez, Mr. Lopez-Isa, and Mr. Horstmyer accepted. Mr. Hall and Mr. Gustafson opposed. Motion passed.

Ms. Del Bianco reviewed the recommendation as 2 years suspension, 3 years probation, \$1,000 fine, 2 hours of continuing education on laws and rules, and 4 hours of continuing education on ethics. Mr. Anguiero thanked the board.

DBPR vs. Jay Leonard

Case Number 2001-09523

(PCP: Rodriguez, Wirtz, and Hall)

Mr. Leonard was present and sworn in. He was not represented by counsel. Mr. Hall and Mr. Rodriguez recused themselves. Mr. Minacci presented the case and commented that this was an unlicensed activity case for 3-counts where Mr. Leonard provided architectural services in Wakulla County. He continued by stating that Mr. Leonard had an agreement with an architect to sign and seal plans. He stated that a case has been opened against the architect and probable cause was found. He stated that Mr. Leonard plead no contest to the unlicensed practice of architecture in Wakulla County in criminal court. He stated that the Probable Cause Panel recommended a maximum penalty for each count, which is \$5,000 per count.

MOTION: Mr. Gustafson moved to accept findings of fact and conclusion of law.

SECOND: Mr. Horstmyer seconded the motion and it passed unanimously.

Mr. Leonard commented that he did drafting for several years with Lively and FSU. He commented that it was evident by his health and disability that architecture was an option for him as a career. He continued by stating that he was under the assumption that by hiring an architect he would know the law and regulations. He commented he did not know that what he was doing was against the law, and that the architect he was under should know the correct guidelines regarding the laws. He commented that he contacted his instructor at the college and they did not know the laws.

Ms. Del Bianco requested that Ms. Cocheu review the process for him. Ms. Cocheu commented that this was the first round of cases for unlicensed activity and the Probable Cause Panel has recommended the maximum penalty for unlicensed activity cases. Ms. Cocheu stated that the Probable Cause Panel wanted to send a message regarding plan stamping and unlicensed activity.

Mr. Minacci commented that he sat down with the architect that signed and sealed the plans for Mr. Leonard and explained to him what he did wrong.

Mr. Bullock asked Mr. Leonard if he solicited the architect to sign and seal the plans. Mr. Leonard responded that he had a relationship with this architect for 6 years. Mr. Leonard commented that the building department required that the plans be signed and sealed and they referred clients to him. He commented that the architect designs the projects and he draws the projects. He continued by stating that he was in constant contact with the architect by e-mail, fax, and personal contact. He stated that the architect was compensated through him through his bill to the client. He commented that no architect would take the projects.

Mr. Minacci stated that Mr. Leonard's practice included offering architecture services. Mr. Leonard responded by stating he offered drafting services through an architect.

MOTION: Mr. Lopez-Isa moved to accept the recommendations of the Probable Cause Panel.

SECOND: Mr. Gonzalez seconded the motion and it passed unanimously.

DBPR vs. Michael Richardson

Case Number 2001-09057

(PCP: Rodriguez and Reeves)

Mr. Richardson was present and sworn in. He was not represented by counsel. Mr. Rodriguez and Ms. Reeves recused themselves. Mr. Minacci presented the case and commented that this was a licensed case where a permit was applied for and the drawings were prepared and submitted on notebook paper. Mr. Minacci reviewed the reasons why the building department rejected the plans and commented that the respondent prepared adequate drawings and detail for resubmission. He continued by stating that this was a 2-count complaint for failing to exercise responsible supervisory control over the contractor that actually drafted the original plans submitted and signing and sealing plans that were not clear and accurate.

MOTION: Mr. Lopez-Isa moved to accept the findings of fact and conclusions of law.

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

Mr. Richardson commented that the circumstances looked bad because they only see a portion of the case. He continued by stating he lives in a rural and small area and he is respected in the community. He stated that a majority of his business was residential. He commented that this project consisted of an 8 X 8-observation deck on a town home and he knew the person that drew the plans. He commented that the building department required the plans be signed and sealed by an architect before they would issue the permit. He stated that the building official that filed the complaint did so to teach him and the community a lesson by showing the administration of the local law comes first, service to the community second. He commented that the plans were initially rejected. He revised the plans, and resubmitted and they were accepted. He commented that the official who filed the complaint has since

submitted his resignation and been terminated. He stated that from this complaint he has learned a lesson and was unsure what his punishment would be at this point.

Mr. Lopez-Isa commented that the building department is there not to serve the community but to protect the health, safety, and welfare of the public. Mr. Lopez-Isa asked if anyone took issue with this official as to whether he was right or wrong as far as the requirements for the issuance of permits or was he trying to enforce codes that were erroneous or if he was trying to enforce what the law requires. He continued to state that he as an architect needed to set a standard regardless of how busy. He stated that there is a reason for an architect to sign and seal a project and the architect needs to take that seriously. Mr. Bullock asked Mr. Richardson if he had a problem with the building official's position. Mr. Richardson replied in the negative.

Ms. Cocheu reviewed the Probable Cause Panel's recommendation which included reprimand, 2-years probation, submission of a list of projects at 6 months and 18 months where the Panel would select plans to review for completeness, and \$1,000 fine. She continued by stating that was the minimum and this was a first offense.

MOTION: Mr. Gustafson moved to accept the Probable Cause Panel's recommendation including fines and costs.

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

The meeting was suspended at 10:45 a.m.

The meeting reconvened at 11:10 a.m.

Stipulation

DPBR vs. Alfred T. Drake

Case Number 2000-09223

(PCP: Falkanger, Shiff, and Wirtz)

Mr. Drake was present and sworn in. He was not represented by counsel. Ms. Cocheu commented that this case was before the board either to accept or reject the stipulation. Mr. Minacci reviewed the case stating that the respondent submitted plans for permitting for a funeral home and which were rejected. He continued by stating that the respondent submitted a second set of plans and they were rejected for failure to meet code. He stated that an administrative complaint was filed for negligence. Mr. Minacci stated that after discussing the case with Mr. Manausa they felt the Probable Cause Panel's recommendation of revocation should be 1-year suspension, which may be reduced if plans submitted are in compliance, and 3 years probation would be a sufficient discipline. He stated that the particular plans in this case were not reflective of Mr. Drake's career and he has no prior discipline. He stated that if during the probation Mr. Drake submitted insufficient plans that they found to be negligent they could proceed to revoke his license. Mr. Lopez-Isa asked Mr. Minacci why they are going this direction with their recommendation. Mr. Minacci commented that one set of bad plans does not justify revocation. Mr. Manausa commented that the case was old and they obtained additional information to consider. He commented that they felt revocation was severe for this case. He stated that by placing Mr. Drake on probation they could get a better understanding of his ability before automatically revoking the license for a first offense. Ms. Cocheu

commented that she was at the Probable Cause Panel Meeting and the Panel felt Mr. Drake should voluntarily relinquish his license and he disagreed. She stated, therefore, the Panel recommended revocation. Mr. Bullock asked Mr. Manausa to describe the plans. Mr. Manausa replied that they were really bad, they were marginally prepared and they did not meet code. He stated that the Panel would be reviewing plans that he had prepared in the past as well as future.

Mr. Bullock asked Mr. Drake to describe his office regarding staffing, management, and type of work. Mr. Drake responded that his office is in his home. He stated that he does mostly residential work, which consists of alterations, build-outs for commercial buildings, restaurants and generally small commercial jobs. Mr. Lopez-Isa asked Mr. Drake if he designed the projects. Mr. Drake responded that at that time he was employed with a firm and he was under pressure because the funeral home owner. He continued by stating the funeral home owner had previous problems with the building plans examiner regarding prior plans submitted for this project.

Ms. Cocheu asked Mr. Drake if he was waiving Mr. Lentz', his attorney, appearance. Mr. Drake responded in the positive. Mr. Lopez-Isa asked if the board approved the stipulation and the panel found a pattern of unacceptable plans was suspension worst that could happen. Ms. Cocheu commented that the stipulation states that he will be on suspension for 1 year, then he is place on probation for 3 years. If any of the plans during the 3 year probationary period are found to be substandard then a new case would be opened. Mr. Lopez-Isa asked if the work was not adequate for the last 6 projects, what would the procedure be. Ms. Cocheu commented that a new case would be opened.

Ms. Cocheu asked Mr. Drake if he remembered appearing before the Probable Cause Panel and if they asked him to retire. Mr. Drake responded that he does not remember.

MOTION: Mr. Lopez-Isa moved to reject the stipulation.

SECOND: Mr. Bullock seconded the motion.

Mr. Drake agreed to a counter-stipulation.

Motion called. Mr. Hall, Mr. Rodriguez, and Mr. Gonzalez opposed. Motion passed.

Mr. Lopez-Isa commented that the stipulation should be modified to include 1 year suspension which might be reduced to 6 months if the required plans review by Frank Abbott of the past 5 non residential plans requiring the seal of an architect are found to be adequate or acceptable, 3 years probation, 10 hours of continuing education, \$1,000 fine, costs and cost for expert review. Mr. Minacci agreed with the recommendation and commented that if the problem persist they could open a complaint.

Mr. Hall asked if the plans being accepted are required for acceptance by the building department. Mr. Lopez-Isa replied that just because the building department accepts them does not mean they are acceptable. Mr. Bullock asked Mr. Drake if he was aware of the

requirement of 20 hours of continuing education. Mr. Drake replied in the positive by means of class study and completion of the Florida Building Code.

Motion called and passed unanimously.

Mignon Dannon

Ms. Dannon was not present; however, she submitted a letter to the board requesting a continuance to appear at the next available meeting. Ms. Cocheu commented that the board received proof that Ms. Dannon has completed the NCIDQ examination and the original order will be modified to reflect that information. Ms. Reeves commented that she was not denied based on the examination, it was the experience and education. Ms. Del Bianco commented that her experience was verified by associations or affiliation not direct working relationships.

MOTION: Mr. Lopez-Isa moved to continue for one final meeting.

SECOND: Mr. Rodriguez seconded the motion and it passed unanimously.

Barbara Hoey

Ms. Hoey was not present. Ms. Cocheu commented that the board received a letter from her attorney requesting a continuance due to his previous obligations.

MOTION: Mr. Rodriguez moved to continue for one final meeting.

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

Rebecca Jones

Ms. Jones was not present. Ms. Cocheu commented that the board approved this application for a certificate of authorization with \$1,000 fine. Ms. Cocheu referred the board to a letter submitted by Ms. Jones on page 136 of the agenda. Mr. Rodriguez commented that the letter states she did practice without a license.

MOTION: Mr. Rodriguez moved to uphold the order.

SECOND: Mr. Gonzalez seconded the motion and it passed unanimously.

Application Reviews

Application for Interior Design Examination

Patricia Newman

Ms. Newman was not present. Ms. Del Bianco presented the file and commented that Ms. Newman does not have the required interior design degree.

MOTION: Mr. Bullock moved to deny.

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

Application for Interior Design Endorsement

Christopher Kelsey

Mr. Kelsey was not present. Ms. Del Bianco presented the application and recommended denial based on lack of verified experience.

MOTION: Ms. Gonzalez moved to deny.

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

Ratification List (handout)

Architecture Certificate of Authorization

Items 1-28

Mr. Gonzalez commented that items 1, 21, and 22 have been practicing. The board discussed some of the names on the ratification list (i.e. C-A Information Systems, Infrastructure Services Corporation, Construction) and asked how the names were related to architecture. Mr. Lopez-Isa commented on item 3, Architecture Services of Okeechobee. He explained he could not determine if this was a local firm or an individual. Mr. Hicks stated that the companies were required to identify the services of architecture on the letterhead. Mr. Lopez-Isa commented that he does not agree with issuing and authorizing firms that refer to other professions without architecture in the name.

MOTION: Mr. Rodriguez moved to approve the list and withdraw items 1, 3, 8, 9, 18, 21, 22, 23, 26, and 27 and where appropriate require verification of use of architecture in the title and then they can resubmit.

SECOND: Mr. Gonzalez seconded the motion.

Mr. Lopez-Isa requested staff to verify if individual names are in the title, that they are registered architects or engineers. Ms. Estes responded that the applications were verified and reviewed by the board consultant as well as the architecture services were identified on the letterhead submitted by the firm. Mr. Hicks gave the example of O'Neal Engineering, which stated on their letterhead that they offered architecture services. Mr. Biegalski commented that this goes back to the same conversation the board had for 1-½ hours in Jacksonville that was never resolved. Mr. Lopez-Isa stated it was misleading. Mr. Rodriguez stated he felt the identification of the services needs to be attached to the name not necessarily in the title or name. He commented he would withdraw his objection to that particular application. Mr. Rodriguez commented that the rules were clear and it needed to be identified in conjunction with the name. Mr. Biegalski read the rule. Mr. Rodriguez commented that they could not deny licensure based on the fact that the company name was O'Neal Engineering and it's not O'Neal Engineering and Architecture. He continued by stating he does not feel it is misleading because they are using it in conjunction with. The board had a lengthy discussion regarding whether the interpretation of the rule reads, "in the name of the title" or "in conjunction with the name of the title of the business". Mr. Gonzalez asked that they send it back and question how they would advertise. Mr. Manausa commented that

historically the firm must submit a copy of the letterhead identifying the services offered (i.e. architect, architecture or architectural services) identified on the letterhead. He continued by stating the board cannot make a company change the name of the firm, however the firm cannot be misleading the public by not saying they are not offering architecture services. He continued by stating you can not make them advertise in the yellow pages a certain way. Mr. Lopez-Isa commented that if they make a point to identify another profession then they are violating the rule. He continued by stating it is in the interpretation. Mr. Rodriguez commented that he disagreed with Mr. Lopez-Isa and that is why the board requires the firm number be attached to the advertisements. Mr. Manausa stated it is good will when they use the firm name. He stated that an example would be a construction company that has been in business for many years and the son goes to school to become an architect. He stated that the Construction Company should not have to change the name of the firm that has been established for 20 plus years to include architecture.

Ms. Del Bianco stated that they have been approving the applications for numerous years based on Mr. Manausa's interpretation. She continued stating that she agreed with Mr. Lopez-Isa's interpretation as well and feels that it may be misleading to the public if architecture is not in the name of the firm. Mr. Lopez-Isa asked Mr. Minacci how other professions advertise their language. Mr. Minacci replied that lawyers do not have to have a reference.

Ms. Reeves asked Mr. Hicks if every name on the ratification list does not have architect, architecture, or architectural services in the title name had he seen letterhead reflecting those services. Mr. Hicks responded in the positive.

MOTION: Mr. Rodriguez moved to amend the motion and approve the list with the exception of items 1, 3, 21, 22, and 26 for further verification.

Mr. Manausa commented that the new application does not identify the responsible supervisor in control and the applications should not be approved until this information is confirmed.

MOTION: Mr. Rodriguez moved to approve the list subject to receipt of documentation identifying the responsible supervisor in control.

SECOND: Mr. Gonzalez seconded the motion and it passed unanimously.

Mr. Rodriguez stated to Mr. Biegalski he needed to relay to the department that the board is delaying the approval of applications because certain information is not on the new forms. Ms. Estes confirmed the responsible supervisory control question was not on the old form and the question regarding the solicitation or offering of services prior to licensure was on the new form.

Architect Exam passed

Items 1-8

MOTION: Mr. Rodriguez moved to approve.

SECOND: Mr. Bullock seconded the motion and it passed unanimously.

Architecture Endorsement

Items 1-31

MOTION: Mr. Rodriguez moved to approve.

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

Architecture Business Name Change

Item 1

MOTION: Mr. Rodriguez moved to approve.

SECOND: Ms. Reeves seconded the motion and it passed unanimously.

Architecture Threshold Inspector

MOTION: Mr. Gonzalez moved to approve.

SECOND: Mr. Rodriguez seconded the motion and it passed unanimously.

Interior Design Endorsement

Items 1-12

MOTION: Mr. Rodriguez moved to approve.

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

Interior Design Certificate of Authorization

MOTION: Ms. Reeves moved to approve.

SECOND: Mr. Rodriguez seconded the motion and it passed unanimously.

Interior Design Examination

MOTION: Ms. Reeves moved to approve.

SECOND: Mr. Rodriguez seconded the motion and it passed unanimously.

Interior Design Dual Licensure

Items 1-2

MOTION: Ms. Reeves moved to approve.

SECOND: Mr. Rodriguez seconded the motion and it passed unanimously.

Mr. Gonzalez recused himself from number 2.

Interior Design Business Name Change

Item 1

MOTION: Ms. Reeves moved to approve.

SECOND: Mr. Rodriguez seconded the motion and it passed unanimously.

Mr. Favo was listed as an architecture endorsement candidate number 9 and he should be listed as an interior design endorsement candidate. His name was listed in the wrong place.

MOTION: Mr. Rodriguez moved to reconsider.

SECOND: Ms. Reeves seconded the motion and it passed unanimously.

Mr. Biegalski asked the board if they would like the board office to send a deficiency notice to the certificate of authorization candidates even though they were not deficient because the application does not request this information. Mr. Rodriguez commented that the board was requesting additional information prior to approval. Mr. Biegalski commented that he wanted to clarify because this information was not noticed in the original deficiencies and because of noted the 30-90 days issue. Mr. Rodriguez commented that they might complain, however, they would need to provide the information. Ms. Del Bianco requested that the information be obtained for professions, architecture and interior design.

Discussion

Building Code Administrators Inspectors Board

Ms. Del Bianco appointed Ms. Reeves to attend the upcoming Building Code Administrators Inspectors Meeting scheduled for March 6-7, 2003 in Orlando. Mr. Lopez-Isa commented that it was good to maintain rapport with this profession. Mr. Gonzalez stated they should be aware of the unlicensed activity initiative and the accessibility of Smith, Thompson, Shaw & Manausa for inadequate work performed by the licensed professional. Mr. Rodriguez commented that they should be aware of the issue of whether an architect needed to sign and seal all drawing sheets or only the index page. He stated that there was an issue with not knowing who was the architect of record.

Privatization of the Board

MOTION: Mr. Rodriguez moved that the board request the department to privatize the administrative support functions as provided by in Section 455.32, F.S.

SECOND: Mr. Bullock seconded the motion and it passed unanimously.

Mr. Shalley commented that he has had an opportunity to meet with Secretary Carr, with the Department of Business and Professional Regulation, to discuss the privatization issue. He stated that professions must look at the financial aspect of this issue and evaluate whether it is feasible to privatize. He commented that the Governor swept the departments trust funds and this might affect the board's financial situation and the possibility of privatization. He commented that he asked the department for the revenue amount used to currently operate. He continued by stating that it appears the board is in a deficit. He commented that the board would have companies bidding on the contract that would want to be for profit. He stated that the goal with the privatization is to provide the services for less cost. He stated that they might not necessarily care about doing it for less but doing more with what they have and doing a better job.

Ms. Glispin-Dunn asked why a representative from IDAF was not in attendance at the meeting with the department. She commented that the interior design profession was a part of this board and should have been represented. Mr. Shalley responded that it was a meeting he was invited to and it happened a few days before this meeting. He commented that he represents architects and does his best to help the interior design profession. He commented that his first responsibility is to represent AIA, Florida. Ms. Del Bianco commented that Mr. Shalley informed her of this meeting and he asked if an interior design representative should attend. He was informed no because it was an informal meeting. Ms. Reeves commented that Ms. Wilder lived in Tallahassee and she might be a point of contact.

Ms. Glispin-Dunn commented that Mr. Shalley has done a lot of work for the Board of Architecture and Interior Design and she appreciates his hard work. Mr. Biegalski commented that the department will be contracting for the administrative functions and the board holds the contract for the discipline side. Mr. Rodriguez commented he would urge the department to use the Invitation to Negotiate process to accomplish the privatization of the administrative functions. Ms. Del Bianco commented that the board would be able to approve the department's selection not the Invitation to Negotiate. Mr. Shalley commented that he would also urge the department to use the Invitation to Negotiate process. The board discussed the timeline and determined that the department might have a contract for approval at the upcoming May meeting.

Mr. Shalley commented that he would like to sit down with the department and state the board's goal and work towards the best way to reach the end. Mr. Rodriguez commented he would like the board to have input regarding the Invitation to Negotiate. Mr. Biegalski commented that the process should move fairly quickly.

James Carver – Continuing Education Exemption Request

Ms. Cocheu commented that there was a letter in their packet for exemption or extension of the required continuing education due to his wife's illness. Mr. Rodriguez commented that he stated he was the primary care giver for his wife.

MOTION: Mr. Gonzalez moved to allow a 6 months extension and he is required to report completion to the board.

SECOND: Mr. Rodriguez seconded the motion and it passed unanimously.

Robert Visser regarding "Request for Tenure"

Ms. Cocheu reviewed the letter. The board was unclear as what his request was. The board directed Mr. Biegalski to respond.

Reports

Chair's Report – Sharon Del Bianco

Ms. Del Bianco commented that she had received a memorandum regarding the department's budget and staff reductions.

Executive Director’s Report – Leon Biegalski

No report. Mr. Biegalski reviewed the budget and the trust fund sweeps.

Prosecuting Attorney’s Report – David K. Minacci

Mr. Minacci referred the board to the case reports he provided. Ms. Cocheu commented that she would encourage him not to discuss the cases that have not come before the board. He commented that he would provide the board with information regarding future speaking engagements. Mr. Rodriguez compliment Mr. Minacci and his staff for their work.

IDAF Report – Rita Scholz

Ms. Scholz commented she would like to place Mr. Minacci’s website address as a link available on the IDAF web site. Mr. Minacci approved. Ms. Scholz invited the board to their Midnight Affair event.

MOTION: Mr. Lopez-Isa moved to ratify the reports.

SECOND: Mr. Gonzalez seconded the motion and it passed unanimously.

New Business

Ms. Del Bianco reviewed the appointment assignments.

Old Business

No old business

Adjourn

MOTION: Mr. Lopez-Isa moved to adjourn at 1:25 p.m.

SECOND: Mr. Horstmyer seconded the motion and it passed unanimously.