

## MINUTES

### BOARD OF ARCHITECTURE AND INTERIOR DESIGN

The Ritz-Carlton Sarasota  
1111 Ritz Carlton Drive  
Sarasota, Florida 34236

July 31, 2003  
9:00 a.m.

#### General Business Meeting

##### Call to Order

Ms. Del Bianco called the meeting to order at 9:03 a.m.

##### Board Members Present:

Garrick Gustafson  
Joyce Shore  
Stephen Schreiber  
Mary Jane Reeves  
Rick Gonzalez  
Sharon Del Bianco, Chair  
Ellis Bullock, Vice-Chair  
Kenneth Horstmyer  
Neil Hall  
Roymi Membiela  
Miguel Rodriguez

##### Others Present:

Paul Martin, Board Counsel  
Juanita Chastain, Executive Director  
Terri Estes, Government Analyst  
Tony Lawhon  
Kent Dahlen  
Joseph Cortes  
Suzanne Brownless  
Russell Brabec  
Ashley Haynes  
Alan Farrar  
Mike Kiernan  
Lianne Acebo, Deputy Secretary  
Jon Epstein, DBPR  
Ken Oliver, DBPR  
Ken Walling, DBPR  
Zenaida Young, Palm Beach Community College  
James Varnado, DBPR Division Director

Emory Johnson  
Christine Minnich  
Julie Hargrove  
Lauraine Dunn-Glispin  
Steve Hefner  
Rita Scholz  
Shelley Siegel  
Daniel Langefels  
Ann Wingate  
Cheryl Wymer  
Susette Crosby  
Jill Smith  
Jaime Canaves

Court Reporter:

Julie Sabins-Johnson, Esquire Deposition Services, 6358 Cocoa Lane, Apollo Beach, FL 33572, 800.838.2814 or 813.221.2535.

Ms. Del Bianco amended the agenda for the department to give a presentation to the board.

Deputy Secretary Lianne Acebo thanked the board and commented that department representatives would be giving an overview of the progress of the Re-Engineering efforts and the services and enhancements that would be offered to the board.

Mr. Jon Epstein, Director of Service Operations, commented that the Division of Service Operation's area centralizes the focus and attention to maximize the board's return on investment. He commented that Mr. Ken Walling with the Customer Contact Center would provide information regarding the added value of the Contact Center.

Mr. Ken Walling, Bureau Chief of the Customer Contact Center, commented that the department has been involved in the Re-Engineering Project over the past couple of years and the effort was to centralize services, which included the Customer Contact Center. He commented that prior to Re-Engineering; a feasibility study was conducted on customer service relationships with the board members, license holders, and the general public. He commented that the study found several areas of concerns, one being that there was over 200 telephone numbers issued for the department throughout the state. He commented that there was an estimated 1 million telephone calls going unanswered.

Mr. Walling commented that there were multiple systems that could not communicate or transfer information. He commented that there was limited monitoring, no tracking, or no work load measurement data. Mr. Walling commented that 40% of board office's staff time was spent on customer relations. He commented that as part of the study they determined there was room for improvement.

Mr. Walling commented that a comprehensive study reflected that they needed to consolidate several of their functions. He commented that one area that was consolidated was the

Customer Contact Center that utilizes over 88 personnel that are cross trained on the numerous professions licensed and regulated by the department. He commented that cross training helps with the peaks and valleys during the renewal periods.

Mr. Walling referred the board to the provided handout regarding the key changes and benefits that the department feels the boards receive from centralization. He commented that centralization creates a single point of entry to the department for the public. He commented that with a single point of entry the number of misdirected calls has been reduced. He commented that the Customer Contact Center handles the calls and lowers or reduces the numbers of calls transferred to the board office and program areas.

Mr. Walling commented that they are enhancing customer service by four major ways the public can contact the department by telephone, web base portal, interactive voice response unit, and mail. He commented that as a result of the enhancements the public could access the department 24 hours a day, 7 days a week. He commented that with 6,000 to 8,000 calls taken per day, they are classified into 3 major groups, which are Tier 1, Tier 2, and Tier N. He commented that Tier 1 and 2 are handled within the Call Center and Tier N is transferred to the appropriate program area.

Mr. Walling commented that as a result of handling the calls by group the Call Center has developed ownership of the activities and with the technology in place they are able to track, monitor, and control customer interaction. Mr. Walling commented that with the consolidation of the areas the board office no longer is needed for the day to day activities, which allows them to focus on their primary focus or job.

Mr. Walling commented that for the Board of Architecture and Interior Design over 8,800 calls were received in the Customer Contact Center. He commented that 2,300 of the calls were self-serve. He continued by stating that a Customer Contact agent handled over 6,500 calls. He commented that of the 6,500 approximately 800 to 900 were transferred to the program areas. He referred the board to the handout regarding software that the department uses in the Call Center. He commented that they are currently updating and improving the Interactive Voice Response System (IVR) and revising the agent monitoring and service activity training. Mr. Walling stated in closing that the role of the Customer Contact Center is to provide prompt and courteous customer information.

Mr. Jon Epstein, Director of Service Operations, commented that when he came on board with the department 4 months ago his goal, along with Mr. Michael Murphy, was to take a look at the Central Intake section, which is primarily the production end of the process. He commented that they determined that they were not maximizing the boards' investment regarding the service produced. He commented that they realigned the business processes so they could provide the board with better service. He commented that they redesigned the function within the Central Intake Unit so they could handle each boards specific work. He commented that the benefit of the centralized area is that they could cross train staff to assist with workload peaks and valleys.

Mr. Epstein commented that they developed key performance indicators to measure the types of work within the Unit. He commented that the key performance indicators assist each Unit to determine if their areas are meeting their goals regarding internal customers and external customers. He commented that they have developed a system where a consumer or someone from the board can contact the department and they can track, from inception into the department until conclusion of the application, where it is in the process. He commented that they could provide what the issues are with that application and where it is in the process.

Mr. Epstein commented that the key performance indicators assist the area to determine if staff is receiving proper training to maximize staff and providing proper service to the public, that they deserve. He commented that in the past year there have 649 paper applications and 210 web applications for this board for this year. He commented that the short, medium, and long range planning goals are to better prepare and listen to the board so they are able to adapt and meet the needs of the different boards they service.

Mr. Epstein commented that they want to meet the needs of the boards this month, next month, and next year. He continued by stating that the different areas relate and they communicate to provide the best service. He commented that they have introduced technological advancements that will provide people with excellent customer service, which includes the License Ease System that allows the Customer Contact Center, Bureau of Education and Testing, and Central Intake Unit the ability to see what each area is doing.

Mr. Epstein commented that if a customer contacted the department to determine if a candidate is eligible to sit for an examination the Customer Contact Center is able to access that information. He commented that if the board chair contacts the department to determine where an application is in the process any one of those three areas could provide that information in accurate and real time. Mr. Epstein asked the board to take this opportunity to let the representatives of the department know what areas they are not pleased with or different views on how they would like to see a process done.

Mr. Rodriguez commented that he thought it would be helpful, for the members of the public and new board members, for Mr. Epstein to describe what happens to an application when it is received at the department. Mr. Rodriguez commented that in most instances, to the best of his knowledge, the Central Intake Unit receives the application first and is prepared or packaged for the board consultant to review. He commented that the consultant recommends approval for licensure or denial. He commented if the application is recommended for approval then it is placed on a ratification list and if it is recommended for denial it is placed on the full agenda for official denial.

Mr. Epstein commented that in essence that is what Central Intake does for the board. He commented that the board sets the parameters on how the board would like the applications processed. Mr. Rodriguez commented that there was a key point with respect to deficiencies. He continued by commenting that Central Intake is checking for basic application compliance and the board consultant may identify educational deficiencies. Mr. Epstein commented that specialized staff is assigned to the board and they are given the boards parameters regarding

information and they are specialized on how specific to review. He commented that based on board review, the board directs the Unit to either issue a license or not.

Deputy Secretary Acebo commented that they are currently working with a continuous improvement plan and they would constantly reevaluate processes. She commented that they would not sit still and is a Unit that focuses on continuous improvement. Ms. Membiela asked if the system had been implemented for other professions. Deputy Secretary Acebo commented that the process began two years ago and the legislature had invested a considerable amount of money for this project. She commented that they were working with Accenture, and Secretary Carr has taken the project into her arms. She commented that they are confident and comfortable that the program can improve.

Ms. Del Bianco commented that she understood if an individual changes their address information online that the information is retained. Mr. Walling confirmed and commented that it is real time information.

Mr. Esptein commented that they should see more technology changes as they move forward, which should cut costs and offer a bigger bang for their buck. He commented that their goal is to provide the most service with the resources they have.

Mr. Oliver, Bureau Chief of Finance and Accounting, commented that he joined the department a little over a month ago. He commented that working to improve the area of financial statements has been his and the Secretary's primary goal. He commented that they were working to improve the accuracy and timing of the statements. He commented that the new format was created approximately a year ago and was welcome to comments for improvement.

Mr. Oliver commented that they have the March financials because the department has not completed the end of the year financials. He commented that they hope to have the reports through June available in early September. He referred the board to the information provided and pointed out that the cash increase of approximately \$300,000 was due to the fact the board had a renewal cycle in February 2003. He continued by stating that the liabilities, \$79,000, change was due to the accounting practices. He commented that they use to do accrual accounting recognizing liabilities at the end of the year and it was determined to do accruals each quarter.

Mr. Oliver commented that he provided an analysis that reflected the cash transfer that took place last year of \$270,000 from this board, which was 2.6% of a \$7.5 million transfer from DBPR's trust fund. He commented that this year the amount determined by the legislature was \$25 million to be transferred and there is approximately \$47 million in DBPR's trust fund. He commented that it has not been determined how the amounts would be allocated for each profession. Mr. Oliver commented that they would look at all of the boards, when they would have their renewal cycles, if they have had a one-time assessment, and if boards are in deficits. He commented that in the past the amount was based on interest earned. He commented that they would be looking at the whole picture before determining the amount per board.

Mr. Oliver commented that the estimate for 2002-2003, in the estimate column, should be fairly close. He commented that 2003-2004 is a non-renewal cycle and he felt they should look at a two-year window, which would show a \$330,000 deficit when you combine the 2002-2003 and 2003-2004 cycles. He commented that the board discussed increasing the fees by approximately \$25 per licensee and with 14,000 licensees that would overcome the deficit.

Mr. Rodriguez commented that the board discussed the fee increase to fund privatization of administrative functions not to overcome a deficit. He commented that the board has been in the positive not the negative. He commented that the Governor determined that the trust funds should be lowered and to accomplish that, he offered to reduce the renewal fee for one cycle. He commented that it has lowered the trust and now we are discussing a sweep of the funds. He commented that they are discussing two different items. He commented that the board has determined that the licensees would not mind a fee increase to privatize the board, which would impact the licensee in a positive way. He commented that if they asked their licensees if they would support a fee increase to cover a deficit the answer would probably be negative. He commented that they are looking at a potential significant deficit due to the fee waiver and the trust fund sweep.

Deputy Secretary Acebo commented that she understood that privatization was a consideration of the board, however, she believed that the department could offer as good, if not better, services because they have the resources. She commented that they have staff that has a lot of the experience. She commented that the department is committed to offering the services the board deserves and they are at the meeting to make a case on behalf of the department regarding the services provided.

Mr. Rodriguez commented that he was pleased with what he saw when he visited Tallahassee and was pleased with the financial information provided. He complimented the staff regarding the information that was provided to the board.

Mr. Gustafson asked why there was a time delay in preparing the financials. Mr. Oliver replied that they have a cash basis and they are required by the 15<sup>th</sup> of the month to notify the Comptroller's office if they have invoices that would be certified forward, which are bills they would like to pay out of last year's cash if available. He commented that they have to wait for a response from them and then work with allocations and it is a multi-step process.

Ms. Del Bianco commented that she appreciated the proactive attitude from the department and understood that this was a big change and it was not easy. She commented that they would need to wait for the numbers to come out for the end of the year and go from there.

Ms. Membiela commented that as a new board member she would like to see the department first hand. Ms. Del Bianco replied that unfortunately there were no budgetary dollars available. Deputy Secretary Acebo commented that there would be chair training and then new board member training available in the near future. She invited all of the members to come to the department at anytime.

**Review and Approval of Minutes and To Do List**  
**Minutes available in the Addendum**  
**To Do List in the Addendum**

MOTION: Mr. Rodriguez moved to approve May 22-23, 2003 Board Meeting minutes as submitted.

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

Ms. Membiela commented that the minutes reflect that she was absent and she was recently appointed and not able to attend the meeting. Mr. Schreiber commented that they were not voting members.

**Informal Hearing**  
**Christine Minnich**

Ms. Minnich was present and sworn in. Ms. Reeves presented the application commented that it was denied for no education and Mr. Butler's notes reflect that the education did not meet the diverse liberal arts requirements. Ms. Minnich commented that she attended school and has worked for 32 years. She stated that she worked for a kitchen design center until her mother became ill. Ms. Del Bianco commented that Pennsylvania does not have licensure and Ms. Minnich does not have a conferred degree.

Ms. Reeves asked Ms. Minnich if she performed residential or commercial work. Ms. Minnich replied both. Ms. Del Bianco commented that she must be licensed to do commercial work in Florida. Ms. Reeves commented that she must have the degree and the board is bound by statute. Ms. Del Bianco referred her to Seminole Community College to complete the education requirement and commented that she must have her NCIDQ verification sent to the board office.

Ms. Reeves advised Ms. Minnich that she could not call herself an interior designer. Mr. Rodriguez stated that she must have a minimum 2-year degree in interior design, experience, and passage of the examination.

MOTION: Mr. Rodriguez moved to uphold the denial.

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

**Disciplinary Cases**

Mr. Rodriguez and Mr. Hall recused themselves, where applicable, from the disciplinary portion of the meeting.

**Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact**  
**DBPR vs. Victor Dekonschin**  
**Case Numbers 2002-002792**  
**(PCP: Rodriguez and Wirtz)**

Mr. Dekonschin was present and sworn in. Mr. Minacci presented the case stating that the allegations were the respondent allowed an unlicensed employee to sign and seal drawings and submit the drawings for plans permitting. He continued by stating Probable Cause was found on two counts; aiding and abetting unlicensed activity and misconduct for allowing his seal to be used by another individual. The PCP recommendation is 1 year suspension, 2 years probation, \$1,000 fine, plus cost of \$276.00, 4 hours of continuing education, and the respondent is to prepare a report on the use of a seal. He commented that the respondent was served the administrative complaint and he rejected or waived his right to be heard regarding this matter.

Mr. Dekonschin commented that his corporation has just two employees. He stated that he was away at the time this occurred and he can't deny it happened. He stated the gentleman worked with him for 30 years and he was not there when it happened. Mr. Gonzalez asked if this had ever happened before. Mr. Dekonschin replied in the negative.

Ms. Membiela asked what his relationship was with this gentleman. Mr. Dekonschin replied that they are still partners. Mr. Gonzalez asked if the one-year suspension would put him out of business. Mr. Dekonschin replied in the positive and the suspension would be severe to his practice.

Ms. Reeves commented that a letter in the materials reflect that he admits to having no knowledge of the violation until he received a letter from Investigator Smith and how could he not have known when the project that was permitted was ongoing. Mr. Dekonschin replied that they were part of a planning review approval and were elevation modifications, which were not working documents for building permits.

Mr. Bullock asked if the partner signed Mr. Dekonschin's name or his own name. Mr. Dekonschin replied that the partner signed Mr. Dekonschin's name. Mr. Bullock asked if disciplinary proceedings were being processed for the partner. Mr. Minacci replied in the positive and could review right after this case, if the board would like.

Ms. Joyce asked Mr. Dekonschin if he had offices in Miami. Mr. Dekonschin replied in the negative but commented that they did at one time. Mr. Martin asked Mr. Dekonschin based on Ms. Reeve's questions previously that there may have been preliminary planning documents signed and sealed with your name and whatever phase the drawings were in, they proceeded with construction on the project, shouldn't he have known that he did not sign and seal them personally. Mr. Dekonschin replied that in process there were several drawings that were submitted for modifications and revisions, somewhere in the middle is when this occurred.

Mr. Gonzalez asked why the partner did not postpone the submission of the plans. Mr. Dekonschin replied that he could only offer that the partner felt pressure.

MOTION: Mr. Schreiber moved to accept the Probable Cause Panel's recommendation.

SECOND: Mr. Bullock seconded the motion.



Mr. Gonzalez commented to the board to consider changing the suspension to 3 years probation on the grounds of him not knowing that this was done. Mr. Hall asked Mr. Gonzalez why he felt the suspension should be waived. Mr. Gonzalez replied that the partner abused the seal without Mr. Dekonschin knowing. Mr. Hall commented that they have had a partner relationship for 30 years and he feels that this may have happened before. Mr. Hall commented that based on the rejection of the plans Mr. Dekonschin should have resolved and he allowed this to happen.

Mr. Manausa commented that although they are a partnership, this is an architect that has a partner that is not licensed. He commented that the partner is acting as an architect and we do not know how much this has happened. He commented that someone must be in responsible supervisory control and provide oversight, regardless of the architect being out of town.

Ms. Del Bianco called the question and the motion passed unanimously.

Mr. Dekonschin asked the board what happened to the documents that are at the building department. Mr. Martin replied that the time of suspension would be effective from the date of the filing of the final order. Mr. Hall commented that he could utilize a successor architect rule to take care of the pending projects.

**DBPR vs. Erhard Stritzel**  
**Case Number 2003-002794**  
**(PCP: Rodriguez and Wirtz)**

Mr. Stritzel was not present. Mr. Minacci presented the case, stated that Mr. Stritzel waived his right to be heard today and that the allegation was Mr. Stritzel used the previous licensee's signature and seal to submit plans. Mr. Minacci commented that Probable Cause was found on one count of practicing architecture, with the fact the he actually signed and sealed the plans for permitting falls under this definition. He commented that the maximum penalty for this violation is \$5,000 fine plus costs, which the Probable Cause Panel is recommending.

MOTION: Ms. Reeves moved to accept the Probable Cause Panel's recommendation.

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

**Stipulation**  
**SDBPR vs. Carl Gaiser**  
**Case Number 2002-010810**  
**(PCP: Rodriguez and Wirtz)**

Mr. Gaiser was not present but represented by attorney, Suzanne Brownless, and she was sworn in. Mr. Minacci presented the case, stating that the allegation was one count of practicing architecture without a license. He stated that Mr. Gaiser is licensed in Michigan and he came to Florida, entered into a joint venture contract with a licensed Florida architect to design a church. He stated that the respondent crossed the line and practiced architecture in this state by signing the contract to perform architecture services. Mr. Minacci stated that a lot of discovery has been done on another case, which directly affects this case and thought it

was in the best interest to settle this case. He commented that the maximum fines under statute for one count of unlicensed practice of architecture is \$5,000 fine, which is the Probable Cause Panel's recommendation.

Mr. Minacci commented that he had negotiated a Settlement Stipulation of \$3,500 fine plus costs of \$498.94. He commented that he thought it was in the best interest of the board to settle the matter instead of continuing to incur costs and expenses to collect another \$1,500. Mr. Minacci recommended to the board to approve the stipulation.

MOTION: Mr. Hall moved to accept the recommended stipulation as presented.

SECOND: Ms. Membiela seconded the motion.

Ms. Brownless commented that she was representing the respondent in the case and the stipulation was agreed upon and urged the board to accept the stipulation so the respondent could expedite their request.

Ms. Del Bianco called the question and it passed unanimously.

**DBPR vs. John Kemper  
Case Number 1999-08900  
(PCP: Rodriguez, Wirtz and Manausa)**

Mr. Kemper was not present but represented by attorney Tony Lawhon. Mr. Minacci presented the case, stating Mr. Kemper has had a long history with the board and he would try to summarize for the new board members. He commented that Mr. Kemper was charged with practicing without a certificate of authorization and signing and sealing documents that were not prepared under his supervisory control. He continued by stating that the case was settled and a stipulation was entered where Mr. Kemper was placed on probation. Mr. Minacci stated that during the course of applying for a certificate of authorization for a new business entity is how the second case began. He continued by stating during the course of that application it was determined that Mr. Kemper's primary place of residency was Connecticut, not Naples. He commented that Mr. Kemper was not exercising proper responsible supervisory control over the Naples office. He commented that an administrative complaint was filed and the department entered into a stipulation with Mr. Kemper and that was presented to the board approximately 8 months ago, which essentially did nothing to Mr. Kemper personally. Mr. Minacci commented that the board adamantly rejected that stipulation.

Mr. Minacci commented that in the order rejecting the stipulation, the board stated that they wanted nothing less than revocation of Mr. Kemper's license. He commented that he came in and has been working on this case since he took over the prosecution services. Mr. Minacci commented that he and Mr. Manausa took Mr. Kemper's deposition and they made the determination to enter into a stipulation that is a 2 year suspension, 2 year probation, and \$3,000 fine. He commented that the rationale behind the stipulation was a discussion based on the disciplinary guidelines, which have a minimum and maximum. Mr. Minacci commented that the board could go below the maximum and above the minimum, however, you have to

state why you are doing that and the appellant does not favor the board deviating from the minimum to maximum.

Mr. Minacci commented that he and Mr. Manausa made the determination if they could get a settlement stipulation for the maximum for a second offense for plan stamping that would be to avoid the uncertainty of an administrative hearing. He commented that to avoid the uncertainty of bringing the appeal to the administrative hearing before the board and the defendant appeal, which could take 12-24 months, while the defendant continues to operate while on appeal. He commented that the board would be better served by suspending the licensee for 24 months and then placing on probation for 2 years after and monitors his work. Mr. Minacci commented that this should have been caught on his previous probation. He commented that the stipulation was in the best interest of the board and the citizens of Florida.

Mr. Hall asked Mr. Minacci if future revocation of licensure would be a lost cause. Mr. Minacci replied in the negative. He commented that revocation is a maximum penalty, which was effective July 3, 2003. He commented that when this offense occurred, revocation was not a penalty.

Mr. Gustafson asked Mr. Manausa if he agreed with stipulation. Mr. Manausa replied in the positive. Ms. Del Bianco asked that since the new penalties went into effect July 3, 2003 and they are now hearing the case on July 31, 2003, could the board impose the new penalty. Mr. Minacci commented that he did not believe so and they should refer to board counsel.

Mr. Martin commented that they could not impose that penalty because they currently have an agreed upon stipulation in front of the board for consideration today. He continued by stating the board could reject the stipulation then the board could use the current guideline.

MOTION: Mr. Gustafson moved to accept the stipulation as presented and include the costs.

SECOND: Mr. Gonzalez seconded the motion.

Mr. Martin commented that the stipulation is as it is presented and they cannot modify to include costs if it is not noted in the stipulation. He recommended that if the board wanted the costs included then they would need to reject the stipulation and counter propose the same conditions that would include the costs.

MOTION: Mr. Gustafson moved to reject the stipulation and counter propose to accept the conditions and include costs.

SECOND: Mr. Gonzalez seconded the motion.

Mr. Gonzalez asked Mr. Minacci if that motion would create a problem to try and collect costs. Mr. Lawhon replied that he would need to discuss with his client but he did not feel the respondent would object.

Ms. Del Bianco commented that she did not recall Mr. Kemper being here before the board at the last case. Mr. Minacci commented that he has appeared before the Probable Cause Panel. Mr. Bullock asked if the board rejected today could they rehear at the next meeting to impose the maximum penalty would be in effect. Mr. Martin replied that the motion before the board currently is to impose the same conditions with the addition of costs. He commented that Mr. Lawhon could at this time request an opportunity to go and discuss with his client and come back to a subsequent meeting or he could resolve before the end of this meeting.

Mr. Bullock commented that they would have to reject the stipulation to impose the revocation. Mr. Martin commented that if they reject the stipulation the respondent could come back with another stipulation at a subsequent meeting or go to an administrative hearing. He commented if this comes back before the board it would be the same situation.

Mr. Manausa recommended that this has been an ongoing problem for years and accepts the stipulation as submitted. He commented that he did not feel the respondent would accept a stipulation of revocation. Mr. Minacci reviewed for the board how the terms of probation work.

Mr. Bullock reviewed by stating that he was a resident of Connecticut and he was listed as the responsible supervisor in control of an office in Naples. Mr. Minacci confirmed and stated that he was in the Naples office approximately 4 days a months.

Ms. Del Bianco commented that there was a certificate of authorization application on today's agenda and wanted to know what would happen with that application. Mr. Lawhon stated that the application was made sometime ago and it would be withdrawn. He commented that the application was a byproduct of the complaint.

Mr. Minacci stated that he feels Mr. Kemper does not understand the laws regarding responsible supervisory control and he admitted under oath that he was not in the office full time. Mr. Manausa commented that the stipulation was for 2 years suspension, which is no proactive and prior to 2 years probation. Mr. Lawhon commented that he practiced in Naples and that he met with all clients reviewing documents and drawings and there was constant communication between Connecticut and Naples offices. He commented that if there was a dispute if there was a requirement of his presence in the Naples office due to today's technology. He commented that Mr. Kemper is not an absentee architect.

Mr. Minacci commented that after the first case filed against Mr. Kemper that there was evidence that Mr. Kemper attempted to be in more responsible supervisory control. He continued by stating he did not feel that he came anywhere close but he did not disregard.

Mr. Lawhon commented that a new architect would be in the office when the suspension takes effect and Mr. Kemper would not be practicing in Florida while under suspension.

Ms. Del Bianco called the question. The motion failed.

MOTION: Mr. Gonzalez moved to accept the stipulation.

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

**DBPR vs. Oscar Woody**  
**Case Number 2002-014031**

**(PCP: Rodriguez, Wirtz, and Hall)**

Mr. Woody was present and sworn in. Mr. Minacci presented the case and stated that the allegations were that Mr. Woody signed and sealed a set of plans that was prepared by an unlicensed individual by the name of Lee Mayberry. He commented that they have a case pending against Mr. Mayberry. He commented that Mr. Mayberry contracted to prepare plans for a commercial project and perform services that he was paid for the services through Oscar Woody. He commented that Mr. Woody never met with the individual.

Mr. Minacci commented that there were 8 charges, which included failure to exercise responsible supervisory control, aiding and abetting unlicensed activity, negligence, plans not sufficient, practicing beyond the scope, preparing work not competent to perform, title block violation, and operating a business without a certificate of authorization.

Mr. Minacci commented that the Probable Cause Panel's recommendation was 2 years suspension, 2 years probation, \$7,000 fine, and costs. He commented that a stipulation was agreed upon by the parties for a 1-year suspension, 3 years probation, and \$3,500 fine. Mr. Minacci asked the board to accept the stipulation. Mr. Hall asked if costs were included in the stipulation. Mr. Minacci replied in the negative.

MOTION: Mr. Gustafson moved to accept the stipulation.

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

Ms. Membiela asked if the stipulation negotiation process has always been handled outside of the board. Ms. Membiela commented that she would like additional information regarding the process to make her more comfortable with the decisions that were being made.

Mr. Minacci commented that this was not a new process. He commented that she should look at the Probable Cause Panel recommendations first as a guideline for settlement negotiations. He commented that the Panel consists of two current board members and a former board member. He commented that after probable cause is found then he must move forward to resolve the case and it may go back and forth before the settlement stipulation is reached. He commented that he tries to stay within the Panel's recommendation as much as possible. Mr. Hall commented that the Panel is made up of experienced and seasoned members.

**DBPR vs. William Lindh**  
**Case Number 2001-07806**

**(PCP: Rodriguez, Manausa, and Wirtz)**

Mr. Lindh was not present. Mr. Minacci presented the case and commented that this was a second offense of failure to provide responsible supervisory control. He commented that the Mr. Lindh is an elderly gentleman and he does not understand the rules of responsible

supervisory control. Mr. Minacci commented that he should not be practicing and should retire. He commented that the Probable Cause Panel's recommendation was revocation.

Mr. Minacci commented that he agreed with the recommendation, however, he feels sorry for this individual. He commented that the stipulation before the board is for placement of his license into an inactive status and he will not be able to practice architecture in Florida ever again. He commented that this would allow Mr. Lindh to gracefully withdraw or retire from the profession without revoking his license.

MOTION: Mr. Gonzalez moved to accept the stipulation.

SECOND: Ms. Reeves seconded the motion.

Ms. Membiela commented that she had a concern with being a part of a board that makes a decision that may discriminate against anyone and stated that the board is making concessions and comments regarding the fact this gentleman is older and ill. She commented that she felt uncomfortable with those comments and this particular case could set precedence. Mr. Martin stated that the comments were made to explain the rationale of the stipulation to the board.

Ms. Membiela asked the board if the gentleman was 35 years of age would the board treat this case the same. The board responded in the negative. Mr. Minacci stated that this essentially revoking his license and Mr. Lindh would never practice in this state. Mr. Minacci commented that this is more strict than revocation because the individual could reapply for licensure again. He commented that he is agreeing to never practice in the state and places his license inactive and never reactivates the license.

Ms. Del Bianco called the question. The motion passed with Ms. Membiela opposed.

**DBPR vs. Leonard Nobrega  
Case Number 2002-01990  
(PCP: Rodriguez and Wirtz)**

Mr. Nobrega was not present. Mr. Minacci presented the case and commented that Mr. Nobrega waived his right to be heard. He commented that the respondent was unlicensed, contracted to provide signed and sealed plans, obtained a seal from a licensed architect and submitted scotch taped revised plans for permitting. He commented that the Probable Cause Panel's recommendation was for 1 count of practicing architecture without a license and penalty was the maximum of \$5,000 fine plus costs.

MOTION: Mr. Gonzalez moved to accept the Probable Cause Panel's recommendation.

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

**Stipulation  
DBPR vs. William Arthur  
Case Number 2003-001523**

**(PCP: Rodriguez and Wirtz)**

Mr. Arthur was not present. Mr. Minacci presented the case and commented that the allegations were that Mr. Arthur was the architect of record on a project and a professional engineer prepared the plans. He commented that Mr. Arthur's signature was placed on the plans over the engineers. He commented that probable cause was found on a 5 count administrative complaint, which included failure to exercise responsible supervisory control, misconduct, practicing beyond scope of practice or competence, and lack of title block.

Mr. Minacci commented that the Probable Cause Panel's recommendation was a reprimand and a \$5,000 fine. He commented that the settlement stipulation before the board was for \$5,000 fine and a reprimand with a contingency that the reprimand would be removed from his record if there is no further discipline after 12 months.

Mr. Bullock commented that was an unusual request to wipe the record clean. Mr. Minacci replied that was what was negotiated and based on the fact that Mr. Arthur has no prior discipline and he has practiced in Florida for a number of years. Mr. Minacci commented that there was a provision to allow this under the rule or statute.

Mr. Bullock commented that he was uncomfortable with this.

MOTION: Mr. Bullock moved to reject the stipulation as presented and counter by accepting the Probable Cause Panel's recommendation.

SECOND: Mr. Gonzalez seconded the motion.

Mr. Gonzalez commented that this stipulation as well as the Panel's recommendation surprised him. Mr. Minacci commented that he thought the Panel felt that this particular case may have been an oversight and with no intent to deceive on the part of the architect.

Ms. Del Bianco called the question and the motion passed unanimously.

**DBPR vs. Janet Bakel  
Case Number 2003-001287**

**(PCP: Rodriguez, Wirtz, and Hall)**

Ms. Bakel was not present. Mr. Minacci presented the case and commented that Ms. Bakel held herself out as an interior designer with a firm that was not licensed. He commented that the Panel's recommendation was a reprimand, \$1,000 fine plus cost and she has agreed by signing a stipulation.

MOTION: Mr. Schreiber moved to accept the stipulation.

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

**DBPR vs. Tim Tripp  
Case Number 2003-042259  
(PCP: Rodriguez, Wirtz, and Hall)**

Mr. Tripp was not present. Mr. Minacci presented the case and commented that the allegations were that Mr. Tripp held himself out as an architect after his previous license went null and void. He commented that Mr. Tripp practiced architecture on a residential project. He commented that the probable cause was found on 2 counts and the Panel's recommendation was for \$5,000 fine per each count.

Mr. Minacci commented that he executed a settlement stipulation for \$5,000 fine plus cost. He commented that his attorney is holding the money.

MOTION: Mr. Gustafson moved to accept the stipulation as presented.

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

Mr. Bullock asked if NCARB was notified of this state's discipline. Mr. Manausa replied in the positive. Mr. Schreiber commented that discipline could also effect the individual's NCARB certification. Mr. Manausa commented that revocation is serious and final, which should not be taken lightly since it could effect the individual if they are licensed in other states.

Ms. Del Bianco asked if staff could check to see if NCIDQ or ASID has a similar tracking system for discipline. Ms. Estes replied in the positive.

### **Motion for Default**

#### **DBPR vs. Phillips Pavon**

#### **Case Number 2002-05424**

#### **(PCP: Rodriguez, Wirtz, and Hall)**

Mr. Pavon was not present. Mr. Minacci presented the case and commented that this was an unlicensed interior design case. He commented that probable cause found on 2 counts and the Panel's recommendation was a maximum of \$5,000 per count for a total of \$10,000 plus cost.

MOTION: Mr. Gonzalez moved to accept the Probable Cause Panel's recommendation.

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

The board recessed at 11:35 a.m.

The board reconvened at 12:15 p.m.

### **Application Reviews**

#### **Application for Interior Design Endorsement**

#### **Joseph Cortes**

Mr. Cortes was present and sworn in. Ms. Reeves presented the application and commented that Mr. Cortes has an architecture degree not an interior design degree. She commented that she was recommending denial.



Mr. Cortes commented that he had no desire to be licensed as an architect. He commented that he has a Bachelor of Architecture and has passed the NCIDQ examination. Ms. Reeves stated that the board does not have the discretion to grant a license based on statute.

Ms. Del Bianco advised Mr. Cortes that he could offer residential work and be an interior decorator without a license, however, he could not call himself an interior designer. Mr. Gonzalez advised Mr. Cortes to contact Palm Beach Community College regarding his education.

Mr. Manausa commented that the statute allow for equivalency. Ms. Reeves commented that Mr. Butler performed a review for equivalency and recommended denial. The board advised Mr. Cortes of the potential to be licensed as an architect then receive the license as an interior designer based on that license. Mr. Bullock commented that he has a problem with an architect receiving a license based on that principle and because they are not required to complete an internship regarding the interior design profession. He commented it was too easy to get licensed as an interior designer based on being a licensed architect and that this was unfair and unjust to deny.

Mr. Cortes requested to withdraw his application to avoid a denial on his record. The board approved his request to withdraw.

### **Ashley Haynes**

Ms. Haynes was present and sworn in. Ms. Reeves commented that a licensee that allowed her license to lapse into null and void status verified this applicant's experience. Ms. Del Bianco commented that the board previously continued this application to allow Ms. Haynes an opportunity to receive experience verifications from other peer-licensed architects or interior designers. Ms. Haynes commented that she was not able to obtain those verifications. Ms. Reeves commented that Ms. Haynes was not aware that her employer did not have a valid license and it was unfair to hold Ms. Haynes responsible for her supervisor's actions.

MOTION: Mr. Rodriguez moved to approve for licensure.

Mr. Martin asked Mr. Rodriguez if the rule requires verified experience. Mr. Rodriguez replied in the positive. Mr. Martin commented that Ms. Haynes would need to file for a rule waiver or variance to accomplish the approval of this application. He stated she would have to petition for the rule waiver and variance, which must be noticed and filed in a timely manner. Mr. Martin commented that she would need to request the waiver of Rule 61G1-22.002.

Ms. Del Bianco asked if Julie Kovach was her supervisor and the only licensed interior designer in their office. Ms. Haynes replied in the positive.

Ms. Haynes commented that she waived the time requirements on this application and requested a continuance to file the rule waiver variance.

MOTION: Mr. Rodriguez moved to approve the request for a continuance.

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

**Application for Interior Design Certificate of Authorization  
Design & More, Inc.**

Mr. Russell Brabec was present and sworn in. Ms. Reeves presented the application and stated that it appeared that the company had been practicing without a certificate of authorization since 1994. Mr. Brabec commented that he understood that his personal license covered the company issue. He commented that his accountant realized that they needed the second license and they began the application process. Mr. Martin asked Mr. Brabec if he was or was not aware that he needed a certificate of authorization. Mr. Brabec replied that he was not aware and thought his personal license was sufficient. He commented that he was trying to come into compliance for all of the licenses required for state, county, city, etc. because there is no one place that informs an individual of all of the licenses required.

Mr. Gonzalez asked Mr. Brabec if Design & More offered commercial work since 1994. Mr. Brabec replied in the positive and commented that they mostly do residential. Mr. Bullock asked if his company was mostly an accessory vendor. Mr. Brabec replied in the positive.

Mr. Martin asked Mr. Brabec if he understood why his application was in front of the board. Mr. Brabec replied that he thought he was in front of the board because the ball was dropped regarding his seal information, which was needed to complete his application. Mr. Martin commented that the reason he was in front of the board was because there was a concern that the corporation has performed commercial interior design work without a certificate of authorization.

MOTION: Mr. Gonzalez moved to approve the certificate of authorization with a \$5,000 fine.

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

**Application for Architecture Endorsement  
Kent Dahlen**

Mr. Dahlen was present and sworn in. Mr. Hicks presented the application and commented that Mr. Dahlen was originally licensed 3/17/94 and he has no degree and the cut off was 6/30/84. Mr. Hicks commented that Mr. Dahlen has the 5 educational credits as noted in the NCARB file. Ms. Del Bianco commented that the board is bound by statute regarding the educational requirements.

MOTION: Mr. Gonzalez moved to deny.

SECOND: Mr. Bullock seconded the motion.

Mr. Dahlen requested to withdraw his application to avoid a denial on his record. The board approved his request to withdraw his application.

## **Daniel Langefels**

Mr. Langefels was present and sworn in. Mr. Hicks presented the file and commented that the applicant's original license went null and void 2/28/99, he completed the required continuing education, however, a fine may be due for practicing without a license. Mr. Bullock asked Mr. Langefels what he has done since 1999. Mr. Langefels replied that he has worked with a construction company, which relocated him and he did not keep his license current. He commented that his intention was to always keep his license and did not realize that his license was null and void until he visited the web site.

Mr. Rodriguez asked Mr. Langefels if he was designing any of the residents or architectural outsource. Mr. Langefels replied that he provides both, but an engineering firm releases the drawings. He commented that the engineering firm has an architect on staff. Mr. Langefels commented that their designs are pre-engineered and on a shelf. Mr. Rodriguez commented that technically he has been practicing architecture by doing preliminary design. Mr. Schreiber stated that he was working in an exempt building type and you do not need to be an architect.

MOTION: Mr. Gonzalez moved to approve with no penalty.

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

## **Application for Architecture Certificate of Authorization**

### **Alan David Farrar & Associates Architect, P. A.**

Mr. Farrar was present and sworn in. Mr. Hicks presented the file and commented that the corporation was created in 1985 and there may be possible practice without a certificate of authorization. Mr. Farrar commented that he was not clear as to why he needed a certificate of authorization. He commented that the way he interprets the statutes it does not appear that he needed a certificate of authorization. Mr. Farrar commented that he would like to resolve this issue without penalties.

Mr. Farrar commented that he realized that he did not have the certificate of authorization but does not feel the laws and rules apply to his situation based on the grammar of the statute. Mr. Martin commented that he applauded his efforts to come into compliance, however, the fact was he has been practicing without a license.

MOTION: Mr. Gonzalez moved to approve the certificate of authorization with a fine of \$8,000.

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

Mr. Hall commented that this a reoccurring problem with individuals not knowing that they need a certificate of authorization for corporation, partnership, or fictitious name. Ms. Del Bianco commented that this is an issue because when an individual files with the Division of Corporations there is no mechanism in place to notify them that they must file with our department. Deputy Secretary Acebo commented that the laws and rules are in place that requires licensure.

Mr. Manausa commented that it would be helpful to get a newsletter out on a regular basis so the board could address these issues. Deputy Secretary Acebo commented that newsletters would be available on a timely basis and available on the web site. Ms. Reeves commented that it is the licenses' responsibility to be aware of this information, it is not the departments or the boards. Mr. Hall commented that he agrees with her but this is a repeated problem and they should try to assist them. Mr. Bullock commented, that maybe they should do like Mississippi, which only allows practice in the individual's name.

Deputy Secretary Acebo commented that she thought laws and rules was a requirement for continuing education. Ms. Del Bianco commented that it was not a continuing education requirement.

### **Tropical Design Group, PA**

Mr. Minacci commented that this application was withdrawn based on Mr. Lawhon's representation for Mr. Kemper at the disciplinary portion of the meeting.

### **License Reconsideration**

#### **Cheryl Ford-Wymer**

Ms. Ford-Wymer was present and sworn in. Ms. Estes presented the file to board, commenting that Ms. Ford-Wymer had a current license, which was placed in a null and void status by department staff in error. She commented that after researching the file Ms. Ford-Wymer submitted proof of completing the required 10 hours of Building and Barrier Free continuing education for issuance of a transitional license. She commented that there was an additional requirement of 20 hours of continuing education that was not in her file. She commented that staff was unclear as to whether she needed to provide proof of the 20 hours of continuing education within 3 years of initial application. Ms. Estes commented that she spoke with Mr. Wirtz who was on the board at the time and he interpreted that if she could provide proof of the 20 hours of continuing education, then she met the requirements to keep her initial license. Ms. Estes commented that the reason this application was on the agenda was for direction and historical assistance. Ms. Estes commented that this license was placed in a null and void status during a clean up process for all of the grandfathering and transitional licenses that never completed the process or provided proof of the required continuing education.

Mr. Martin commented that the individual does not have a license for the board to act upon and the board has no jurisdiction to resurrect or reactivate a license that has gone null and void. He advised the board not to act on this matter. He commented that this was a department issue and they should resolve the issue.

Ms. Reeves asked Ms. Estes if it was that department that determined her license went null and void mistakenly. Ms. Estes replied that her license was placed null and void by staff because her file did not reflect the required 20 hours of continuing education during the clean up of grandfathering and transitional licenses. Ms. Estes commented that Ms. Ford-Wymer was not notified that the license was placed null and void.

Mr. Martin commented that according to the practice act there were certain guidelines placed on individuals to complete this continuing education requirement prior to renewal of the

license. He commented that when staff was reviewing the file there was no evidence of the continuing education, therefore, staff placed null and void. Mr. Varnado commented that he has recently reviewed this with Ms. Estes and he would like to pull it from the agenda for the department to resolve.

Mr. Rodriguez commented that this might not be as simple as reapplying because she may not meet today's requirement. Ms. Ford-Wymer commented that she does not meet today's requirements. Mr. Rodriguez commented that he agreed that the board might not have jurisdiction but should look at whether she was placed null and void properly.

Mr. Martin commented that the board should not be bothered with whether a license was properly made null and void because that is a statutory issue. He commented that if the department made an error in their effort to clean up files and her license was placed in null and void erroneously then he was sure the department could resolve this issue. He advised the board not to act on this issue. Ms. Del Bianco commented that they would set aside this issue to allow Ms. Ford-Wymer and Mr. Varnado an opportunity to discuss.

### **Application for Interior Design Examination**

#### **Alice Danis**

Ms. Danis was not present. Ms. Del Bianco commented that this candidate did not have a degree.

MOTION: Mr. Gonzalez moved to deny.

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

#### **Kimberley Newell**

Ms. Newell was not present. Ms. Del Bianco commented that there was an e-mail distributed for the board stating that she was unable to travel.

MOTION: Mr. Gonzalez moved to postpone the application until early next year.

Ms. Reeves commented that even if they postpone the application the information would not change. She commented that she has a Master of Architecture degree. Mr. Martin commented that the e-mail could be treated as a waiver of the time requirements if the board would like to continue.

MOTION: Ms. Reeves moved to continue to the next meeting or give the option to withdraw.

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

### **Application for Interior Design Certificate of Authorization Kupi & Eliopoulos Architects, Inc.**

There was no one present to represent the firm. Mr. Hicks presented the file and commented that there was a letter submitted trying to clarify whether they were practicing. Mr. Hicks commented that he felt there may be a fine due, therefore, the application was before the board. Mr. Gonzalez commented that he knows they have been soliciting.

MOTION: Ms. Reeves moved to approve the certificate of authorization with a fine of \$1,000.

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

**Ratification List (handout)**  
**Architectural Certificate of Authorization**  
**Items 1-9**

MOTION: Mr. Gustafson moved to approve.

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

**Architecture Exam Passed**  
**Items 1-5**

MOTION: Mr. Rodriguez moved to approve.

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

**Architecture Endorsement**  
**Items 1-19**

MOTION: Ms. Reeves moved to approve.

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

**Architecture Business Name Change**  
**Items 1-4**

Mr. Gonzalez commented that number 4 should not have Watson in the name. He requested that staff verify before issuing.

MOTION: Mr. Rodriguez moved to approve.

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

**Interior Design Endorsement**  
**Item 1**

MOTION: Ms. Reeves moved to approve.

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

### **Interior Design Certificate of Authorization**

#### **Items 1-4**

Ms. Del Bianco commented that items 2 and 3 should be pulled based on possible practice.

MOTION: Ms. Reeves moved to approve items 1 and 4, pulling 2 and 3.

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

### **Interior Design Dual Individual**

#### **Item 1**

MOTION: Ms. Reeves moved to approve.

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

### **Interior Design Exams Passed**

#### **Items 1-4**

#### **Ms. Estes requested to pull item 1.**

MOTION: Mr. Rodriguez moved to approve items 2 through 4.

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

Mr. Gustafson asked why staff pulled item 1. Ms. Estes responded that she was working with the application unit researching additional information regarding the applicant.

### **Cheryl Ford-Wymer**

Mr. Emory Johnson commented that he reviewed the information and that she has adequate information to substantiate completion of the requirements set forth for licensure under Chapter 481.24(2) F.S., which was for a transitional license. He requested on behalf of Mr. Varnado that the item be removed from the agenda. Mr. Varnado commented that the department would resolve the issue.

### **Discussion**

#### **Administrative Privatization Status – Sharon Del Bianco**

#### **Customer Contact Center, Central Intake & Licensure and Finance and Accounting**

#### **Financial Report – March 31, 2003 and 2002**

#### **Cost Allocation Methodology**

Ms. Del Bianco commented that the department gave their presentation this morning. She commented that they would review some of this information for the new board members. She commented that the board had discussed privatization prior to the current administration in place. She commented that the board had requested an Invitation to Negotiate the administrative functions of the board, which has not come to fruition. She commented that this

was even prior to the current staff and the board and department did not agree on the end result.

Ms. Del Bianco commented that subsequent to that request the board has privatized their legal, prosecutorial and investigative functions. She commented that currently there is a fiscal crunch and may not be able to privatize the administrative functions. Mr. Rodriguez commented that he would like continuing the discussion until the October meeting.

Mr. Bullock commented that he felt the board was premature in determining that they do not have the funds because they can increase the fees. Mr. Rodriguez commented that they would be increasing an arbitrary amount until they know what the status quo is.

Mr. Rodriguez commented that he would create a committee to review and report back to the board. He asked Mr. Martin if it was possible to have 3 or 4 board members meet and review this information without being in violation of the Sunshine Law. Mr. Martin commented that the Chair could appoint members of the board to an Adhoc Committee, however, the Committee would need to notice the meetings for a telephone conference call.

Mr. Hall asked Ms. Del Bianco since the board has had changes in members would they need to get a consensus on the direction of privatization i.e. agree or disagree. Ms. Del Bianco replied that some of the new members have been involved in the process. She commented that she was not sure that they have all of the information to make a determination.

Mr. Gustafson commented that he would have the Adhoc Committee make a presentation to the board after reviewing all of the information. Mr. Rodriguez commented that he would like to see this back by the October meeting. He commented that he did not want the board to look at this another year.

Mr. Rodriguez commented that the numbers were only one part of the equation, the other was how and did they still want to move forward. The board discussed and determined that a conference call was needed and that it was a public meeting if the entire board wanted to attend. Ms. Del Bianco commented that the Adhoc Committee would include her, Mr. Rodriguez, Mr. Bullock, Ms. Membiela, and Mr. Hall.

Mr. Hall commented that he felt it would be helpful to have an agenda listing the pros and con's so the Committee knows what the board is trying to achieve. Mr. Rodriguez commented that he would put together a synopsis for the conference call and forward to the board office to disperse.

Deputy Secretary Acebo commented that this was a big endeavor and would like the board to reconsider privatization. She commented that they have made permanent changes and there has been a tremendous financial investment by the legislature and things will not change back if one or two people leave. She commented that they have put in place permanent changes and have improvements regarding technology. She commented that privatization may be appealing but it is risky and expensive. She commented as part of the board's deliberations that she would appeal to the board to look closely at what the department is offering.



## **President's signing contracts on behalf of Company/COA – Miguel Rodriguez and Neil Hall**

Mr. Rodriguez commented that this issue came from a probable case where an individual person was holding himself out as an architect but was a president or officer of the firm. He continued by stating that the firm was properly licensed and had a licensed qualifier that qualified the firm yet the unlicensed individuals were signing the contracts for the firm. He commented that the conversation was whether or not the individual that signed the contract was practicing architecture. Mr. Rodriguez commented that the consensus was yes because throughout the statutes and rules it refers to the practice of architecture is the offering of or performing of architectural services.

Mr. Martin reviewed for clarification, that Mr. Rodriguez was referring to an actual corporate officer for a properly licensed firm that signs a contract to perform architectural services requires that the signatory has to have an individual license. Mr. Rodriguez replied in the positive. Mr. Martin commented that the statute was clear that to practice and offer architectural services through a corporation that the corporation must have a certificate of authorization. Mr. Martin reviewed the statutes to verify that the corporation must have a licensed individual that is a principle officer of the firm.

Mr. Minacci commented that the statute says that a person practicing in the state must be licensed. He commented that there is a First District Court of Appeals case that is discussing the statute and makes it clear that even if a corporation has a certificate of authorization it does not give the right for individuals working within that corporation to practice architectural services. Mr. Martin commented that the statute does not require the president of the corporation to be the license holder. He commented that if the legislature wanted that to be the requirement that only corporations with a licensed professional with the principle officer or Chief Executive Officer or President they could have required that and they haven't. He continued by stating that was going way beyond the statute. Mr. Martin commented that the corporation could be bound by the contract signed by the principle officer and if the corporation is set up where the licensed professional is not the sole stock holder or president he did not see that as being precedent.

Mr. Minacci commented that the statute says that all personnel in the corporation or partnership that acts on its behalf in this state as architects must be registered. Mr. Martin commented that someone executing a contract is not signing as an individual they are signing for the corporation and feels that is different. Mr. Minacci commented that when you have two unlicensed individuals running an architectural firm performing all of the marketing, negotiations, and drafting the contracts and essentially preparing all of the drawings for that contract with a pseudo officer of the corporation signing and sealing the drawings, he has a real problem with that scenario. Mr. Martin commented he agreed but that is not what they are discussing.

Mr. Minacci commented that is essentially what they are discussing. Mr. Martin commented that he did not say that if the registered professional in this scenario has not done their proper task under their licensure that that's not a problem. He continued by stating that he is merely

pointing out that if you want to say that an individual is practicing unlicensed architecture Mr. President of ABC Corporation because he signed a contract for the corporation that the corporation would provide architectural services is not a problem.

Mr. Martin commented that there was no requirement in the law that says for a corporation to enter into a contract to do architectural services that 100% negotiated, drawn up and executed by the licensee. Mr. Gonzalez commented that they should consider construction and project management, however, they are opening a huge box by requiring everyone in the office be a licensed architect.

Mr. Manausa commented that the contract says architect and it is being signed by the corporate officer. He commented that the contracts are AIA contracts and are made to be signed by an architect not a non-architect. Mr. Martin commented that a corporation that has a valid certificate of authorization is executing the contract. Mr. Rodriguez commented that there is a space to list the corporation or architect. He commented that on hand the statutes say an individual cannot offer services in Florida without being licensed and in another say an unlicensed individual can negotiate, draw and bind a firm to perform architectural services. He commented that was a huge leap and the unlicensed individual is binding the licensed individual to that contract. Mr. Martin commented that was the qualifier's problem.

Mr. Martin commented that the if a qualifier allows this to happen then that is his problem and risk. Mr. Bullock asked Mr. Rodriguez if he was saying that the qualifier should be the individual to sign the contract. Mr. Rodriguez replied in the negative. Mr. Martin commented that the qualifier is responsible for the corporation's activities. He continued by stating that it is the qualifier's determination as to what he is going to allow. He commented that if they were not doing a proper job as the qualifier or responsible supervisor, then they would be disciplined for it.

Mr. Manausa asked how does the board fix the problem of allowing unlicensed individuals to have a corporation to offer architectural services. He commented that the individuals are negotiating for items they know nothing about. Mr. Martin commented that they must go back to the practice act and revise it to say that only licensed individuals are allowed to practice in this state or require that every individual in a firm be licensed as an architect. Mr. Manausa asked Mr. Martin if the board could write a rule that says only a licensed architect could bind a firm to offer architectural services. Mr. Martin replied in the negative and felt that was beyond the board's jurisdiction.

### **Florida Corporations with names requiring Florida licensed architect/Foreign Corporations with use of names goodwill – Miguel Rodriguez and Neil Hall**

Mr. Manausa commented that the statute allows for a corporation to use a name but the board requires that one or more of the individuals in the corporation name must be a licensed architect or engineer in any state. He commented that the purpose was to allow the board to license foreign corporations as long as a licensed architect or engineer was in the name of the firm in any state. He commented that what is happening, as an example is a name of a firm that is Smith and Jones and neither are licensed in Florida or any state and this is causing problems.

**Wall certificate visual presentation to board – Staff**

Ms. Chastain showed the board the current certificate for their information. Mr. Schreiber asked if he was licensed in 2000 if he would be part of the backlog. Ms. Estes replied in the positive.

**Website (% of licensees that have given e-mail addresses) and Newsletter update**

Ms. Del Bianco commented that this does not appear to be a beneficial way to go due to the lack of e-mail addresses on file. She commented that the board was in favor of mailing the newsletter.

**Continuing Education Committee - Staff**

Ms. Del Bianco commented that staff would coordinate a conference call for the Continuing Education Committee.

**Building Code Administrators and Inspectors Board Upcoming Board Meetings – Staff**

Ms. Del Bianco commented that she would try to attend the next meeting.

**Next Board Meeting (date and location)**

Ms. Del Bianco confirmed that the next scheduled meeting is October 29-30, 2003, in Orlando. The board confirmed a telephone conference call for September 8, 2003, at 10:00 a.m.

**Plaque Presentation**

Ms. Del Bianco presented Mr. Manausa with a Plaque of Appreciation.

**Reports****Interior Design Committee Report****Architecture Committee Report**

MOTION: Mr. Rodriguez moved to accept the reports for all of the Committees.

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

**Chair's Report – Sharon Del Bianco**

No report.

**Executive Director's Report – Juanita Chastain**

No report.

**Board Counsel's Report – Paul Martin**

No report.

**IDAF Report – Rita Scholz**

No report.

**AIA Report – Scott Shalley**

No report.

**Prosecuting Attorney’s Report – David K. Minacci**

**Status Report of Cases**

**Licensed Architects Legal Cases**

**Licensed Interior Designers Legal Cases**

**Unlicensed Architects Legal Cases**

**Unlicensed Interior Designers Legal Cases**

**Licensed Architects Investigative Cases**

**Licensed Interior Designers Investigative Cases**

**Unlicensed Architects Investigative Cases**

**Unlicensed Interior Designers Investigative Cases**

**Pending Final Orders**

**Licensed/Administrative Hours**

**May 2003**

**June 2003**

**Unlicensed Billable Hours**

**May 2003**

**June 2003**

**Results of May, 2003 Board Meeting**

**Results of June 13, 2003 PCP Meeting**

**Press Releases/Speaking Engagements/Other Correspondence**

Mr. Minacci commented that the information was in the packets and if they had questions to please let him know.

**For the Board’s Information**

**Biennial Chart (packet)**

**Continuing Education Provider and Course List**

**Total number of licensed architects and interior designers**

**New Business**

No report.

**Old Business**

No report.

**Adjourn**

MOTION: Mr. Gustafson moved to adjourn.

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

The meeting adjourned at 2:50 p.m.