

## MINUTES

### BOARD OF ARCHITECTURE AND INTERIOR DESIGN

Embassy Suites Hotel  
3705 Spectrum Blvd  
Tampa, FL 33612  
813.977.7066

April 27, 2004

#### Committee Meetings

**April 27, 2004**

**9:15 a.m.**

#### INTERIOR DESIGN COMMITTEE

##### **Call to Order**

The meeting was called to order at 9:10 a.m. by the chair, Ms. Shore.

##### Board Members Present:

Joyce Shore, Chair

Miguel Rodriguez

Garrick Gustafson

Neil Hall

Rick Gonzalez

Ellis Bullock

Sharon Del Bianco

Stephen Schreiber

Kenneth Hortsmyer

##### Board Members Absent:

Mary Jane Grigsby

Roymi Membiela

##### Others Present:

Mary Ellen Clark, Board Counsel

David Minacci, Prosecuting Attorney

Juanita Chastain, Executive Director

Terri Estes, Government Analyst

Steven Hefner

Michael Wirtz

Trent Manausa

Emory Johnson

Frank Abbott

John Ahern

Thomas Matthias  
Kimberly Transtrum  
Eddie Adams, Jr.  
Susette Crosby  
Sharon Thomas  
Aida Bao Garciga

## **Discussion**

### **Chapter 481 revisions - IDAF**

Ms. Crosby commented that she had received no comments regarding the revision except from Mr. Butler. Ms. Del Bianco commented that she had some comments she would provide to Ms. Crosby. The board discussed Ms. Clark reviewing the revised document for legal input. The board discussed the timeframe and deadlines the legislative agenda. Ms. Clark commented that her knowledge of the deadlines would be from her department's standpoint, which would require the language to be in final form for submittal in August.

Mr. Manausa commented that he was informed that the final copy would need to be prepared for submittal by the end of December. He commented that he had received no comments on the architecture statutes. He commented that he had heard from AIA and they had some members that had issues with the language but he has not received the comments.

The board requested a clean draft of the statute without the strike-outs. Mr. Manausa commented that the department would put the language in final form.

Mr. Johnson commented that if the board would separate the statutes by professions it would make issues easier to locate language that was pertinent to each profession. He commented that there was still co-mingled language that legislators and individuals are still having difficulty understanding.

Ms. Del Bianco asked if they would have two sections for each profession. Mr. Manausa responded that he thought that if they had separate statutes then they would have to separate the rules. Ms. Clark commented that they were making substantive changes. Ms. Crosby commented that the major change for interior design was the education requirement. Ms. Del Bianco commented that they need to use the same format in one column not two separate columns.

Mr. Wirtz commented that they should take comments from individuals, board members, and public. Mr. Rodriguez commented that if comments received on or before May 20, 2004 they would be considered. After that date they would begin combining the drafts and could be placed on the August agenda for final review then to Ms. Clark for legal review.

Ms. Del Bianco commented that it might be best to appoint one board member to review because numerous members reviewing will more than likely have the same comments. Mr. Johnson commented that they should separate the professions for clarity for the practitioners and enforcers of the statutes.

The board determined that everyone should make comments regarding the statutes and rules.

MOTION: Ms. Del Bianco moved to have two separate sections for the professions.

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

The timeline set was that the draft be reviewed and commented on by all parties between now and May 30, 2004. The combined draft should be sent out for review by June 20, 2004 for comments and returned by June 30, 2004. The final draft date due to the board office would be July 9, 2004.

Ms. Del Bianco commented that this issue could consume the entire committee day for the upcoming August meeting. The board discussed having an extra day to accommodate the schedule.

### **IDCEC Meeting, Seattle, WA – Mary Jane Grigsby**

Ms. Grigsby was not able to attend the meeting today, therefore, no update was given.

### **New Business**

Ms. Del Bianco commented that she received the definition for interior design from NCIDQ and presented it to Ms. Crosby for incorporation into the statute rewrite.

Ms. Crosby commented that she attended AIA Legislative Day. She commented that the primary issue was the electronic signing and sealing of plans, which passed and should go into effect approximately July 2004. She commented that it was very informative and helpful. Portions of the report were inaudible.

### **Old Business**

No old business.

### **Adjourn**

MOTION: Ms. Del Bianco moved to adjourn.

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

The meeting adjourned at 10:02 a.m.

### **ARCHITECTURE COMMITTEE**

Chair – Stephen Schreiber

### **Call to Order**

Mr. Schreiber called the meeting to order at 10:02 a.m.

Mr. Schreiber welcomed the board members and attendees to the University of South Florida. He provided information regarding the University.

## **Discussion**

### **Architects using the AIA designation behind their name – Stephen Schreiber**

Mr. Schreiber commented that he contacted the New Mexico Board regarding this issue. Mr. Schreiber had a handout with additional information for the board. He commented there were issues regarding individuals using their degree title i.e. Master of Architecture or Bachelor of Architecture as a way to suggest that they were licensed. He commented that the New Mexico Board decided not to take a position on the issue at the last board meeting. He commented that there appeared to be a concern with other states regarding the usage of the degree title and AIA designation, however, they had not taken a position either.

Mr. Schreiber commented that there was a case in Florida regarding an attorney. He commented that the public assumes that when an individual has AIA affiliated with their name that they are licensed in the state.

Mr. Schreiber commented that the AIA affiliation with an individual's name is confusing to the public. He continued by stating because they assume that that individual is licensed to practice regardless of the state. Mr. Gonzalez commented that there are campaigns that encourage the public to make sure individuals are licensed, however, the assumption is that if they are AIA affiliated then they are properly licensed. Mr. Bullock commented that if he was licensed in Florida he should be able to give a business card in Alabama without a problem.

### **Chapter 481 revisions – Trent Manausa**

Discussed previously.

### **NCARB Meeting, Deadwood, SD – Ellis Bullock and Miguel Rodriguez**

Mr. Bullock commented that it was a good meeting and he was able to attend a Broadly Experienced Architect meeting. Mr. Bullock commented that he was concerned that there was a lack of representation from Florida. He commented that Alabama had their Board Members, Executive Director and Board Attorney at the meeting.

Mr. Rodriguez reviewed for the board the individuals that were elected as officers and directors. He commented that they were going to pass by-laws changes that would automatically cast one vote for the current director to avoid a tie when there were an even number delegate present to cast votes during elections, with provisions for candidates running for other positions. The by-law language would be submitted at the upcoming Portland meeting.

Mr. Rodriguez commented that there were resolutions coming before NCARB to establish a 5-year rolling window for the ARE. He commented that he did not feel it would pass automatically.

### **NCARB Reciprocity Impediments Task Force survey – Juanita Chastain**

Ms. Chastain commented that this questionnaire was on the agenda for board input and direction. She commented that she answered the questions and wanted board input on her

answers. Mr. Rodriguez commented that the questions that she had difficulty answering were ones that had no clear cut answers because it could be an essay answer not yes or no.

The board reviewed the questions and Ms. Clark commented that she should leave them blank if there is no clear answer in the laws and rules.

A. yes, B. no, D. no. The board agreed with the rest of Ms. Chastain's answers with confirmation from Ms. Clark.

Mr. Hall asked the board if they felt that question number 9 was appropriate to allow corporate entities to offer combination of architectural services and construction services, an example was design build. Mr. Rodriguez replied that a corporation could offer both, provided that the corporation was licensed as an architectural business and general contractor business. He commented that the question was not clear and could be interpreted a couple of ways.

### **For the Board's Information**

#### **NCARB Annual Meeting - Portland, OR**

#### **Miguel Rodriguez (Pilot), Ellis Bullock, and Stephen Schreiber attending**

#### **New Business**

Mr. Schreiber commented that he was elected President-Elect of the Association of Collegiate Schools of Architecture. He commented that he wanted to include Community Colleges and make them aware of what the ACSA was doing as well as NAAB. He commented that once he attended his first meeting he realized that ACSA was having serious budget problems. He commented that the changes with NAAB accreditation requirements were a contributing factor. He commented that every six years NAAB tries to change its conditions and procedures for accreditation requirements.

He commented that there were major changes such as the Doctorate of Architecture is now an accredited degree. He commented that Hawaii was the only University offering the program. He commented that they would see a change regarding the 3 ½ to 4 year degree programs that follow Bachelor degrees. Mr. Rodriguez commented that essentially with the Architecture Degrees of five years they have the credits that most individuals receive Masters Degrees.

Mr. Hall asked Mr. Schreiber what the credit requirements were to receive the Master's degree from his institution. Mr. Schreiber responded that it was based on number of credits received not on years attended an example was NAAB requires 90 credit hours and USF requires 105 credit hours after a Bachelors Degree. He commented that NAAB does not distinguish between degree types.

Mr. Bullock commented that when he attended the NCARB meeting they discussed the Boyer Mitgang Report as a resolution to the education issues. Mr. Schreiber commented that currently schools offer real world experience through the classroom, which was developed through that report. He commented that the Boyer Report was eight years old.

Mr. Schreiber commented that there was a proposal in conditions and procedures regarding the usage of Architecture in the title of degrees, which can only be used if the program is accredited through NAAB an example would be Bachelor of Architecture not Bachelor of Science in Architecture. He commented that he was going to work on the title issue. He commented that NAAB only had jurisdiction over accredited programs.

Mr. Gonzalez asked what happened to the suggestion of degree titles for Bachelor of Architecture and Engineering. The board discussed the universities that offer those programs and the occupations allowed with that type of degree.

Mr. Schreiber commented that NAAB had a mix of performance and prescriptive requirements. He commented that there were no credit hour counts. He commented that there was a prescriptive 60/40 rule where 60 percent is architecture based and 40 percent in general education/elective. He commented that they were purposing removing the 60/40 rule and implementing a credit hour count. He commented that the ACSA would prefer that it be performance based, which would be no credit hour counts or 60/40 rule. He commented that would allow for four-year degree programs to be accredited. He commented that if this passes then it would be against statute.

Mr. Schreiber commented that these would be issues to discuss at the meeting with the Educators in August.

Mr. Gonzalez commented that the school that he graduated from was contacting alumni to implement a program to involve practitioners with the architecture program. He commented that they created an advisory board to receive input from all sizes of firms. Mr. Schreiber commented that AIA did a survey of its members of their involvement with schools as an advisory, faculty member, council, etc. He commented that the response was fairly high. He commented that it may have been accredited to the Boyer Report.

### **Old Business**

No old business.

### **Adjourn**

MOTION: Mr. Rodriguez moved to adjourn.

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

The meeting adjourned at 10:52 a.m.

### **RULES COMMITTEE/WORKSHOP**

### **Call to Order**

Mr. Bullock called the meeting to order at 11:12 a.m.

### **Rules Report**

### **Rule Tracking**

Ms. Clark reviewed her report as printed in the agenda. She commented Rule 61G1-11.013 definitions became effective February 13, 2004. Mr. Ahern asked for clarification on “adjacent to” in the Rule 61G1-11.013. Ms. Clark clarified the definition adjacent, which means next to. Ms. Clark commented that Rule 61G1-11.017 time for compliance with final order proposed language, was waiting for Mr. Martin to respond to JAPC concerns, which he has not done. She commented that they could continue to wait for Mr. Martin’s response to determine if they would prevail or concede. Ms. Clark commented that they board could wait and take no action.

She commented that Rule 61G1-12.001 was withdrawn based on vote at the February meeting. No action on Rule 61G1-13. She commented that Rule 61G1-14.001 was adopted and effective March 10, 2004. No action on Rule 61G1-17 or 61G1-18.002.

Ms. Clark commented that Rule 61G1-20.001 was adopted and became effective March 10, 2004. She commented that Rule 61G1-21.001(1) was adopted and became effective April 12, 2004.

Ms. Clark provided the board with new proposed language for review of Rule 61G1-21.001(4). This rule was specific to the number of hours required for advance course hours for the Florida Building Code, which the board proposed zero hours.

MOTION: Ms. Del Bianco moved to proceed with Rule 61G1-21.001(4) as presented by counsel.

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

Ms. Clark commented that Rule 61G1-23 was stalled by JAPC for concerns and she responded to JAPC’s letter. She commented that it does not appear that the rules would pass without further legislation. She recommended that they withdraw the rules. She commented that it was Rules 61G1-23.040(2) and (3) that were being challenged. She commented that 23.025 and 23.030 were fine and in the process of being adopted. She commented she did not feel that these rules needed to be proposed because they were covered by Rule 26. She commented that she did not feel that either Rule 23 or 26 would pass through JAPC with Ms. Printy. She advised that they withdraw the rules. The board reviewed the letter from Ms. Printy.

Mr. Manausa commented that they were addressing the responsible supervisory control issue for interior designers in the statute clarification. Ms. Clark referred the board to Ms. Printy’s second letter, which questioned the renumbering of the Rule 61G1-23.040 and inserting paragraphs (a) and (b) and previously (a) concluded with a semicolon and the word or. She continued by stating now they have recommended removal of the word or at the end of paragraph (a), which would mean and. Ms. Clark recommended that it should be (a) or (b), not (a) and (b).

MOTION: Mr. Rodriguez moved reinsert the word or between the proposed paragraphs (a) and (b) and withdraw Rule 61G1-23.040(2)(3).

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

Ms. Clark commented that Rule 61G1-23.060 was moving forwarding for adoption.

Ms. Clark commented that Rule 61G1-24.001(1) Continuing Education for Architects was approved and adopted April 12, 2004.

Ms. Clark presented language for Rule 61G1-24.001(4) for the board's review.

MOTION: Mr. Rodriguez moved to approve the language for Rule 61G1-24.001(4) as presented.

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

Ms. Clark commented that Rule 61G1-26 received a letter from JAPC regarding concerns and she had responded to Ms. Printy's concerns. She commented that JAPC had responded to her letter and will not support the changes in the future. Ms. Clark provided the board with a copy of the letter from Ms. Printy. Ms. Clark commented that if they would like to proceed they would have to testify before JAPC or they could withdraw.

Mr. Manausa commented that this issue would be addressed in the statute clarification.

MOTION: Ms. Del Bianco moved to withdraw Rule 61G1-26.

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

Mr. Rodriguez commented that this was frustrating to have the department oversight regarding the rule language. Ms. Clark commented that there should be oversight to avoid boards and commissions overstepping and abusing their authority.

Mr. Minacci commented that the Chapter 481.221(4), F.S., requires that they define the responsible supervisory control by rule. Mr. Rodriguez commented that he would like broader authority to allow boards to write rules. Ms. Clark commented that they are required to have specific rule writing authority not general rule writing authority. After discussion they determined that the statute pointed out by Mr. Minacci was not specific to responsible supervisory control issues, it was more specific to successor architect.

After discussion the board determined that if they wanted more specifics they would need to address them in the statute.

Rule 61G1 –13 – Education and Experience Requirements  
Current Language  
Removed due to no action since noticing.

Rule 61G1 – 16 – Seals and Plans

### Current Language

The board discussed the reason for noticing the rule was to modify it to mirror an engineering rule. They determined that it was noticed to accommodate the electronic signing and sealing. Mr. Rodriguez commented that the electronic language was to be remedied by statute in July.

MOTION: Mr. Rodriguez moved to notice Rule 61G1-16 for development in its entirety.

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

### Rule 61G1 – 17 – Fees

#### Current Language

MOTION: Ms. Del Bianco moved to table Rule 61G1-17 until the budget workshop.

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

### Rule 61G1 – 18 – Responsible Supervising Control Over Architectural Practices in the Architect's Office

#### Current Language

Removed due to no action since noticing.

### Rule 61G1 – 22 – Interior Design Experience and Education

#### Current Language

Removed due to no action since noticing.

### Rule 61G1 – 25 – Responsibility Rules of Architects Providing Threshold Building Inspections

#### Current Language

Remove, no action.

### **New Business**

Mr. Rodriguez presented proposed language for Rule 61G1-18.003 to address the Prototype Building issues. He commented that this language was written two ways, which addresses successor architect and changes or supplemental plans. The board discussed the need for the language regarding.

Ms. Clark asked Mr. Rodriguez if he could assist with researching the statutes that would allow this language to be implemented. Mr. Rodriguez agreed to assist.

### **Old Business**

No old business.

### **Adjourn**

MOTION: Mr. Gonzalez moved to adjourn.

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

The meeting adjourned at 12:13 p.m.

## CONTINUING EDUCATION TASK FORCE

Chair – Rick Gonzalez

### **Call to Order**

Mr. Gonzalez called the meeting to order at 1:20 p.m.

### **Discussion**

#### **Continuing Education Handbook Revisions**

##### **Architecture/Interior Design**

Mr. Rodriguez commented that this item was placed on the agenda for the task force members to give input to update the documents. He reviewed items that he had changed, an example was health safety and welfare defined by NCARB. He also mentioned defining distance education and monographs regarding structured study and self-directed study.

Mr. Rodriguez commented that the establishment period reflects February 28, odd year and February 28, odd year but it should be March 1, odd year. Ms. Chastain confirmed and commented that the board had discussed approving the courses for 2-years from the date of approval.

Ms. Del Bianco commented that IDCEC has independent study and they have a category for correspondence course and self direct study. She commented that they define correspondence courses as distance learning and self-directed as reading, research, etc.

Mr. Rodriguez commented that he had added self-directed study as relying on a licensee's initiative, organization, and structuring as a method of gaining knowledge. He commented that self-directed study was something that was prepared by one's self and structured study was instruction by a provider or qualified instructor. He commented that the difference was not the speed that an individual took the course but how and who prepares the materials, an example would be self-prepare or prepare by others.

Mr. Rodriguez commented that it would be helpful to define what health, safety and welfare was and what the related topics were then would it be necessary to have 14 categories. He commented that the categories were confusing as to whether courses were related or not.

Mr. Rodriguez commented that they looked at the shelf life of courses and they should be re-reviewed. The board discussed the renewal process and how they are currently processed. Ms. Clark read from the handbook that states they must submit the fee and the course is renewed. She commented that it does not require re-submittal of the course information.

The board discussed the shelf life of the courses be four years instead of two years. They discussed that only the related courses need to be re-reviewed. The board discussed whether history courses were optional and/or related courses.

Mr. Hall asked who monitors the changes in attitude or technology regarding courses. Mr. Ahern replied that it is the architects that take the courses that are responsible for notifying the department if the courses are out dated. Mr. Rodriguez commented that the board should consider how often changes in technology occurs to determine the timeframe for re-review of courses.

The board discussed the policing of the status of expired courses. The board discussed how to stagger the existing courses that are approved. Mr. Rodriguez recommended taking a fourth of the approved list at a time and notifying the providers regarding the courses and the new approval/expiry date.

The board determined that every four-years for re-review of courses. Mr. Rodriguez commented that the existing courses should be done in increments of the list to determine the expiry date. Ms. Chastain commented that they must consider the revenue effect.

Ms. Chastain offered to invite staff from the Bureau of Education and Testing to the next board meeting. She commented that they may be able to offer input regarding streamlining the handbook and any concerns they have with the current process. Mr. Rodriguez commented that they could raise the fee to avoid a future revenue problem if they change to a four-year renewal.

Ms. Clark introduced herself to the task force members and the task force members introduced themselves to the board. Members in attendance were Stan Schachne, Jack Ahern, and Tom Matthias.

Ms. Clark commented that the board should appoint the members and acknowledge their role. She requested to know who originally reviewed the application for completeness. Ms. Chastain replied that the Bureau of Education of Testing does the original review and then they are sent to the task force members. Ms. Clark advised the task force members to be mindful of processing the application within the 90-day timeframe. She requested that they advise her of what rule they specify the reason for denial of the course.

Mr. Schachne commented that he recently reviewed courses that were contractor related, workers comp, etc. He commented that he felt it was helpful but was not sure of the relevancy to architects being licensed. Mr. Rodriguez commented that he would approve courses that dealt with lien laws because architects deal with that. Mr. Schachne commented that he has denied courses because they overlap the professions. The board discussed reasons for denying certain courses because they are or are not related topics.

Mr. Matthias commented that the provider is suppose to lay out the course information and submit a complete packet with outline, timeline, etc. and it should be related to the profession. Ms. Shore commented that they have to determine individually as a reviewer to determine what the fine line is if it is related to the profession.

Ms. Clark commented that the board needed to have the reviewer at the meeting or hearing when a denial is challenged. If the reviewer is not available then the board must act independently.

Mr. Schachne commented that he could provide written explanation for denial. Ms. Clark commented that a written explanation is not acceptable at a hearing and there should be a live person available for a hearing.

The board discussed the course evaluation forms and how they are handled. Ms. Chastain commented that the evaluation forms are sent to the Bureau of Education and Testing. Mr. Rodriguez commented that the providers and instructors cater their approach or revise the course based on feedback on the course evaluation forms.

Mr. Rodriguez commented that board members are encouraged to attend and evaluate courses.

### **Florida Building Code Advance Course, Zero hours required**

This was discussed earlier.

### **Application processing time frames**

Ms. Clark reviewed the process and time frame requirements earlier in the meeting.

### **Contractor Schools applying for architecture approval**

Mr. Schachne and the board discussed these types of courses not being sent for review. The board advised that staff does not have the authority to deny a course, therefore, course applications are sent to the reviewer.

Mr. Ahern commented that the more the board limits the types of courses then it limits the availability of courses, which does not help the profession.

### **New Business**

No new business.

### **Old Business**

No old business.

### **Adjourn**

The meeting was adjourned at 2:28 p.m.

### **BUDGET WORKSHOP**

### **Call to Order**

Mr. Bullock called the meeting to order at 2:29 p.m.

### **Discussion**

### **Financial Report December 31, 2003 and 2002**

Ms. Chastain confirmed that the special category appropriation was increased from \$375,000 to \$525,000. She commented that she asked the department if the invoices that they were not able to pay this fiscal year could be paid from the next fiscal year and was informed that the invoices could be paid; however, it would be deducted from the next year's appropriation. Mr. Rodriguez commented that paying those invoices would, in essence, create a budget shortfall for the next fiscal year.

Mr. Bullock asked what the invoice carry over amount was. Ms. Chastain replied that it was approximately \$150,000. Mr. Rodriguez and Mr. Bullock felt the board needed to find another solution.

Ms. Chastain commented that they were reviewing the 2<sup>nd</sup> Quarter Financials because the 3<sup>rd</sup> Quarter Financials were not available. She referred the board to the statement of revenues, expenses, and changes in net assets and that the board questioned the expense category board administrative costs. She commented that the \$293,000 in that category consisted of the percentage of staff that works for their profession.

Ms. Chastain commented that the board pays 28% of a shared distribution of \$185,000 and for architecture and interior design is approximately \$52,000. She commented that the percentage could change in the future because the staffing percentages could change. The board discussed how the percentage of time was determined i.e. timesheet, logs, etc. Ms. Chastain commented that conference calls, meetings, licensees, and size of profession, etc. determine the percentage of time spent on each profession. Mr. Horstmyer commented that it was being done by judgement.

Ms. Chastain reviewed the travel appropriation. She commented that there was a certain amount allotted for travel. She commented that the amount was less this year, therefore, the amount for their board was less. She commented that the monies are based on last year's travel spent and they are lower for this year. She commented that the travel authorizations and plans are submitted one year in advance and she estimates the cost of each trip, board meetings and out of state travel. She referred the board to an out of state trip where she requested 4 board members and an administrator. She commented that if there was additional monies left over it can be used for other travel but it must be for a trip already identified.

Ms. Chastain commented that the projection was \$90,000 and they have an appropriation of \$43,000. Mr. Bullock asked who set the amount. Ms. Chastain responded that the Budget Office recommends the amount. Mr. Bullock commented that would be the Secretary.

Mr. Rodriguez commented that there was \$1.6 million for travel, which was \$3,000 less than the year before and included all professions. He asked how they based the \$43,000 out of that money. Ms. Chastain responded that the amount for their travel was based on the previous years travel amount spent. Mr. Rodriguez commented that they spent \$53,000 yet they only received \$43,000, which was a \$10,000 cut and the entire department was only cut \$3,000.

Ms. Chastain commented that the \$1.6 million was not solely travel. Ms. Chastain advised the board that she advises the department of the board's wishes regarding the number of

attendees they would like to send to each meeting in state and out of state. Ms. Chastain advised the board that all travel must be approved and she must justify all out of state travel, number of attendees and the importance of attendance by the board. She commented that out of state travel must be approved by the Secretary's office.

Mr. Bullock asked if the board increased the fees by \$25.00 to \$50.00 if they would have those monies available. Ms. Chastain replied in the negative because they can only spend what was allocated.

Ms. Chastain commented that the board was spending more than what they were bringing in yearly. Ms. Chastain commented that there would probably be a separate line item for the Smith, Thompson, Shaw & Manausa contract for them to be easier to read. She commented that the year to date, the amount spent on the contract was \$187,500 of \$375,000 on licensed activity. She reviewed each line item.

Ms. Chastain commented that the 3<sup>rd</sup> Quarter Financial Statement should complete the payment of the contract for Smith, Thompson, Shaw and Manausa for this fiscal year. Mr. Rodriguez asked if \$293,000 was actual expenditures year to date. Ms. Chastain replied expenditures year to date through the 2<sup>nd</sup> Quarter.

Ms. Chastain commented that portions of the Smith, Thompson, Shaw and Manausa contract was paid out of the unlicensed activity account. She commented that they had \$801,000 left but they still had two quarters to go. Mr. Rodriguez commented that they were spending at a rate of about \$1 million per year. Ms. Chastain provided the board with quarter scenarios so they could determine when renewals were received because that is when the bulk of their funds would be received in the 3<sup>rd</sup> Quarter.

Ms. Chastain commented that they have other revenues besides renewals, examples were applications and fines. The board asked if there were fee caps. Ms. Chastain referred the board to a handout provided that covered fee caps.

Mr. Manausa asked Ms. Chastain why it appears that the \$375,000 for the Smith, Thompson, Shaw and Manausa should have reduced the other department's amounts. Ms. Chastain commented that the \$375,000 was an appropriation amount. Mr. Manausa commented that that amount was already in the budget being spent and it should have reduced the amounts within the other areas of the department. He commented that Legislation didn't give them the money it was already being spent by the department to perform those functions. Ms. Chastain commented that they were given additional money of \$150,000.

Mr. Rodriguez commented that \$261,000 was an existing expenditure amount, which transferred to the new line item, which now shows up as \$375,000. He commented that \$261,000 should have transferred out of another existing line items. He commented that what Mr. Manausa was saying was that they never reduced that amount from where it was transferred. Mr. Bullock commented that they still had the money and they double dipped.

Mr. Rodriguez commented that actual expenditures should show less in another line item. Ms. Chastain commented that under inspections, complaints, and unlicensed activities had been reduced. She commented that she would verify that information.

Mr. Rodriguez commented that he wanted to see that on the report because otherwise that could be funds that were more than likely not used by this board.

Ms. Chastain commented that Mr. Rodriguez asked about the cost allocation and she referred the board to that information. Mr. Rodriguez asked about the increase of 39 cents to 41 cents and if that would continue to increase. Ms. Chastain replied she did not know the answer but would check.

Mr. Rodriguez asked what the board administrative costs were. Ms. Chastain replied that the board administrative cost methodology was director's office, personnel, etc.

The board thanked Ms. Chastain for the report.

The board discussed raising the fees and there not being a guarantee that they would be able to access and utilize that money for their profession. Ms. Chastain commented that they should keep in mind that if they wanted to raise their fees they should do it prior to the upcoming February 2005 renewal.

### **Fines chart, Spending plan (travel), and Fee Cap**

Information provided and reviewed previously.

### **Fine tracking**

Mr. Hall commented that the fees assessed by PCP and the final order amounts were so different. He commented that some of the fines have no teeth and the panel's recommendation is much higher than what was collected. Mr. Minacci commented that the panel was recommending the maximum. He commented that licensed cases were more likely to pay because they do not want to jeopardize their license. He commented that unlicensed cases have no motivation to pay.

Mr. Hall commented that he was not questioning the efforts of the prosecuting attorney, he was questioning the rationale of the amount. Mr. Minacci commented that by the panel giving the maximum on some of the cases it give him room to negotiate.

Mr. Bullock commented that they needed to look at the bottom line. Mr. Minacci commented that he had collected 60% percent of the amount due. He commented that some of the orders were payment plans. He commented that getting funds out of an individual is a lot of work. Mr. Minacci commented that if the individual was licensed and they had not paid he could open another cases against them. He commented that unlicensed cases that had not paid he files an action against the individual in Circuit Court to receive a judgment against them. He commented that 50% percent of the judgements would be less than what the paper it is written.

Mr. Bullock asked what the cost was for court costs. Mr. Minacci replied the lowest was \$300 after the final order was entered. He commented that if they dispute and that could run the cost up to thousands of dollars.

Mr. Gonzalez commented that the licensed collected amount was very good, it was the unlicensed collected amount that was cut in half of what the panel recommended. Mr. Bullock commented that he had hammered over the licensed ones. Mr. Minacci commented that the licensed cases were easy because he could file disciplinary actions against them if they do not comply.

Mr. Bullock asked if there were cases where a license was suspended or revoked for failure to pay fines. Mr. Minacci replied in the positive.

Mr. Minacci reviewed for the board the fine chart referring the board to the final order amounts and the amounts collected. Mr. Hall asked Mr. Minacci about the 10+ cases filed in court, what he thought they would actually collect. Mr. Minacci replied he would be pleased with 20 percent.

The board discussed the need to raise the fees. Ms. Del Bianco commented that they are not bringing in enough money to cover Mr. Minacci's contract. Mr. Bullock commented that they were looking at a short fall for the next year. Mr. Bullock commented that they could ask for more money from the Legislature.

Mr. Rodriguez commented raising the fees would only bring in more money that they would not be able to utilize. He commented that if they did not raise fees they would have less revenue for the Legislature to sweep. Ms. Chastain commented that the board may have an appropriation of funds but they must have cash in their account to cover their expenses.

Mr. Hall commented that monies would be taken from the next fiscal year to pay for the shortfall from this fiscal year. Mr. Rodriguez commented that they would have another shortfall this year for paying last year's contract. Ms. Del Bianco commented that the money was gone due to the sweep and they needed to have a mechanism to put the money back.

The board determined to cover their expenses they would need to increase their fees to avoid a future deficit.

MOTION: Mr. Gonzalez moved to increase the renewal fees for architects and interior designers \$25.00 for individuals and businesses.

SECOND: Ms. Del Bianco seconded the motion and it passed.

Mr. Rodriguez and Mr. Hall opposed.

Mr. Rodriguez asked where the monies accrue for renewal. Ms. Chastain replied into their operating account.

**New Business**

No new business.

**Old Business**

No old business.

**Adjourn**

MOTION: Mr. Gonzalez moved to close the budget workshop.

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

The meeting adjourned at 3:40 p.m.

The board returned back to the Rules Committee.

Ms. Clark commented that they would need to notice Rule 61G1- 17 Fees. The board discussed changing 61G1-17.001(2), (4) and (12) and 17.002(2), (4), and (14) to increase the fees to accommodate the motion in the Budget Workshop.

MOTION: Ms. Del Bianco moved to notice the rule for development to increase the fees by \$25.00 for Rule 61G1-17.001(2)(4) and (12) and 17.002(2)(4) and (14).

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

The board recessed at 3:45 p.m.

The meeting reconvened at 4:07 p.m.

Mr. Bullock reopened the Rules Committee.

MOTION: Mr. Rodriguez moved to increase the delinquency fees by \$25.00 for architecture and interior design Rule 61G1-17.001(11) and 17.002(13).

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

Mr. Rodriguez opposed.

The Rules Committee was closed.

**General Business****Call to Order**

Mr. Bullock called the meeting to order at 4:15 p.m.

**Board Members Present**

Miguel Rodriguez

Rick Gonzalez, Vice Chair

Ellis Bullock, Chair  
Neil Hall  
Stephen Schreiber  
Sharon Del Bianco  
Joyce Shore  
Garrick Gustafson  
Kenneth Horstmyer

Board Members Absent

Mary Jane Grigsby  
Roymi Membiela

Others Present:

Mary Ellen Clark, Board Counsel  
David Minacci, Prosecuting  
Juanita Chastain, Executive Director  
Terri Estes, Government Analyst  
Steven Hefner  
Michael Wirtz  
Trent Manausa  
Emory Johnson  
Frank Abbott  
Kimberly Transtrum  
Eddie Adams, Jr.  
Susette Crosby  
Sharon Thomas  
Aida Bao Garciga

**January 20, 2004 telephone conference call minutes**

MOTION: Mr. Gustafson moved to approve the minutes as presented.

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

**February 4-5, 2004 Committee Meetings and General Business**

MOTION: Mr. Gonzalez moved to approve the minutes as presented.

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

**April 13, 2004 telephone conference call**

MOTION: Mr. Gonzalez moved to approve the minutes as presented.

SECOND: Ms. Del Bianco seconded the motion and it passed unanimously.

### **To Do List**

The to do list was reviewed and approved.

### **Continuing Education Ratification list**

MOTION: Ms. Del Bianco moved to approve the continuing education ratification list as presented.

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

### **Ratification list**

#### **Interior Design by Examination**

Item 1

MOTION: Mr. Gustafson moved to approve item 1.

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

#### **Architecture by Endorsement**

Items 2-3

MOTION: Mr. Gustafson moved to approve items 2-3.

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

#### **Architecture by Endorsement**

Items 4-16

MOTION: Mr. Rodriguez moved to approve items 4-16.

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

#### **Architecture Certificate of Authorization**

Items 17-20

MOTION: Mr. Rodriguez moved to approve items 17-20.

SECOND: Ms. Del Bianco seconded the motion and it passed unanimously.

### **Administrative Privatization**

The board discussed and determined there was no Legislative language proposed this year for privatization of the board. Mr. Minacci commented that the board could use the language that passed to privatize the prosecutorial functions as a guide for the administrative functions.

## **Newsletter**

Mr. Minacci was assigned to write an article regarding the privatization of the prosecutorial portion of the board. Mr. Rodriguez was assigned to write an article regarding the fees being increased. Mr. Bullock was assigned to write an article for the Chairs corner. Ms. Grigsby was assigned to write an article regarding IDCEC. Ms. Del Bianco was assigned to provide information on the annual NCIDQ meeting.

Mr. Gustafson commented that it would be good to show the trends of the prosecution of cases and how the awareness of unlicensed activity is up. Mr. Minacci offered to write an article summarizing the first year of privatization of the prosecution functions.

## **Building Code Administrators meeting dates**

The board discussed the dates. Ms. Del Bianco will try to attend the October meeting.

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

August 3-5, 2004 Marriott Sawgrass, Ponte Vedra

The board discussed extending the August meeting for the last night. Ms. Chastain commented that she would look into whether it would be financially possible.

9:00 a.m. June 15, 2004 telephone conference call

## **Reports**

### **Interior Design Committee Report**

Ms. Shore commented that the committee discussed the statute revisions to Chapter 481 and assigned deadlines of June 20 for comments and July 9 for final draft to the board office.

MOTION: Mr. Rodriguez moved to ratify the report as presented.

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

### **Architecture Committee Report**

Mr. Schreiber commented they discussed the statute revisions to Chapter and assigned deadlines of June 20 for comments and July 9 for final draft to the board office. He commented that they discussed NCARB meetings and reciprocity impediments task force survey, which they reviewed the answers to the questions. He commented that they discussed pending changes to the accreditation education standards for architecture.

MOTION: Mr. Gustafson moved to ratify the report as presented.

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

## **Rules Report**

Ms. Clark commented that the board voted to notice Rule 61G1-16 for development, notice Rule 61G1-17.001 and 17.002 for development to increase fees, 61G1-18.003 a new rule for development, approved language for Rule 61G1-21.001(4), notice Rule 61G1-24.001(4) rule for development, and to withdraw Rules 61G1-23.040(2)(3) and 26.001.

MOTION: Mr. Gustafson moved to ratify the report as presented.

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

### **Continuing Education Task Force Report**

Mr. Gonzalez commented that they discussed changing the renewal cycle for courses from two years to four years. He commented that Mr. Rodriguez was going to draft language to stagger the renewal cycle of courses and update the handbook.

MOTION: Mr. Rodriguez moved to ratify the report.

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

### **Budget Workshop**

Ms. Chastain commented that the board reviewed the special category appropriation, 2<sup>nd</sup> Quarter Financial Reports, cost allocation methodology, breakdowns of the administrative costs, staffing percentages, fines tracking, and licensure counts.

MOTION: Mr. Hall moved to ratify the report as presented.

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

### **Chair's Report**

Mr. Bullock commented the he was happy with the information submitted today, however, he was disappointed in the lack of support from the department to have representatives from Florida at the conference and council meetings.

MOTION: Mr. Gustafson moved to ratify the report as presented.

SECOND: Ms. Del Bianco seconded the motion and it passed unanimously.

### **Board Counsel Report**

Ms. Clark commented that she could not determine that there was an Educational Advisory Committee as required by Rule 61G1-11.012, F.A.C. She commented that the rule was out of date, needed to be cleaned up and requested that they notice for rule development. The committee would be required to perform the education equivalency as required by Chapter 481.209(1)(b)(2) and as determined by board rule.

Mr. Rodriguez commented that has not been done for a number of years because they have not had many applicants under that method. Mr. Schreiber commented that statute appears to allow for broadly experienced architects.

Ms. Clark commented that the board needed to perform evaluations for the state to state applicants. Ms. Clark commented that the committee shall be made up of not less than one member of the board. Mr. Hicks commented that he had been reviewing the state statutes for

equivalency as well as education and there were three applications that would be before the board at the April 28<sup>th</sup> meeting.

Mr. Rodriguez read the rule and commented that Mr. Hicks and Mr. Butler were their expert staff as noted in the rule. Ms. Del Bianco commented that Mr. Butler reviewed the interior design applications for education equivalency and Ms. Grigsby reviews the entire application based on his recommendation.

The board discussed that they have a committee with Mr. Butler and Ms. Grigsby. The board determined that Mr. Hicks and Mr. Schreiber should be assigned to the committee for architecture. Mr. Schreiber commented that there was an evaluation program in place called EESA and asked if they could request that all non-NAAB accredited degrees be reviewed by EESA prior to application to the board. Ms. Clark replied that they would have to change their rules. Mr. Bullock commented that the EESA evaluation was expensive.

Mr. Manausa commented that in the statute rewrite this was going to be removed and would resolve the problem. Ms. Clark commented that they are required to perform the review and that was what Mr. Coons did for the board previously.

Mr. Manausa commented that Mr. Coons reviewed and evaluated the education up to 1989 and after that date he was reviewing and evaluating the education based on NCARB (5) five educational credits. Ms. Clark did not agree and commented that he performed those evaluations when she was the prosecuting attorney, which was up to 1994.

Mr. Rodriguez reviewed Chapter 481.209(1)(b)(2), F.S., which implies the board can evaluate programs that were not NAAB accredited. They reviewed the licensure requirements and the examination requirements.

Ms. Clark commented that she would notice the rule to be updated.

### **IDAF Report**

Ms. Crosby commented that Ms. Dunn-Glispin was in the hospital and had a card for the board to sign.

Mr. Schreiber left the meeting at 5:12 p.m.

### **Prosecutor's 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  
Fines Chart  
Licensed/Administrative Hours  
January 2004  
February 2004  
March 2004  
Unlicensed Billable Hours  
January 2004  
February 2004  
March 2004  
Results of February 2004 PCP Meeting  
Results of February, 2004 Board Meeting  
Press Releases/Speaking Engagements/Other Correspondence

Mr. Minacci commented the status of all of the cases and if they had questions to let him know. He commented that the probable cause panel found probable cause on two engineers for practicing architecture. He referred the board to a letter he sent on their behalf.

Mr. Minacci asked for direction from the board regarding cases that were posted on his web site that reflects licensees that have been disciplined and/or cease and desists. He asked the board if they wanted to set a procedure regarding the cease and desist orders from showing on the web site and a time frame. He commented that in this particular request the company had an individual disciplined and the company name was tied to the individual but the infraction was against the individual not the company.

Mr. Minacci commented that when someone does a google search under this company name, his web site shows the order to cease and desist. He commented that he sees an argument in certain cases. He commented that the individual offered services through his name and the company but is no longer with the firm. The firm is a decorating service and they insist that they are losing business because the google search reflects that they have been disciplined. Mr. Minacci commented that the firm would like this removed because the individual is no longer with the firm and has been gone for over a year.

Ms. Del Bianco commented that punishment should be for a period of time because punishment is punishment. She commented that they should set a time period.

Mr. Minacci commented that he felt there should be a time frame for some cases but not for plan stamping etc. Mr. Gustafson commented that this particular infraction is against an individual and company. He does not feel the company should continue to be punished when the individual is no longer with the company.

Mr. Rodriguez asked how long disciplinary records show on the system with department. Mr. Minacci replied forever. Mr. Rodriguez commented that they should speak in generalities. He commented that the department's database should be on the search engine.

Ms. Del Bianco commented that if it was a revocable offense then it should stay on the record forever. She continued by stating that if it is a suspension offense then it should stay on for the period of suspension otherwise 6 months for year.

Mr. Bullock commented that it was public information. Mr. Rodriguez commented that they could rule on them individually. Mr. Gonzalez recommended that the firm change their name.

The board determined it was public information and to leave it alone.

The meeting was recessed at 5:24 p.m.

**AGENDA**  
**BOARD OF ARCHITECTURE AND INTERIOR DESIGN**  
**Embassy Suites Hotel**  
**3705 Spectrum Blvd**  
**Tampa, FL 33612**  
**813.977.7066**

**April 28, 2004**  
**8:00 a.m.**

**General Business Meeting**

**Call to Order**

Mr. Bullock called the meeting to order at 9:10 a.m.

Board Members Present:

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

Board Member Absent:

Mary Jane Grigsby

Others Present:

Mary Ellen Clark, Board Counsel  
David Minacci, Prosecuting Attorney  
Juanita Chastain, Executive Director  
Terri Estes, Government Analyst  
Linda Calhoun  
Jilla Montenegro  
Aurelio Rey  
Stephanie Ollie  
Dan Voelker  
Jeff Kneen  
George Peabody  
Spenser Galiger  
Deanne Audie  
Jack Mozley  
Hendrix Demello

Andy Dogali  
Haley Dempsey  
Robert Hermann  
Tony Pagan  
Timothy Stone  
Robert Lence  
Denise Cowell  
Stephanie Shreve  
Lawrence Lordi  
Alan Farrar  
John Birge  
Aida Bao Garciga  
Sheryl Parrapore  
Nicole Gould Kristmann  
Additional attendees noted on the sign in sheet

Court Reporter

Monique L. Dosormeaux, Montanta Reporting Services, Inc., 3000 Gulf to Bay Blvd., Suite 304, Clearwater, FL, 800.432.2304

**Hearing not Involving Disputed Issues of Material Fact**

**Alan David Farrar**

Mr. Farrar was present and sworn in. Ms. Clark commented that Mr. Farrar was before the board based on a request for an informal hearing. She commented that his original application was reviewed at the July 31, 2004 board meeting and was approved with a \$8,000 fine as a condition of licensure. She commented that he timely requested the hearing and did not dispute the facts.

MOTION: Mr. Gustafson moved to accept the material findings as facts.

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

Mr. Farrar commented that he brought the matter before the board on his own admission and would request leniency of the fine. He requested that the board reduce the fine due to hardship of his ability to pay and he has served numerous community service hours.

Mr. Hall commented that it was commendable that Habitat for Humanity wrote such a wonderful letter on his behalf.

MOTION: Mr. Hall moved to reduce the fine to \$2,000.

SECOND: Mr. Schreiber seconded the motion.

Ms. Del Bianco asked how many employees he had in his firm. Mr. Farrar replied two part time employees. Mr. Rodriguez commented that he agreed with the \$2,000 fine because he missed 8 renewals and the amount was based on the renewal and delinquency fees.

Ms. Del Bianco asked Mr. Farrar how large his projects were. Mr. Farrar replied they were small and projects that other architects would turn down.

The question was called and the motion passed unanimously.

### **Disciplinary Cases**

Mr. Rodriguez and Mr. Hall were recused from all cases where they served on the probable cause panel.

### **Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact**

#### **Licensed**

#### **DBPR vs. Lawrence A. Lordi/Rosello Balboa Lordi Architecture, Inc.**

Case Number 2003-044794

(PCP: Wirtz, Rodriguez and Hall)

Mr. Lordi was present and sworn in. Mr. Minacci commented that the individual was the sole architect at the firm. He commented that the respondent worked full time in another firm at the same time he was the responsible supervisory control of another firm.

Mr. Minacci commented that an administrative complaint was filed on 2 counts. The panel recommended \$3,000 fine plus cost, 2 years probation, plans review and affidavit.

MOTION: Mr. Gustafson moved to accept findings as fact.

SECOND: Mr. Horstmyer seconded and it passed unanimously.

Mr. Lordi commented that count 2, which was attempting to act, as the responsible supervisor in control of more than one office was not true. He commented that he was a project architect and did sign and seal projects. Ms. Clark asked Mr. Lordi if he was aware that he signed an election of rights form where he did not dispute the material facts. Mr. Lordi replied that he was aware he signed the form but he did not see the material facts alleged until after he signed.

Mr. Minacci commented that he was acting as responsible supervisor in control for one office while he was working full time in another office. Ms. Clark commented that if Mr. Lordi wanted to dispute any of the facts in the administrative complaint the proceeding would have to stop and he would go to the Division of Administrative Hearings (DOAH) for a formal hearing and go to trial.

Ms. Clark read the election of rights, which reflects the findings of facts that he signed and requested the informal hearing. Mr. Lordi commented that he was disputing the facts.

Mr. Minacci commented that Mr. Lordi was not disputing the material facts. Mr. Lordi commented that he was disputing all of the facts. Ms. Clark commented that the proceeding would be forwarded to the Division of Administrative Hearings (DOAH).

The matter was concluded and Mr. Minacci would forward the paperwork for DOAH.

**DBPR vs. James T. Melvin**

Case Number 2003-054158

(PCP: Rodriguez, Wirtz, and Hall)

Mr. Melvin was present and sworn in. Mr. Minacci commented that the respondent was the responsible supervisor in control of more than one firm. He commented that probable cause was found on 2 counts. The panel recommended \$6,000 fine plus cost, 1-year suspension, and 2-years of probation.

MOTION: Mr. Gustafson moved to accept the findings as fact.

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

Mr. Melvin commented that it was not true and he was disputing the facts. Mr. Minacci referred the board to a letter that Mr. Melvin's attorney sent stating that Mr. Melvin was not disputing the facts and would like to request an informal hearing and appear before the board.

Ms. Clark reviewed for Mr. Melvin what the process was for an informal hearing and when and why cases were referred to the Division of Administrative Hearings (DOAH). She commented that if he was going to dispute the facts then he must be referred to DOAH for a proper determination of the facts. She commented that the board does not have the authority to determine the facts but levy penalties were the facts are not disputed and are admitted.

Mr. Melvin commented he had additional facts and he would like to appear before the DOAH. The matter was concluded and Mr. Minacci would forward the paperwork for DOAH.

**DBPR vs. Stephanie B. Ollie**

Case Number 2003-004496

(PCP: Rodriguez, Wirtz, and Hall)

Ms. Ollie was present, sworn in and represented Andrew Granger. Mr. Minacci commented that the respondent was previously licensed as an interior designer and an order was entered against that license. He commented that she had not complied with the previous order and an administrative complaint was opened. He commented that probable cause was found for 1 count. He commented that the panel recommended \$5,000 fine plus costs. Ms. Ollie commented that she was not disputing the facts.

MOTION: Ms. Membiela moved to accept the findings as fact.

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

Mr. Granger commented that the final order was entered in 1997. He commented that she resigned from the profession in 1995, gave birth, and relocated to Georgia in 1997. He commented that interior designers are regulated because of public interest. He commented that her license had been inactive since 1997. He commented that no harm had been done to the public and she has not held herself out as an interior designer. He commented that the only harm to the state was the loss of \$1,000, which was due and payable in 1997. He commented that they were offering to pay the \$1,000 fine plus interest of \$635.00 for the 1997 order and the additional fine of \$250 for not complying with the final order. Mr. Granger commented that revocation was severe, extreme, and not justified. He commented that she would not like to have that mark against her.

Ms. Del Bianco commented that her license was null and void not inactive. Ms. Ollie commented that she did not pay the fine because they were moving and were adjusting to one salary, which was a hardship. She commented that the original infraction was failure to comply with continuing education. She commented that she did not plan on returning to the profession.

Mr. Minacci commented that the license was null and void. He commented that essentially they were talking about the fine. He recommended that they accept Mr. Granger's offer.

MOTION: Ms. Del Bianco moved to accept the conclusion of law.

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

MOTION: Mr. Gonzalez moved to accept the \$1,885.00 plus 100.00 costs.

SECOND: Mr. Horstmyer seconded and it passed unanimously.

### **Unlicensed**

#### **DBPR vs. J. Michael Ingram**

Case Number 2003-004427

(PCP: Rodriguez, Wirtz, and Hall)

Mr. Ingram was not present. Mr. Minacci commented that the subject failed to comply with a final order and his license was now null and void. He commented that the respondent refuses to pay the penalty and does not dispute the allegations. He commented that he filed a motion for a final order by hearing not involving disputed issues of material fact. He commented that an administrative complaint was filed and probable cause was found on 1 count. Mr. Minacci commented that the panel recommended \$5,000 fine plus costs.

MOTION: Mr. Gustafson moved to accept the findings as material fact, conclusions of law and that Mr. Ingram did not dispute the material facts.

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

Ms. Clark commented that the license was null and void and they have jurisdiction because the violation occurred while the license was still in existence. She commented that since the

individual had indicated he would not pay the fine they could consider revocation of the license.

MOTION: Mr. Schreiber moved to revoke the license.

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

**DBPR vs. Antonio E. Pagan**

Case Number 2003-077407

(PCP: Rodriguez, Wirtz, and Hall)

Mr. Pagan was present and sworn in. Mr. Minacci commented that the respondent was unlicensed and prepared plans for a church and offered services via the internet. He commented that probable cause was found on two counts and the panel's recommendation was \$10,000 fine plus costs. Mr. Pagan commented that he does not dispute the facts as alleged in the administrative complaint.

MOTION: Mr. Gonzalez moved to accept the findings as fact.

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

Mr. Pagan commented he had hired an architect and had not received the certificate of authority. He commented that he understands now that he should not have submitted a proposal prior to receiving the certificate of authorization. He commented that he apologized and he now knows he should have done further research.

Mr. Pagan commented that he no longer had an architect with the firm. He commented that he was not performing commercial projects.

Mr. Gonzalez asked if Mr. Pagan had been cooperative. Mr. Minacci replied in the positive.

MOTION: Mr. Gonzalez moved to accept the conclusions of law as alleged in the administrative complaint and there were no disputes of material fact.

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

MOTION: Mr. Gonzalez moved to reduce the fine to \$5,000 fine plus costs.

SECOND: Mr. Gustafson seconded the motion.

Ms. Del Bianco asked how long he had offered commercial services. Mr. Pagan replied that they had been doing graphics and animation. Ms. Del Bianco commented that the information they had in their packets reflected a half of dozen. Mr. Bullock asked if he had an architect at that time. Mr. Pagan replied in the positive.

The question was called and it passed unanimously.

**DBPR vs. Dan F. Voelker/Gulf Coast Architectural and Building**

Case Number 2003-042587

(PCP: Rodriguez, Wirtz, and Hall)

Mr. Voelker was present and sworn in. Mr. Minacci reviewed the case and commented that the respondent was not licensed to practice architecture and he had an architecture business card that reflected a business license number. The business license went null and void due to failure to renew.

Mr. Voelker commented that he did not dispute the material facts alleged in the administrative complaint.

Mr. Minacci commented that probable cause was found on a three count administrative complaint and the panel recommended \$15,000 fine plus costs.

MOTION: Ms. Membiela moved to accept the findings as fact as alleged in the administrative complaint.

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

Mr. Voelker commented that he had a partnership with Mr. Johnson and Mr. Johnson was the individual that placed his name on the business card. He commented that he had never done any architecture work and he was a spec builder. He commented that if he was going to do a residential home he hired someone to assist him. He commented that he was not guilty of performing architectural work.

Mr. Minacci commented that finding of probable cause was based on the business card. He commented that he had no evidence that Mr. Voelker practiced architecture. He commented that Mr. Voelker utilized the business card a few times for points of contact telephone numbers only but not to offer architecture services. He commented that Mr. Voelker had offered to destroy the business cards and never to use them again.

Ms. Del Bianco commented that the 941 area code was old and the business card was old.

Ms. Clark asked Mr. Minacci what he felt was an appropriate penalty. Mr. Minacci replied that he felt the cost of \$294.00 and an affidavit that he will destroy the business cards.

MOTION: Mr. Gustafson moved to accept the conclusions of law.

SECOND: Ms. Del Bianco seconded the motion and it passed

MOTION: Ms. Membiela moved to accept Mr. Minacci's recommendation of \$294.00 costs along with affidavit that he will no longer use those business cards or business cards that contain the word architecture.

SECOND: Mr. Gustafson seconded and it passed unanimously.

## **Motion for Final Order by Waiver**

### **Licensed**

#### **DBPR vs. Harold E. Langbehn**

Case Number 2003-093637

(PCP: Rodriguez, Wirtz, and Hall)

Mr. Langbehn was not present. Mr. Minacci presented the case and commented that the case was based on discipline in South Carolina. He commented that the respondent provided a written response acknowledging receipt of the administrative complaint and does not dispute the facts alleged. He commented that probable cause was found and the panel's recommendation was six months suspension plus a \$750.00 fine plus costs. He commented that the disciplinary guidelines were the same penalty as imposed in the other jurisdiction or as closely as possible as set forth in the Florida Statutes.

Ms. Clark advised the board how to proceed regarding the service of notice and how to determine if Mr. Langbehn was properly served and whether he did or did not respond within 21 days. She reviewed the calendar and commented that nothing was received within 21 days and the respondent has waived his right for a hearing before the board.

MOTION: Mr. Gonzalez moved that Mr. Langbehn was properly served and he waived his rights by not responding within 21 days.

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

MOTION: Mr. Gustafson moved to accept the findings as fact as alleged in the administrative complaint and conclusions of law.

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

MOTION: Mr. Gonzalez moved to accept the panel's recommendation of six months suspension, \$750 fine plus costs.

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

### **Unlicensed**

#### **DBPR vs. Brent Cornwell**

Case Number 2003-076953

(PCP: Rodriguez, Wirtz, and Hall)

Mr. Cornwell was not present. Mr. Minacci presented the case and commented that the respondent failed to comply with the terms of a final order of the board dated February 28, 1997. He commented that there was a \$1,250 fine and the respondent's license was now null and void. He commented that probable cause was found for failure to comply and hand service was attempted but failed. He commented that a notice was published in the Broward Daily Business Review. He commented that the respondent has not filed an election of rights.

Mr. Minacci commented that probable cause was found for failure to comply with an order of the board. The panel's recommendation was \$5,000 fine plus cost.

Ms. Clark advised the board that the respondent waived his right for a hearing and that he did not respond within 21 days. She commented that pursuant to Chapter 120, F.S. requires that the subject of an administrative complaint be served via hand delivery or by certified mail. She commented that Mr. Minacci attempted personal service and only after failure of personal service or certified mail is Mr. Minacci authorized to publish a notice of service through publication.

Ms. Clark referred the board to the agenda materials reflecting that service had failed. She commented that the respondent had 21 days to respond to the last date of publication. Mr. Minacci commented that he had received no notification from Mr. Cornwell. Ms. Clark commented that the board must determine that service was properly achieved and that Mr. Cornwell has waived his rights to a hearing regarding this matter and that he has not disputed the material facts.

MOTION: Ms. Del Bianco moved that Mr. Cornwell was properly served and he has waived his rights to a hearing.

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

MOTION: Mr. Gustafson moved to accept the findings as fact and conclusion of law as alleged in the administrative complaint.

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

Ms. Clark advised the board they could revoke the license because at the time the violation occurred the license was under the board's jurisdiction.

MOTION: Mr. Gonzalez moved to revoke Mr. Cornwell's license.

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

## **Settlement Stipulation**

### **Licensed**

#### **DBPR vs. Roberto Lence**

Case Number 2003-061697

(PCP: Rodriguez and Wirtz)

Mr. Lence was present, sworn in, and represented by Christie Brandage. Mr. Minacci presented the case and commented that the respondent signed and sealed plans prepared by a draftsman. He commented that probable cause was found on a three count administrative complaint. The panel's recommendation was 2-years probation, \$5,000 fine plus cost. Mr. Minacci commented that the settlement stipulation reflected the panel's recommendation.

Mr. Lence thanked the board for allowing him to appear and commented that he had been licensed since 1992, member of AIA since 1996, and the architect of record in two hundred other projects both residential and commercial and he had never violated the laws. He briefly explained the circumstances regarding the allegations. He commented that he agreed to help Mr. Wallace by fully supervising him on two interior renovations. He commented that this was the only time he had ever signed and sealed projects not solely produced in his office. He commented that that was the biggest mistake of his career. He commented that provided information regarding his complete supervision of both projects, however, the probable cause panel determined that he did not properly practice responsible supervisory control.

Mr. Lence commented that he provided notes and details regarding his contribution to each project. He commented that he was not a plan stamper and he felt that plan stamping was a dangerous and unethical act an architect could do. He commented that he met with Mr. Minacci and now understands he did not follow the correct procedures for responsible supervisory control. He commented that he was aware of the procedures now. He commented that he had never before produced projects outside of his office before and now understands how they are to be supervised. He requested that the board take his past record into account and requested leniency.

Mr. Minacci commented that the settlement stipulation before the board was for 2-years probation, \$5,000 fine plus costs.

MOTION: Mr. Gonzalez moved to accept the settlement stipulation as presented.

SECOND: Mr. Schreiber seconded the motion.

Mr. Hall commented that his explanation was the most meaningful that he had ever heard. He commented that he urged the board to reconsider the penalties. He asked Mr. Minacci for another recommendation. Mr. Minacci responded that the panel reviewed and lowered the penalty already. He commented that there were two individuals that suffered financial harm even though the respondent did not know that another individual was utilizing his name on the business card.

Mr. Hall advised the audience to work closely with their colleagues to avoid this happening to them.

The question was called and the motion passed with Mr. Hall opposing.

The board recessed at 10:32 a.m.

The board reconvened at 10:55 a.m.

### **DBPR vs. Robert Hermann**

Case Number 2002-011607

(PCP: Rodriguez, Wirtz, and Hall)

Mr. Hermann was present, sworn in, and represented by Garvin Bowden. Mr. Minacci presented the case and commented that the respondent was the architect of record for a

project where he signed and sealed extensive revisions to structural drawings. The engineer contacted the building department and informed them that he did not authorize the revisions nor were they reviewed or supervised. Mr. Minacci commented that probable cause was found on a three count administrative complaint. He commented that the panel recommended a \$9,000 fine, 1-year suspension, 2-years probation.

Mr. Minacci commented that the stipulation before the board was for a \$5,000 fine plus costs, 6 months suspension, and 3-years probation. Mr. Bowden asked the board to approve the settlement stipulation as presented because there were mitigating factors to consider and the stipulation was within the disciplinary guidelines. He commented that there was no harm to the public, he has taken set procedures to avoid this from happening again and the fine is a hardship because his practice will be disrupted. Mr. Bowden commented that he has been counseled regarding his error.

MOTION: Garrett Gustafson moved to accept settlement stipulation as presented.

SECOND: Rick Gonzalez seconded the motion.

Mr. Gonzalez asked Mr. Hermann if there was another architect in the firm to handle the work while he was on probation. Mr. Hermann replied that he was working on obtaining another architect. Mr. Gonzalez asked Mr. Hermann what corrective actions were taken regarding the structural drawings. Mr. Hermann replied that the engineer of record reviewed the final documents and they were deemed sufficient. Mr. Hermann commented that the engineer was still on staff and working on projects. Mr. Bullock asked what type of work his firm performed. Mr. Hermann replied mostly commercial.

The question was called and it passed unanimously.

### **Unlicensed**

#### **DBPR vs. Juan Rodriguez-Telleheche**

Case Number 2002-007631

(PCP: Rodriguez, Wirtz, and Hall)

Mr. Rodriguez-Telleheche was not present or represented. Mr. Minacci presented the case and commented that the respondent was previously licensed, which lapsed into null and void status. He commented that the respondent entered into a contract to offer architecture services. He commented that probable cause was found on a 2 count administrative complaint. He commented that the panel's recommendation was a \$10,000 fine plus cost.

Mr. Minacci commented that the settlement stipulation before the board was for a \$5,000 fine plus costs and he requested that the board approve the stipulation as presented. Mr. Horstmyer asked if the fine was to be paid in monthly installments. Mr. Minacci replied in the positive.

MOTION: Mr. Gonzalez moved to accept the settlement stipulation as presented.

SECOND: Mr. Gustafson seconded and it passed unanimously.

**DBPR vs. John Eisenlau**

Case Number 2003-070802

(PCP: Rodriguez, Wirtz, and Hall)

Mr. Eisenlau was not present but represented by Andy Dogali. Mr. Minacci presented the case and commented that the subject was unlicensed in Florida but was licensed in Georgia. He commented that probable cause found on a two count administrative complaint. He commented that the panel's recommendation was \$10,000 fine plus cost.

Mr. Minacci commented that the settlement stipulation before the board was for a \$5,000 fine plus costs. He requested the board to approve the settlement stipulation as presented.

Mr. Dogali commented that he had no additional information for the board but was present to answer questions.

Mr. Gonzalez asked Mr. Minacci if this was the same firm as Rispoli Sosa. Mr. Minacci replied that this case is tied to the Rispoli Sosa firm. Mr. Minacci commented that cases were opened and that both parties Rispoli Sosa and HOK Architecture and Planning signed affidavits stating they would not offer architectural services under those business entities unless they obtain a certificate of authorization. Mr. Gonzalez asked if a case was pending against Mr. Rispoli. Mr. Minacci replied the case against Mr. Rispoli was resolved at a previous board meeting.

MOTION: Mr. Schreiber moved to accept settlement stipulation as presented.

SECOND: Mr. Gustafson seconded the motion.

Mr. Gonzalez commented that he was disappointed that the board was accepting less than what the panel recommended.

Mr. Minacci commented that the Rispoli Sosa case was resolved and they were fined heavily. Mr. Dogali commented that Mr. Eisenlau was not an employee of Rispoli Sosa firm but of the HOK firm. Mr. Gonzalez commented that he was disappointed to see a national firm involved in something of this nature.

The question was called and it passed with Ms. Del Bianco opposing.

**DBPR vs. Sam L. Carter**

Case Number 2003-079935

(PCP: Rodriguez, Wirtz, and Hall)

Mr. Carter was not present. Mr. Minacci presented the case and commented that the respondent was unlicensed and contracted to offer architectural services. He commented that probable cause was found on a one count administrative complaint. He commented that the panel recommended \$1,000 fine plus costs. He commented that the settlement stipulation was in line with the panel's recommendation.

MOTION: Mr. Gonzalez moved to accept the settlement stipulation as presented.

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

**Aurelio Rey**

Case 2003-077351

Mr. Rey was present and sworn in. Ms. Clark commented that this case was before the board because the board voted to enter a final order, which allowed Mr. Rey to submit a list of eight projects. Ms. Clark referred and reviewed for the board the minutes of the previous meeting.

Ms. Clark commented that Mr. Rey submitted a list reflecting 16 projects and a copy of the stipulation agreement with the City of Coral Gables. She read for the board the stipulation agreement with Coral Gables. She commented that the matter was back before the board for them to reconvene the hearing from the February 2004 meeting pursuant to Section 120.57(2), F.S., were there are no issues of disputed facts.

Ms. Clark requested the board to reconsider the penalty imposed on Mr. Rey based on the information before them today.

MOTION: Ms. Del Bianco moved to reconsider the penalty.

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

Mr. Minacci commented that the issue was that the board suspended his license concurrently with Coral Gables. He commented that when the board imposed the penalty Mr. Rey believed he had 8 projects pending, however, he has 16 projects pending. He commented that the board needed to determine if they would allow Mr. Rey to continue on 8 or 16 projects.

Mr. Bullock asked when the projects were acquired. Mr. Rey commented that the 8 projects were in the pipeline, which were the projects in question. He commented that the additional 8 were projects that were permitted prior to January 1<sup>st</sup>, he could continue supervising and making as build revisions as necessary. Mr. Gonzalez asked if any were new projects. Mr. Rey replied in the negative.

MOTION: Mr. Gonzalez moved to keep the suspension concurrent with the City of Coral Gable for 2004, same penalties and time, and allow him to go from 8 to 16 projects.

SECOND: Mr. Horstmyer seconded the motion.

Ms. Del Bianco commented that the suspension does not allow him to do additional projects.

Mr. Rey commented that he was required to associate with another firm and architect. Mr. Rey asked the board for clarification on how to present the association. Mr. Gonzalez commented that he was a designer only.

The question was called and it passed unanimously.

## **Application Reviews**

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

Mr. Timothy Stone was present and sworn in. Mr. Hicks presented the application and commented that services were offered since 1995. Mr. Stone commented that the corporation was established in the mid 1980's. He commented that he was not sure when in the 1990's he began to offer services. Mr. Stone voluntarily came forward and is a one man firm. Mr. Gonzalez commented that the board has in the past made consideration for small firms regarding the fine.

**MOTION:** Mr. Gonzalez moved to approve the certificate of authorization with a \$1,000 fine, which was \$200 per biennium.

**SECOND:** Ms. Del Bianco seconded the motion and it passed unanimously.

### **HSDM Architecture & Planning, Inc. (Dual)**

Mr. Hedric Demato was present and sworn in. Mr. Hicks presented the file and commented that the firm indicated that they began offering services in 1996.

Mr. Demato commented that his personal license was renewed and his business license was not renewed because they moved. Mr. Demato commented that he contacted the department and was told that his business license was not renewed. He commented that he came forth and reapplied for licensure. Mr. Gonzalez asked Mr. Demato how large his firm was. Mr. Demato replied it was himself and one other person.

Mr. Demato requested to be issued the old licensure number. Ms. Chastain commented that he would not receive the previous license number, he would be issued a new number. She commented that if his license went delinquent in 2001 then null and void in 2003. She commented that his fee would have been \$200 to renew delinquent prior to 2003.

**MOTION:** Mr. Gonzalez moved to approve the certificate of authorization for both applications with a \$200 fine for the applicable renewal fee.

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

### **RDG Schutte Wilscam Birge, Inc.**

Mr. John Birge was present and sworn in. Mr. Hicks presented the file and commented that the application reflected that the firm had been practicing prior to licensure since 1996. Mr. Birge commented that he came before the board on his own and his firm had 50 employees.

**MOTION:** Mr. Gonzalez moved to approve the certificate of authorization with a \$4,000 fine, \$1,000 per biennium.

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

Mr. Birge commented that in 1996 they applied with the Secretary of State and noticed when updating his files that an application was not filed with the Department of Business and Professional Regulation for licensure. He commented that he realized the error and applied immediately.

The question was called and the motion passed.

**Salazar & Associates, Inc.**

Mr. Salazar was present and sworn in. Mr. Hicks presented the file and commented that the application reflects that the firm began offering services in 1995.

Mr. Salazar commented that he was not aware of the certificate of authorization requirement. He commented that his firm consisted him and his mother. He commented that he mostly does general contracting.

MOTION: Mr. Gonzalez moved to approve the certificate of authorization with a \$1,000 fine, \$200 per biennium for 5 bienniums.

SECOND: Mr. Rodriguez seconded the motion.

Mr. Rodriguez commented that the board was not being consistent. He urged the board to reconsider their fine amounts. He commented that they had fined one company \$4,000 and another company \$200 for the exact violation and time frame. He commented that if the violation or conditions were the same then the fine amount should be the same regardless of the size of the firm. Mr. Gonzalez commented that he does not agree and it does matter how large the firm was and their ability to pay.

The question was called and it passed with Mr. Rodriguez opposed.

MOTION: Mr. Rodriguez moved to reconsider the RDG application.

SECOND: Mr. Hall seconded the motion, the question was called and it failed.

**SGA Architecture, Inc.**

Spencer Gallager, President, George Peabody, Jr., architect and officer, were present, sworn in and represented by Jeffrey Kneen, 1400 Centre Park Blvd, Suite 1000, West Palm Beach, 33441.

Mr. Hicks commented that he reviewed the application and noted that there was a complaint against the firm and their original license went null and void in 1999.

Mr. Kneen commented that Investigator Smith brought the issue to their attention. He commented that Mr. Gallager was listed on a sales brochure offering architecture services and that it was confusing because Mr. Gallager was not a licensed individual. Mr. Smith advised them that the firm's license was null and void. Mr. Gonzalez asked Mr. Gallager if he was an

architect. Mr. Gallagher replied that he was an architectural designer. Ms. Clark commented that he could not use that title.

Mr. Gonzalez asked Mr. Gallagher if he met with clients and presented projects. Mr. Gallagher replied in the positive with a licensed architect. Mr. Peabody commented that he and Mr. Gallagher present projects together. Mr. Peabody commented that he had been employed by the firm since 1995 and was an officer of the corporation. The firm performs mostly residential projects.

Mr. Rodriguez commented that SGA stands for Spencer Gallagher Architects. Ms. Clark commented that SGA was not a natural person's name. Mr. Hick commented that they changed their name to SGA Architecture, Inc. to avoid the plural of Architects. Mr. Kneen commented that this was an inadvertent error because they did not renew and apologized for the oversight. Mr. Gonzalez advised Mr. Gallagher that he could not use the title of architecture on his business card or web site. The board directed the firm to update their web site.

MOTION: Mr. Rodriguez moved to approve the certificate of authorization with a \$1,500 fine. He commented that this would have been the fees for late renewals.

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

Mr. Rodriguez commented that his motion was based on doubling the late renewal fee.

### **Jilla Montenegro**

Ms. Montenegro was present and sworn in. Mr. Hicks presented the file and commented that she meets the requirements set forth in Chapter 481.213, 481.209, and 481.211, F.S. He commented that her degree is a Bachelor Degree in Architectural Design, which is not a NAAB accredited degree. He reviewed the educational course work and the requirements set forth in the rules. He commented that her education was sufficient in North Carolina for licensure and felt she met the requirements for licensure in Florida based on the statutes and rules.

Ms. Clark commented that Ms. Montenegro applied under Chapter 481.213(3)(b). She commented that Mr. Hicks performed an evaluation of North Carolina's regulations and Florida's laws in 1996.

Mr. Schreiber commented that he had a different interpretation of the statutes and rules. He commented that if they do not have a NAAB degree then they must have a first professional degree from an approved program of study of 5-years or more. Mr. Hicks commented that they have other avenues to consider for equivalency i.e. passage of the ARE may be used to determine eligibility and that is why the application was before the board.

Mr. Manasa commented that if this applicant applied in 1996 she would not have been granted licensure because she did not have a NAAB degree. Mr. Schreiber commented that a NAAB degree and 5-year degree are different. He commented that there was no such thing as a first professional degree.

Ms. Clark referred the board to the laws of Florida and North Carolina to determine if she was eligible. Mr. Schreiber commented that the equivalent table from North Carolina confirms that her degree is not substantially equivalent to the laws in Florida.

Ms. Montenegro provided the board with her experience in addition to her education. She commented that she realized that she is 15 hours short for a NAAB degree but has numerous hours of experience. She commented that her background and education she felt was substantially equivalent to Florida's requirements.

Mr. Rodriguez commented that he was wondering how many credits minimum were allowed in North Carolina's licensure eligibility table. He commented that under the circumstances when applying the conversion factor she would not meet the 5-year requirement.

Mr. Schreiber commented that there appeared to be credit allowed for experience. Mr. Rodriguez concurred that her education was not substantially equivalent.

**MOTION:** Mr. Schreiber moved to deny based on the criteria for initial licensure in North Carolina was not substantially equivalent to Florida's in 1996 because of not meeting Florida's 5-year education requirement.

**SECOND:** Mr. Rodriguez seconded the motion.

Mr. Bullock left the room and Mr. Gonzalez acted as chair. Ms. Montenegro asked the board what she needed to do to be licensed in Florida. The board referred her to contact a NAAB accredited school to verify what she would need to do to receive a degree. Mr. Schreiber commented that it was not the requirement of getting the credits but to get the degree.

Ms. Montenegro requested to withdraw her application. The board approved.

The board recessed at 12:29 p.m.  
The board reconvened at 12:42 p.m.

### **Interior Design Endorsement Denise Cowell**

Ms. Cowell was present and sworn in. Mr. Butler recommended denial based on his review of Ms. Cowell's education. Ms. Cowell commented that she had an Associates degree in Drafting, then transferred to FIU to receive an architecture degree.

Mr. Schreiber commented that he performed his own review. He commented that he needed to see a more specific analysis. He commented that his analysis reflected insufficient hours in interior design. Ms. Del Bianco commented that Mr. Butler was on the committee that wrote the requirements set forth for equivalency. She commented that the architecture and interior design courses were substantially different. She commented that even though they license architects to offer interior design services she would argue that the education is not the same. Mr. Schreiber commented that he reviewed her transcripts and the rule for the board.

Mr. Rodriguez commented that as a candidate for new licensure pursuant to Chapter 481.209(2)(d), F.S. she does not meet that requirement. He commented that the problem that he had is that it be an interior design program. He commented that the curriculum presented was not specific to interior design. He commented that there was not an issue of equivalency because she does not meet the interior design program requirement.

MOTION: Mr. Rodriguez moved to deny the application.

SECOND: Mr. Gonzalez seconded the motion.

The board offered Ms. Cowell the opportunity to withdraw her application. She requested to withdraw her application.

### **Nicole Kristmann**

Ms. Kristmann was present and sworn in. Ms. Del Bianco reviewed Mr. Butler's comments and stated that he was recommending denial. Ms. Kristmann commented that she had a Bachelor's degree.

The board advised Ms. Kristmann that she did not meet the requirement for licensure. Mr. Rodriguez commented that her review reflected a shortage of the required hours.

The applicant requested that her application be tabled to provide additional educational information for Mr. Butler's review and waive the 90-day requirement.

MOTION: Mr. Rodriguez moved to table the application until the next available meeting to allow for the additional information review.

SECOND: Ms. Del Bianco seconded the motion and it passed unanimously.

### **Sheryl Parramore**

Ms. Parramore was present and sworn in. Ms. Parramore commented that she did not renew her license due to a clerical error and illness, which caused her license to lapse into a null and void status. Ms. Del Bianco commented that the application was before the board for practicing on a null and void license. Ms. Parramore advised the board that she primarily did residential work but did small commercial jobs.

MOTION: Ms. Del Bianco moved to approve with a \$300 fine.

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

Ms. Parramore advised the board that she would have a certificate of authorization appearing before the board at the next meeting and requested that they keep her situation in mind.

### **Interior Design Certificate of Authorization DOCS Business Interiors & Office Supplies**

Deanne Audie, President and Jack Mosley, Vice-President of Sales were present and sworn in. Ms. Grigsby's comments on the application reflected that they had one qualifier for two offices. Ms. Del Bianco commented that one qualifier for two offices was fine but they needed a responsible supervisor in each location. The business provided documentation that they would not offer interior design service in the Gainesville office until they were able to secure another licensed interior designer.

Ms. Audie commented that no design services were offered from the Gainesville office because it was a retail furniture sales office. She commented that the Gainesville office was a branch and interior design services were offered and performed out of the Tallahassee office. Mr. Rodriguez asked if they provided furniture lay out services for furniture purchased. Ms. Audie replied that the lay out work would be performed out of the Tallahassee office. Mr. Rodriguez commented that because they were transacting business out of the Gainesville office they were practicing interior design in essence. Ms. Del Bianco commented they were presenting interior design services.

Mr. Rodriguez commented that Mr. Wirtz brought this issue to the board at the last meeting because there was a gray area regarding the issue and furniture dealers. He commented that they are offering space planning with the sale of the furniture or product. He commented that Mr. Wirtz commented that the board should better define. Ms. Del Bianco commented that she did not see this as a gray area but agreed there should be a better definition of space planning. She commented that there were two definitions of space planning; lay out of interior wall partitions and lay out of system furniture. She commented that the definition of interior decorator defines items that are not subject to applicable building codes. She commented that systems furniture was application to building codes.

Mr. Rodriguez commented that the Gainesville office was in essence practicing interior design. He commented that they should have an interior designer in that office to render, offer, and contract for interior design services. Mr. Schreiber commented for clarification that the issue was not the qualifier but a responsible supervisory control.

Ms. Del Bianco asked Ms. Audie if they had a certificate of authorization to perform interior design service. Ms. Audie commented that they incorporated in 1988 and added the furniture division in 1995. Ms. Del Bianco commented that they have been practicing without a certificate of authorization since 1995.

Ms. Clark commented that they were looking for someone to fill the responsible supervisor's position in the Gainesville office and would not offer interior design services until that time. Ms. Audie commented in the positive. Mr. Rodriguez commented that until that time they could not sell system or modular furniture that would require space planning. Ms. Audie commented that they did not sell modular furniture out of the Gainesville office.

Ms. Audie commented that all of the services were immediately referred and provided out of the Tallahassee office.

Mr. Mosley asked the board that if any firm was offering to sell modular furniture then they should be licensed as an interior design firm. The board replied that it was not that simple. Mr. Rodriguez commented that they would have to be providing lay out services. He commented that it would apply to everyone.

Mr. Gustafson commented that he was hearing that there might be competitors in the area that are not licensed. Ms. Audie commented that since 1995 her company provided a majority of the space planning for the state of Florida, i.e. Department of Management Service, City of Tallahassee, and Department of Business and Professional Regulation. She commented that not one person has requested proof of licensure. She commented that she knew she needed to have a licensed designer on staff but was not aware of the business license.

MOTION: Ms. Del Bianco moved to approve the certificate of authorization with a \$5,000 fine.

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

Mr. Rodriguez was excused from the meeting at 1:35 p.m.

#### **Barr Architectural Studio, Inc.**

No one was present. Mr. Hicks presented the application and commented that the application reflected that the company began offering services in 2002.

MOTION: Mr. Gonzalez moved to approve with a \$1,000 fine.

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

#### **Naples Drafting & Design, Inc.**

No one was present. Mr. Hicks presented stating that the application reflected that they began offering services in March 2002. Mr. Gonzalez asked if they were an architecture or interior design firm. Mr. Hicks replied architecture. Mr. Gonzalez commented that he did not see anywhere on the stationery or application that reflected their services. Mr. Hicks commented that the stationery requirement was an oversight when reviewing. He commented that the application was before the board because there was a discrepancy of when they incorporated and when or whether they were offering services. Ms. Clark commented that they must act upon information in the application packet provided and as being correct.

MOTION: Mr. Gonzalez moved to approve \$1,000 fine and that the stationery be corrected to reflect architecture services being provided.

SECOND Mr. Gustafson seconded the motion.

Ms. Del Bianco asked why Mr. Gonzalez was imposing a fine. Mr. Gonzalez commented because they indicated that they incorporated in 2002 and it was now 2004. Ms. Clark commented that the record, the application, did not reflect that they had been practicing. Ms.

Del Bianco commented that the application indicates that they began offering services in March 2002 and then they indicate they did not solicit services.

Mr. Gustafson withdrew his second. The motion died for lack of a second. Mr. Schreiber commented that he does not feel they should be fined because the application does not ask specifically if they were offering "architectural" services.

MOTION: Mr. Schreiber moved to approve with no fine and correct the stationery.

SECOND: Mr. Gustafson seconded the motion and it passed with Mr. Gonzalez opposing.

### **Lyndon Fetterhoff**

Mr. Fetterhoff was not present. Mr. Hicks presented the file and commented that Mr. Fetterhoff previously held a Florida license. He commented that Mr. Coons performed an education equivalency because it was not a NAAB degree and approved for the applicant for examination. He commented that the applicant had 161 credit hours, which we require 160 credits.

Ms. Clark commented that the applicant applied pursuant to Chapter 481.213(1)(a), F.S. and referred the board to Chapter 481.209(1)(b)(2), F.S. to determine if he would qualify for licensure by examination. Mr. Schreiber commented that he did not see a 5-year professional degree.

MOTION: Mr. Gonzalez moved to deny.

SECOND: Mr. Schreiber seconded the motion.

Mr. Hicks commented that he was previously approved and reviewed for licensure in Florida. Mr. Schreiber commented that he does not feel he meets the requirements.

The question was called and it passed.

### **Gary Lundgren**

Mr. Lundgren was not present. Mr. Hicks presented the file and commented that he has 5 educational credits from NCARB but does not have a NAAB accredited degree.

Ms. Clark commented that the board should review the application based on Chapter 481.213(3)(c), F.S. and referred the board Chapter 481. 209, F.S.

MOTION: Ms. Del Bianco moved to deny.

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

### **Application reconsideration for Continuing Education Concepts in landscape and outdoor lighting design**

Ms. Clark commented that the applicant had not received their notice of intent to deny. She commented that they requested a reconsideration of the information provided prior to them requesting an informal hearing. She commented that they should reconsider the information provided. Ms. Clark commented that if they move to reconsider then a new order would be entered and new appellate rights would be granted based on the new order.

Ms. Del Bianco commented that this course is IDCEC and the continuing education handbook automatically accepts IDCEC approved courses.

MOTION: Ms. Del Bianco moved to reconsider.

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

MOTION: Ms. Del Bianco moved to rescind the denial based on it being an IDCEC approved course.

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

### **Vanessa Sunquist**

Ms. Sunquist was not present. Mr. Bullock commented that Mr. Butler reviewed the education and recommended denial. Mr. Gonzalez commented that her education was in human resources. Mr. Bullock commented that her degree was in Bachelor's degree in Marketing, Textiles and Apparel.

MOTION: Mr. Gonzalez moved to deny based on the failure to meet the requirements set forth in Chapter 481.209(2)(a)-(c).

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

### **Continuing Education Reviews**

#### **Applications for denial Fundamentals of AutoCAD**

MOTION: Mr. Gonzalez moved to deny based on the fact that the course does not meet the minimum requirements for continuing education.

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

#### **Interior Design 4**

MOTION: Mr. Gonzalez moved to deny based on the fact that it is basic curriculum and not continuing education as set forth by statutes and rules.

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

## **FEMA Substantial Improvement**

MOTION: Mr. Hall moved to deny based on the fact it is not related to the profession.

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

## **New Business**

Mr. Gonzalez commented that there is a loophole in the licensure process because non-architects can obtain a qualifier and call themselves an architecture designer. He commented that the owner could use their initials in the name of the firm, which misleads the public to believe that they are a licensed architect. He commented that the qualifier is not a stockholder of the business and this happens a lot. He commented that this was hard to compete with as an architect. He commented that this was a disservice to the public of Florida.

Mr. Gonzalez commented that his issue was a non-architect owning and running the business and making presentations. Mr. Bullock commented that the theory of the qualifier within the firm was not good. Ms. Del Bianco commented that they tried to address the issue by rule and it was rejected by JAPC. She commented that the board has discussed this numerous times and it has not moved forward. Ms. Clark commented that the board did not have statutory authority to require that a qualifier be anything more than a principle officer in the corporation or partnership. She continued by stating they could not specify the percentage.

## **AIA Report – Vicki Long**

Ms. Long was not present.

## **For the Board's Information**

Biennial Chart

Updated board members list

Total number of licensed architects and interior designers (packet)

## **Old Business**

No old business.

## **Adjourn**

The meeting adjourned at 2:10 p.m.