

MINUTES
BOARD OF ARCHITECTURE AND INTERIOR DESIGN

TELEPHONE CONFERENCE CALL
November 25, 2003
10:00 A.M.

(850) 410-0960 or Suncom 210-0960

Call to Order

Ms. Del Bianco, Chair, called the meeting to order at 10:05 a.m.

Board Members Present:

Sharon Del Bianco, Chair
Miguel Rodriguez
Stephen Schreiber
Mary Jane Grigsby
Joyce Shore
Kenneth Horstmyer
Garrick Gustafson

Board Members Absent:

Ellis Bullock, Vice-Chair
Rick Gonzalez
Neil Hall
Roymi Membiela

Others Present:

Juanita Chastain, Executive Director
Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Eduardo Lopez
Tony Cavallaro
Alexandra Austriacu
Mr. Di Stefano
Julie Gallager
Michael Payne
Guy Whitesman
Paul Vandenberg
Judith Infield
Robert Sequeiera
Antonio Amedeo
Michael Donaldson
Les Smith
Leon Biegalski

GW Harrell
Ila Jones

Application Review

Interior Design Certificate of Authorization Alexandra Austriacu Interior Design, Inc.

Ms. Austriacu was present. Ms. Grigsby presented the application and commented that it appeared the firm had been practicing since 2000. Ms. Austriacu commented that she was advised by her accountant to begin a corporation. She commented that she had practiced interior design without knowing she needed a business license and only performed residential interior design.

MOTION: Ms. Grigsby moved to approve.

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

Norris Furniture and Interiors, Inc.

Ms. Infield and her attorney Mr. Whitesman were present. Mr. Minacci commented there was a disciplinary case against the firm, probable cause was found, and an order to cease and desist was issued. Mr. Whitesman commented that the original firm was purchased approximately six years ago and they were previously a retail furniture company. He commented that their web site was the reason for the complaint and they were advised from the disciplinary proceedings to apply for a certificate of authorization. He commented that the business has licensed interior designers on staff and would like to offer interior design services.

Mr. Minacci commented that the business had time to comply with the cease and desist order and if they did comply, the case would be closed. He commented that the board would need to determine how long the business had offered interior design services. The board determined that the business had practiced commercial interior design through the web site for two years.

MOTION: Mr. Rodriguez moved to approve the certificate of authorization with a \$2,000 fine.

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

Sequiera & Gavarrete, P.A. (DUAL)

Mr. Sequira and Mr. Gavarrete were present. Ms. Grigsby presented the file and commented that on a letter to the board they indicated interior design services. She continued by stating she would like to determine how long they had been offering interior design services. Mr. Rodriguez recused himself from the case because he spoke with the firm on how to proceed. Mr. Sequira commented that they were an architectural firm since 1986 and he was informed that they were required to have an additional licensed to offer interior design services through the dual license. He commented that he understood they were grandfathered to offer interior design services through the architecture license. The board determined that the firm practiced interior design since 1998 without a certificate of authorization.

MOTION: Mr. Gustafson moved to approve the certificate of authorization with a \$4,000 fine.

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

Mr. Gavarrete commented that the board should consider requiring continuing education for firms. Ms. Grigsby agreed and Ms. Del Bianco commented that it would require legislative change.

**Architecture Certificate of Authorization
American South Design, Inc.**

Eduardo Lopez was present. Ms. Del Bianco presented the file and commented that projects were listed prior to licensure. Mr. Lopez commented that the project listed in the application was in process of negotiation. He commented that he was not aware of the certificate of authorization.

MOTION: Mr. Rodriguez moved to approve the certificate of authorization.

SECOND: Ms. Grigsby seconded the motion.

Ms. Clark reviewed for the board the application receipt date, deficiency date, and completion date. She advised the board based on Chapter 120.60, F.S. they should approve the application with no fine.

The question was called and it passed unanimously.

Archizona Architects, Inc.

Mr. Scot Di Stefano and his attorney, Julie Gallagher, were present. Mr. Minacci commented that they had a disciplinary case pending against the business, probable cause was found, and cease and desist was issued. Mr. Di Stefano commented that he made initial application in November 1996 and was under the impression that he had a certificate of authorization. He commented he questioned the renewal fee and he was informed that he was never licensed. He commented that he reapplied in October 2003. He commented that he never used the letterhead printed, signed contract, or listed on job site signs with the business name.

Mr. Minacci commented that the only item they have in their investigation is letterhead to the Division of Corporation with the company name. He commented that he was not sure why the license was not issued based on the original file. He commented that there was a note in the file that Ms. Dumas could not understand why the license was not issued in 1996.

MOTION: Mr. Rodriguez moved to approve the certificate of authorization.

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

Wilkeson Design Associates, Inc.

Ms. Wilkeson, Mr. Amedeo, and their attorney, Michael Donaldson, were present. Ms. Del Bianco presented the file and commented that "Wilkeson" in the name of the firm is not a licensed architect or engineer. She commented that the application reflects architecture and interior design services have been offered.

MOTION: Mr. Rodriguez moved to deny based on an unlicensed name cannot be the only name in the title of a firm.

SECOND: Ms. Grigsby seconded the motion.

Ms. Wilkeson commented that the name "Wilkeson" was essential for business. She commented that she was not a licensed architect although she had an architectural degree. She commented that she was a consultant at a firm and left abruptly. She commented that she was pursued by clients to perform consulting services. She commented that she works closely with Mr. Amedeo regarding architectural services.

Mr. Rodriguez advised Ms. Wilkeson that her name was not allowed to be the only name in the title of the firm because she's unlicensed. Ms. Del Bianco advised Mr. Amedeo and Ms. Wilkeson to review the laws and rules regarding responsible supervision and they would need to apply for a certificate of authorization to offer interior design services.

Mr. Donaldson advised the board that the applicants would be willing to waive the 90-day requirement. Mr. Rodriguez advised Ms. Wilkeson her name could be in the title but it could not be the only name. Ms. Del Bianco advised the applicant that they could table the application until the next board meeting.

MOTION: Mr. Rodriguez moved to withdraw motion to deny.

SECOND: Ms. Grigsby withdrew her second.

MOTION: Mr. Rodriguez moved to table the application until the February meeting.

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

The applicant waived their Chapter 120.60, F.S., 90-day rights.

**Architecture Certificate of Authorization Business Name Change
Jones Payne Architects and Planners to The Jones Payne Group, Inc.**

Mr. Jones and Mr. Payne were present. Ms. Del Bianco commented that Mr. Hicks reviewed the application and referred to the board for possible practice prior to approval. Mr. Payne confirmed that they practiced prior to licensure. He commented that they were trying to do due diligence to receive proper license.

MOTION: Mr. Gustafson moved to approve the application with a \$1,000 fine.

SECOND: Mr. Rodriguez seconded the motion.

Ms. Clark commented that there were 2 bienniums of practice and if the board members were considering mitigating factors they should state them on the record.

MOTION: Mr. Gustafson amended his motion to approve the application with a \$2,000 fine.

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

Architecture Endorsement

Anthony Cavallaro

Mr. Cavallaro was present. Ms. Del Bianco presented the file and commented that Mr. Hicks reviewed the file. She commented that Mr. Hicks was recommending denial for no degree. Ms. Clark commented that the application was being made under Chapter 481.213(3)(c) and the board has no provision to license without the required 5-year degree. Mr. Cavallaro commented that he was not able to obtain the 5-year when he was in school and he received his license based on experience and his current degree. Ms. Clark commented that Florida could not issue a license based on experience only and he does not have the required 5-year degree.

MOTION: Ms. Grigsby moved to deny.

SECOND: Mr. Gustafson seconded the motion.

Ms. Del Bianco commented that Mr. Cavallaro could withdraw his application.

MOTION: Ms. Grigsby moved to approve withdraw of the application.

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

Ratification List – (faxed/e-mailed)

Architectural Certificate of Authorization

Ms. Del Bianco commented that number 6, TVS, had been practicing.

MOTION: Mr. Rodriguez moved to approve 1-5 and 7, pulling item 6.

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

Architecture Exam Passed

MOTION: Mr. Rodriguez moved to approve items 1-6.

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

Architecture Endorsement

MOTION: Mr. Rodriguez moved to approve item 1-24.

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

Architecture Business Name Change

MOTION: Mr. Rodriguez moved to approve.

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

Interior Design Certificate of Authorization

MOTION: Mr. Gustafson moved to approve items 1-6.

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

Interior Design Exam Passed

MOTION: Mr. Rodriguez moved to approve.

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

Interior Design Endorsement

Ms. Grigsby verbally added Christy DiPasquale to the list.

MOTION: Ms. Rodriguez moved to items 1-8.

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

Interior Design Dual

MOTION: Ms. Grigsby moved to approve items 1-2.

SECOND: Gustafson seconded the motion and it passed unanimously.

Discussion

Privatization

Ms. Del Bianco confirmed that all board members received the proposed Management Privatization Act department language. Mr. Harrell commented that the department language was a blueprint for all professions so the department had a consistent model. He commented that the Governor's office had approved the language for the board members to review.

Mr. Harrell commented that boards that desire to privatize must perform a needs assessment and financial feasibility study. He commented that the department has concerns regarding privatization studies conducted by consultants and the quality of the information. He commented that if the language is accepted by the legislature then the board would conduct a study and could utilize department staff. He commented that specific performance standards would result from that study, which would be included in the contract with a non-profit corporation.

Mr. Harrell commented that this language was primarily the FEMC model with changes. He commented that the board would have the authority to appoint 3 members to the board of directors and the Secretary would appoint 2 consumer persons. He commented that the corporation would select the president and there would be an executive director to monitor the contract. He commented that the contract would be with the department subject to approval by the board. He commented that there is a provision to allow for subcontracting for unlicensed prosecution with approval by the board and the department.

Mr. Harrell commented that the corporation would be required to utilize License Ease, however, there are no requirements that the corporation utilize the department's Customer Contact Center. Mr. Horstmyer asked Mr. Harrell where the incentive would be with the non-profit corporation. Mr. Harrell responded that the incentive would be to perform the duties contracted. He commented that the board would gain stability and consistency. He commented that if the board wanted to subject the profession to the lowest bidder, then they would have this issue every contract renewal with the vendor process.

Mr. Biegalski commented that with the new language there would be no bid process because the department would set up the corporation. He commented that with FEMC there was a start up amount of money and they submit a budget to the department for appropriations. Ms. Del Bianco commented that Mr. Bullock motioned that there be a non-profit entity with for profit aspects available.

Mr. Rodriguez relayed that information to Mr. Shalley. Mr. Rodriguez commented that Mr. Shalley did not see a need for a profit model. Mr. Rodriguez commented that there is some information in the report that is contradicting. Mr. Biegalski commented that if there is a non-profit corporation established for the board then that is the only corporation for that board. He commented that in order for this to work effectively all of the provisions in the act must operate as a whole. Mr. Rodriguez commented that the language is too narrowly focused and restrictive.

Mr. Rodriguez commented that they could not utilize the Act until the contract with their prosecutorial contract expires. He commented that he did not foresee that contract expiring soon. He commented that he has concerns with the department performing the feasibility study and they should have the option to allow an outside consultant. He commented that it is too limited because the corporation is allowed to subcontract only unlicensed activity.

Mr. Biegalski commented that the board is required to have a contract pursuant to Chapter 481, F.S. and that language would need to be modified to allow the board to utilize the Management Privatization Act. He commented that the new language would allow the profession to consider an outside source for unlicensed activity since that has been an ongoing board concern. He commented that the board is allowed to contract with outside sources for mailings and publishings and there is a provision for that. He commented that the department is not saying that a board could not perform the feasibility study.

Mr. Biegalski commented that the department is not trying to obstruct the board from privatizing but the department would like there to be some consistency throughout the professions when they do privatize. He commented that they crafted the language to allow more flexibility but they are trying to accomplish the information being housed in one location and there is communication.

Mr. Rodriguez commented that the needs and desires of this profession and board are specific. He commented that the desire to privatize came from the need for specialized staff, dedicated resources, and regulation of this profession. He commented that he did not want to move the prosecutorial aspect under another umbrella because the one they currently have works well and their information proves that. Mr. Biegalski commented that he agrees that what they currently have is working. Mr. Rodriguez commented that they could not use the new language with the

current prosecutorial staff. Mr. Harrell commented they could use the current prosecutorial staff for unlicensed activity.

Mr. Rodriguez commented that he had a concern that the department could remove board members that the board appoints. Mr. Biegalski commented that is how it is now and that has not happened. Mr. Rodriguez commented that he has not looked into this completely and would research more.

Mr. Rodriguez commented that the better option is for the contract to be held by the board and not the department even though FEMC is working well. Mr. Biegalski commented that the board would need to properly manage and monitor the contract. Mr. Rodriguez commented that he felt the board would properly manage and monitor and recognizes the need for the Executive Director as a contract monitor.

Ms. Del Bianco commented that the board is looking at this from a different direction. Mr. Horstmyer requested that Mr. Harrell and Mr. Biegalski provide a conceptual overview on how this language improves over what is currently being done. Mr. Harrell commented that it appears that would be a feasibility and assessment study.

Mr. Harrell commented that the board might disagree with what the department views as positive changes. Mr. Horstmyer commented that he does not understand conceptually the vision that underlines this discussion and what the board would be accomplishing. Mr. Harrell commented that the department is trying to provide a model for all professions that want to privatize that is consistent. Mr. Horstmyer asked what the advantage was to privatization. Mr. Harrell replied that privatization was something the board has expressed a desire to do.

Mr. Horstmyer asked what is the mutual definition that they both are trying to accomplish under the label of privatization. Mr. Harrell replied that he was brought into the process after the board had made the decision to privatize so he could not answer his question. Mr. Rodriguez commented that goal was to bring a level of specialization and autonomy to the board that they have not had. Mr. Horstmyer commented that he thought it was for motivation as well. Mr. Rodriguez agreed.

Mr. Rodriguez commented that historically the organizational nature of the department set up was to run multiple boards. He commented that there was quite a bit of movement of staff within the department regarding the cross training. He commented that he would like to bring staff specifically for board use and retain that knowledge. He continued by stating they wanted autonomy. Mr. Harrell commented that autonomy and specialization is the motivation for privatization.

Mr. Horstmyer commented that he understood from the Governor that privatization was to be introduced as an entrepreneurial spirit regarding the government administrative functions. He continued by stating that it was to get motivation from the entrepreneur and rewards from that service. He commented that he viewed this as creating another bureaucratic structure. He commented that he thought the Governor's message was to cut the bureaucracy and spin off functions to experts and specialists that are motivated by profit to get the accomplished task done.

Mr. Harrell commented that the Secretary has spoken with the Governor about this issue and he supports this model as presented. He commented that the board is discussing privatization of police powers in the regulatory program. He commented that it is a sensitive issue and that is why the Governor supports this model regarding the police power. Mr. Horstmyer disagreed because this deals with administrative functions, which has nothing to do with police power.

Mr. Harrell commented that it has a balance of governmental oversight over an entity that operates outside of the government department. Mr. Horstmyer commented that he agrees there should be oversight, budget control, and policy control. He continued by stating that the questions are whether to introduce fresh new professional staff that is motivated by the results of what they perform. Mr. Horstmyer commented that is the objective that is missing. He commented that it is missing from what he thought, as a citizen, was the Governor's perspective when he began office. He commented that it appeared the general public wanted to look at what commercial successes have been and how they have been done, i.e. bureaucratically or entrepreneurial.

Mr. Horstmyer commented he would like to review what the board would achieve by the bureaucratic model or what their vision was that would be achieved conceptually. He commented that he does not sense the board has achieved the core of what is intended. Mr. Harrell commented that autonomy and specialization is intended with this model but not necessarily profit. Mr. Horstmyer commented that in addition to that is the better work of the entrepreneurial input.

Ms. Del Bianco commented that the board likes the idea of the non-profit FEMC model but wanted for profit entities to do the administrative functions and prosecutorial aspects. Mr. Horstmyer commented that for profit was means for motivation. Ms. Del Bianco commented that they currently have a contractor that responded to an ITN for a set amount. Mr. Horstmyer commented that the board set the budget, which was proper and they are performing within that budget. He commented that it works because of the entrepreneurial spirit performing the best to their ability and expertise for less than the bureaucratic method. Mr. Horstmyer commented that the difference is the contractor is for profit. Mr. Harrell commented that was not necessarily true.

Mr. Harrell commented that he does not believe the services have been provided for less. Mr. Horstmyer commented that on an economic basis if they had margin it would be different. Mr. Harrell commented that the budget for the current contract and the model must be approved by the legislature. He commented that the board must take into consideration the trust fund sweeps. Mr. Horstmyer disagreed and commented that the budget is the budget and they work within those parameters. He commented that the question was how well the task could be executed with that budget either bureaucratic model or the current contract for prosecutorial services.

Mr. Del Bianco commented that the department provided the amount on what the services would cost. Mr. Harrell commented that the board would perform the study and the department would assist in providing the information. Ms. Del Bianco commented that board members do not necessarily know the ins and outs of financials and they would prefer to have an outside consultant. Mr. Harrell commented that the intent is to keep individuals on the board from being misled by private consultants that have a profit incentive for privatization. Ms. Del Bianco commented that the private consultant would not be the vendors the board would choose to offer

the private services. Mr. Harrell commented that this model does not preclude the board from hiring a private consultant.

Mr. Harrell commented that a potential vendor has had a study performed and that is the department's concern. Mr. Biegalski commented that the concern is that a board made the decision to privatize based on that study and did not have a plan. He commented that the board sought an association to lobby for legislative language and they did not have a plan so they are not sure what they are going to get.

Ms. Del Bianco commented that the department has placed huge burdens on board members for travel and time spent on board matters. She continued by stating that having a board member do a feasibility and needs study is time prohibitive regarding their personal practice. She commented that the department needed to allow leeway for a consultant to perform the study so it does not tie up a board member's time. She commented that a feasibility and needs study is a huge task.

Mr. Harrell commented that it is a huge task but it pales in comparison to managing a contract and soliciting for vendors. He commented that the board has already performed a financial feasibility study. Ms. Del Bianco commented that the department should provide parameters and define what a need's assessment is.

Ms. Grigsby left the conference call at 12:15 p.m.

Mr. Harrell commented that the FEMC model is easier to manage for a volunteer board. Ms. Del Bianco commented that the board has made comments regarding the new model language. Mr. Biegalski commented that the department does not have a legislative package but they have some individual items. Mr. Harrell commented that the Secretary wanted to move on this model language quickly. He commented that Senator Clary has reviewed the new model language.

Ms. Del Bianco asked Mr. Harrell if this language would be finalized before the next board meeting because the board might be open to revisiting the language if their concerns were addressed in the language. Mr. Harrell responded that the Secretary, Governor and the department have reviewed this language and it was the substantial language they were going to utilize. He commented that did not mean they would not take into consideration the items the board has mentioned. Mr. Biegalski commented that this language was just published and they are entertaining ideas and issues for revisions. Mr. Harrell commented that the department appreciates the board discussing this language and giving feedback.

Electronic seal of documents relative to Prototype program– Juanita Chastain

Ms. Chastain commented that Mr. Bragg, Assistant General Counsel, for the Department of Community Affairs sent the e-mail that is in the agenda packet. She commented that he felt the board could perform electronic signing and sealing on the statute he quoted in the e-mail. Ms. Clark commented that this is a conflict of statute. She commented that if the board was interested in electronic signing and sealing it would require statutory change.

Ms. Del Bianco commented that the board voted to have this added to the department's legislative package.

MOTION: Mr. Rodriguez moved to include electronic language for signing and sealing in the department's legislative language.

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

Mr. Biegalski commented that a bill was introduced last year to the Senate and House and it died. Ms. Chastain was advised to inform Ms. Jones with the department's legislative office.

For the Board's Information

Letter to Honorable Jeb Bush, Governor

Letter to Honorable Johnnie Byrd, Speaker

Letter to Honorable James King, President

Ms. Clark commented that the letters were submitted on the board's behalf.

New Business

The board was informed that Mr. Shalley was no longer with AIA and has taken a position with a local engineering firm.

Old Business

Ms. Del Bianco commented that the Department of Community Affairs (DCA) provided the Department of Business and Professional Regulation (DBPR) a data dump regarding the core course takers. She commented that there were approximately 5,000 licensees that have not taken the required course. She commented that DBPR is issuing a deficiency letter to licensees that informs them that they can not renew unless that provide proof of completion.

Ms. Clark commented that the board requested that the department send letters to architects and interior designers informing the same. She commented that the alternative was that Mr. Minacci would open disciplinary cases. She commented that she understood from Mr. Harrell that the board has the option to not renew the license if they have not taken the course. She commented that this was an important issue and it should not be ignored.

Ms. Clark recommended that the board schedule this item for the next noticed board meeting.

Mr. Rodriguez commented that he questions the validity of the information of the data dump. Ms. Del Bianco commented that she would like to discuss on the December conference call.

Mr. Rodriguez commented that he could not support disciplining licensees when DCA has messed up the list.

Ms. Chastain confirmed the next telephone conference call was scheduled for December 17, 2003 at 10:00 a.m.

Ms. Del Bianco commented that they were working on the statutory clean up for submittal to legislation.

Adjourn

MOTION: Mr. Rodriguez moved to adjourn.

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

The meeting adjourned at 1:10 p.m.