

## MINUTES

**BOARD OF ARCHITECTURE AND INTERIOR DESIGN  
Marriott Sawgrass Ponte Vedra Resort  
1000 PGA Tour Blvd  
Ponte Vedra Beach, FL 32082  
800.457.4653**

**August 3, 2004**

### **Committee Meetings**

**August 3, 2004  
2:00 p.m.**

#### **Call to Order**

Mr. Bullock, Chair called the meeting to order at 2:10 p.m.

#### Board Members Present:

Ellis Bullock  
Rick Gonzalez  
Stephen Schreiber  
Mary Jane Grigsby  
Joyce Shore  
Kenneth Horstmyer  
Garrick Gustafson  
Roymi Membiela  
Sharon Del Bianco

#### Board Members Absent:

Neil Hall  
Miguel Rodriguez

#### **Others Present:**

Mary Ellen Clark, Board Counsel  
David Minacci, Prosecuting Attorney  
Juanita Chastain, Executive Director  
Terri Estes, Government Analyst  
Trent Manausa  
Emory Johnson  
Steve Hefner  
Aida Bao-Garciga  
Lorraine Bragg  
Michael Wirtz

Nicholas Markovich  
Kristina Irvin  
Joanne Conneu  
Daren Hoffman  
Teresa Morgan  
Sue Brown  
Connie Turner  
Jimmy Shiley  
Jill Hargrove  
Ms. Jones  
Janice Young  
Josell Farinos

Court Reporter: Gayle J. Featheringill, Statewide Reporting Service, 606 Blackstone Building, Jacksonville, FL 32202, 904.353.7706 or 904.249.9952

Mr. Bullock allowed the Architecture Meeting to begin first.

#### ARCHITECTURE COMMITTEE

Chair – Stephen Schreiber

#### **Discussion**

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

Mr. Schreiber reviewed the Annual Meeting minutes and reviewed the NCARB meeting for the board. He commented that they discussed the prototype building issue, rolling clock, and the broadly experienced architect. He commented that there was a presentation of NCARB prizewinner i.e. Oklahoma State.

Mr. Bullock referred the board to page 121 where he had written Mr. Bourdrez regarding the certificate of authorization and the qualifier requirements. He commented that some states required that the qualifier be a percentage owner to qualify a firm or business. He commented that Florida was weak regarding the requirements of the qualifier. Mr. Minacci commented that he agreed with Mr. Bullock's statements and unlicensed individuals were running firms, which facilitated unlicensed activity.

Mr. Gonzalez commented that only 3 board members were able to attend the meeting and one was paid for by NCARB. Mr. Bullock commented that Florida and other large states run the profession and he was discouraged that only three board members attended. He commented that it was difficult to be appointed to committees when there was not more participation from Florida. He commented that privatization should address the issue and allow more to attend.

Mr. Schreiber commented that next year's meeting would be in Miami Beach, FL.

#### **Virtual Fast Facts – Post Annual Meeting Wrap Up**

## **Southern Conference – 2004 Annual Reports**

### **Southern Conference – Budget Reports**

Mr. Schreiber commented that these items were for information. He commented that Steve Ellinger would be the Regional Director for one year. He commented that there was a deadlock regarding the vote so they compromised. He commented that Mr. Ellinger would serve for one year and Mr. Huberman would serve the second year of the term.

### **NCARB (ARE) – Number and Percentage Passing Report**

Mr. Schreiber commented that the grades from Florida seemed about a national average. He commented that they were not an indication as to how the universities were performing.

### **ArchVoices – NCARB Resolution 04-2: Rolling clock on the ARE**

#### **NCARB ARE Cut Score**

Mr. Schreiber commented that NCARB goes through the process continually. He commented that they take each of the sections and determined the appropriate pass rate. He commented that there was a lot of assumption from the public as to how they determined the pass rate or score.

Mr. Schreiber commented that NCARB would gather numerous architects and dissect a section of the ARE. He commented that they take the examination and identify the minimal knowledge that an architect must have. He commented that all of the information gathered is used to determine a particular pass rate.

Mr. Horstmyer asked if the percentage of passing was indicative of the universities. Mr. Schreiber replied that universities receive the pass rate information on their students. He commented that the information they are reviewing is not indicative because it is a different pool. Mr. Schreiber commented that NCARB believes that the ARE is a practice-based examination, which includes what students learn in school and what they learn during internship or practice.

Mr. Schreiber commented that NCARB opposes candidates taking the ARE right after graduation because of the knowledge learned during practice. He commented that the ARE grades could indicate how the IDP works.

### **NCARB Member Board Requirements, question 23 – Ellis Bullock**

Board already covered.

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

Five Educators Discuss What It's Like to be Regulators – article by Stephen Schreiber

Steve Ellinger, Report from the Portland, OR meeting

Steve Ellinger, Installed as Regional Director of National Architect Council

National Architect Council Names Recipients of 2004 President's Medal for Distinguished Service

National Architect Council Welcomes New Board of Directors

About NCARB

Frank Guillot, Elected President of National Architect Council

Robert Luke, Elected Second Vice President of National Architect Council  
Oklahoma State University Wins \$25,000 NCARB Prize

### **New Business**

No new business.

### **Old Business**

No old business.

### **Adjourn**

Meeting adjourned at 2:24 p.m.

### **LEGISLATIVE WORKSHOP**

Mr. Bullock called the meeting to order at 2:24 p.m.

### **Review of Statutes**

#### **Architecture – Trent Manausa**

Mr. Manausa commented that the basic reason for the rewrite was to clarify and get the statutes in a logical order. He commented that he used NCARB's model law. He commented that he made some changes on the certificate of authorization and read the new language. He commented that a certificate of authorization does not license or allow a corporation to practice architecture. He commented that the practice of architecture definition was changed to reflect the NCARB model law.

Mr. Horstmyer asked Trent if the site surrounding was necessary. Mr. Manausa responded the he would have to look at the model law. Mr. Horstmyer asked about the language of incidental and if it was understood. Mr. Manausa responded that it was the same in as NCARB model law.

Mr. Manausa commented that they have had difficulty getting the responsible supervisory control defined in the rule. He commented that they were finally able to enact a rule and they were going to have the language placed in the statute. Mr. Horstmyer asked if ordinarily recognized was actually ordinarily required. Mr. Manausa responded in the positive.

Mr. Manausa commented that when he was on the board they had requested that retired status be place similar to emeritus status. He commented that once this was adopted then they would have to establish a rule. Ms. Clark asked Mr. Manausa if a retired architect could do anything other than use the title. Mr. Manausa replied in the negative. Mr. Horstmyer asked if there were other professions that offered the retired status. Mr. Minacci commented that engineers provided for the status. Ms. Clark suggested that if a retired architect could do nothing more than use the title it should be so stated and they would need to state in the statute that they would establish a rule.

Mr. Manausa commented that he was requested to define base state and it means the first state of licensure as an architect. He commented that he made minor changes regarding the fees because they were set by NCARB.

Mr. Manausa commented that he defined initial registration, which requires a NAAB degree, 3 years of IDP, and passage the Architectural Registration Examination. Mr. Schreiber commented that he might want to say a program as accredited or established by NAAB and move away from college or school. He commented that he would not state the numbers of years for the IDP requirement and recommended language of has completed the IDP.

Ms. Clark asked Mr. Schreiber that the current law not only requires that the institution but the program within the institution be accredited. Mr. Schreiber replied that the program is accredited not the institution. Mr. Manausa commented that the Canadian architectural certifications were acceptable.

Mr. Schreiber commented that this would be the right location to address foreign degrees. He commented that foreign graduates could get licensed through the EESA evaluation. He commented that they should not specify the number of years for IDP because NCARB might change to 4-years instead of 2-years. Mr. Manausa commented that the reason for the change was that the original statute reflects that an individual had to complete one year prior to examination. He commented that NCARB had changed the requirement to complete all 3 years prior to examination.

Mr. Manausa commented that there were 3 requirements - education, exam, and IDP for licensure. He commented that the examination was supposed to be set up to test education and experience. Mr. Schreiber commented that NCARB allows the state to determine when a student can begin sitting for the exam. He commented that they might be fixing something that is not broken. Mr. Schreiber commented that he would like to keep the statute, as is where they can begin sitting for the examination after one-year of IDP. He commented that some other states are too rigid and he feels what they currently had was good. Mr. Manausa commented that if the board allows a individual to complete 1 year of the IDP while they were in school then they really did not have practical knowledge to put with their schooling when they graduate.

Mr. Schreiber commented that they had two issues; how much IDP could be counted while in school and when an individual could take the ARE in relation to the IDP. Mr. Bullock commented that he felt individuals should complete all of the IDP prior to examination. Mr. Manausa commented that the examination was being updated. He commented that they should be tested on what they learned in school and how they apply the education in the practice. Mr. Manausa commented that they could look at the pass/fail rates of other states to determine the numbers of years. Mr. Schreiber commented that NCARB does not take a position as to when a candidate could complete IDP. He commented that they could complete all of the IDP requirements in school. He commented that the board could adopt what NCARB allows completion while in school or they could require a limited amount of

IDP prior to examination. He commented that they should have an allowance for an overlap. The board determined that they would move on and return to the discussion.

Ms. Del Bianco arrived at 2:43 p.m.

Ms. Young commented that in serving the public regarding the health, safety and welfare, she felt that the combination education and experience was more beneficial.

Mr. Manausa commented that the next sections were defining the architecture licensure by endorsement and he reviewed for the board. He commented that the content did not change. Ms. Grigsby commented that under paragraph one, the board had been requiring architectural individuals to get a separate license for interior design. She commented that she read the paragraph that they were not required to be licensed. Mr. Manausa commented that they were requiring the license is an architect was advertising interior design services separate of their architecture advertisement.

Mr. Manausa commented that the board does not automatically accept the blue cover without looking behind the blue cover for education. Mr. Schreiber asked if it was possible to only require the NCARB certificate before the board will endorse because they have continuous problems with state endorsements. He commented that it seemed to be less problematic route. Mr. Manausa commented that they could not require an individual join NCARB.

Mr. Manausa commented that the Construction administration was an add and completely new. He commented most states were going to this requirement and it was straight from the NCARB model law. He commented that some states have been challenged by engineers and other parties as whether there were health, safety, or welfare issues in a statute that does not require construction administration. He commented there was no harm to the public if an architect designed a building but it is never built. He commented that it does not say they have to use the same architect.

Mr. Manausa reviewed the certificate of authorization and commented that he was trying to clarify that a corporation could not practice architecture but an individual could practice architecture within a corporation or partnership. He commented that the qualifier must be a Florida licensed architect and a principle officer of the corporation, which was currently in the statute. He commented that he added every qualified office for the practice of architecture must have Florida license architect full time in that office and in responsible supervisory control of projects and the qualifier is required to assure a full time Florida licensed architect is in responsible control is employed at each qualified office at all times. He continued by stating that the board would establish by rule the means and methods of reporting the status of each certificate of authorization. Mr. Bullock commented that under Chapter 481.221(1)(a), F.S., he would add including but not limited to.

Mr. Manausa commented that under Chapter 481.214, F.S., Prohibitions was an attempt to further define the practice of architecture and the term, who can use and who can't. Mr.

Schreiber asked if the definition of AIA should be included or if it was implied. Mr. Manausa and Mr. Minacci replied it was implied.

Mr. Gonzalez commented that he was pleased to see the term architectural-designer and intern-architect defined or included.

The board thanked Mr. Manausa for his work.

### **Interior Design – Michael Wirtz**

Mr. Wirtz commented that they focused comments to Susette and the committee was Janice Young, himself, and Susette. He commented that they tried to parallel the architects format so they meshed. He commented that he would like to date the copy that was included in the packet. Mr. Wirtz commented that they would add the new NCIDQ definition of interior design.

Ms. Grigsby commented that they were not required in this state to be licensed to do residential work. She commented that they needed to look at it again because an individual may or may not fall under the NCIDQ definition of interior design.

Mr. Wirtz commented that they added the definition of retired interior designer and they would utilize Ms. Clark's comments and state they are not able to practice. He reviewed the rest of the additions to the definitions.

Ms. Young commented that the language had been changed by NCIDQ and she provided the new language to the board regarding initial registration. She provided copies of the language and commented that the document changes the language from years to semester or credit hours.

Ms. Del Bianco commented that she feels that space planning needed to be defined further to include modular furniture. She commented that it might include the layout of interior partitions and layout of interior furnishings. Mr. Gonzalez commented that they should include pre-fabricated units.

Mr. Wirtz reviewed the requirements of initial registration and fees, stating that it would be modified based on the information Ms. Young provided. He reviewed licensure restrictions.

Ms. Del Bianco commented that under Chapter 481.209(c), F.S., she would like to keep the terminology of interior design curriculum. She commented that she did not want to continue to see odd named programs requesting interior design education equivalency.

Mr. Wirtz commented that they placed in the Construction Administration language, which was the same as architects. He commented that they cleaned-up the certificate of authorization language. He commented that seals remained the same.

Mr. Minacci commented that they might want to include commercial designer under prohibitions for interior designers.

Mr. Minacci asked Mr. Wirtz why they did not have a section regarding negligence. Mr. Wirtz replied that they could open that for discussion. Mr. Minacci read for the board Chapter 481.225(1)(g), F.S. for reference and requested that it be added.

Ms. Del Bianco requested that they consider model homes. Mr. Gonzalez commented that he would leave that subject alone. He commented that they are built as a house with or without the furnishings.

Jose Farinos with Indian River Community College, commented that the Associate of Science degrees were the majority of the degrees issued and Chapter 481.209(1)(b), F.S. does not allow for those degrees. Ms. Grigsby commented that if the science degree included the liberal arts requirements then it would be accepted. Mr. Farinos asked why the science degree was specifically excluded from the language. Ms. Young commented that the types of degrees were not mentioned in the NCIDQ model. Mr. Wirtz commented that he would have to review the NCIDQ model language and readdress with the board.

Mr. Farinos asked when this would be re-discussed. Mr. Bullock commented that it would be the next board meeting.

### **For Information**

NCIDQ Definition of Interior Design – July 2004

### **New Business**

No new business.

### **Old Business**

No old business.

### **Adjourn**

The meeting was adjourned at 3:26 p.m.

The board recessed at 3:26 p.m.

The meeting reconvened at 3:39 p.m.

### **INTERIOR DESIGN COMMITTEE**

Chair – Joyce Shore

### **Call to Order**

### **Discussion**

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

Ms. Grigsby commented that the continuing education handbook with IDCEC was complete. She commented that they were working on the subject code index. She commented that some states require health and safety but not welfare credits.



Ms. Del Bianco asked Ms. Grigsby if IDCEC was automatically accepting AIA credits. Ms. Grigsby replied in the negative.

Ms. Young invited the interior designers to the upcoming NCIDQ meeting in November 12-14, 2004 in Washington, DC. She commented that she would like to see the entire interior designer board members attend because it was an anniversary.

Ms. Del Bianco asked how the travel budget was and if they would be able to attend. Ms. Chastain commented that the odds of everyone attending were slim.

#### **NCIDQ Cut Score – Joyce Shore**

Ms. Shore commented that she sat and took the NCIDQ examination for days to determine a Cut Score.

#### **NCIDQ Call for Resolutions – Michael Wirtz**

Mr. Wirtz commented that as their delegate he asked if the board had any issues to send forward to NCIDQ. The board had no issues.

#### **NCIDQ October 2003 Exam Activity Report NCIDQ Definition of Interior Design – July 2004**

Ms. Shore commented that the items were for the board's information. Ms. Del Bianco asked what they changed in the definitions. Ms. Young commented that it was more thorough and it was more current with global practice. She commented that legal counsel had reviewed it and was defensible. Ms. Del Bianco asked if they would put it in its entirety and Ms. Young replied that it was the board's choice.

Mr. Bullock asked Mr. Minacci to comment on the issue. Mr. Minacci commented that he would like to see an opening sentence that included the language of rendering or offering to render interior design services. The board asked Mr. Minacci to review the NCIDQ language for input at the next meeting.

#### **Interior Design Seal / Commercial Interiors**

Ms. Shore commented that Ms. Brown wrote a letter regarding their ability to sign, seal and permit plans. She commented that St. Johns County would no longer allow interior designers to pull permits. Ms. Aida-Garciga commented that Dade-County would not allow interior designers to pull permits even with the white paper issued by the board in 1999.

Ms. Brown commented that she was a licensed interior designer since 1990 and was requesting clarification from the board specifically regarding or locating fire rated walls, partitions and doors. She commented that she was asking for specific direction from the board. She was asking for a clear written statement that would give interior designer's back up on a decision the board has already reached. She asked the board what steps she would need to take if St. Johns County would not abide by the written statement.

Ms. Clark commented that the board does not have jurisdiction over building officials. She recommended that the interior designer file a complaint specifically against the officials that were not allowing them to practice. She commented that if any official was violating the law then a complaint would need to be filed.

Mr. Darrin Hoffman commented that the building officials were interpreting the law to say that an interior designer could not be permitted. Ms. Brown commented the previous building official permitted interior designer's projects but that the new building official was interpreting that they could not be permitted. Ms. Aida-Garciga read a letter from her area that does not allow them because of the fire system or rating. Mr. Hoffman commented that it was the "materially affect life safety systems" in the definition that was being interpreted as not being able to permit an interior design.

Mr. Hoffman commented that they would like the board to make a clarification in the statute. He commented that until the statute was clarified then they would continue with the same interpretation. Ms. Clark commented that they should have made that recommendation during the legislative workshop. She commented that the Legislature would have to make the change.

Ms. Young asked if the interior design committee could recommend to the consultant to clarify in the current statute rewrite. Ms. Clark replied in the positive.

#### **Chapter 489, F.S. – Construction Statute and how it relates to Interior Designers Probable Cause Panel request for direction**

Ms. Shore read a letter from Mr. Baxter regarding this issue. Mr. Wirtz addressed the issue for probable cause. He provided examples and Chapter 489, F. S., does not allow for interior designers to go in, make changes for clients and subcontract on behalf of clients. He commented that most of the incidents were residential and incidental.

Ms. Clark commented that it was not a board decision but law. She commented that you must be licensed as a contractor to offer service even for residential projects. She commented that they could not contract or subcontract work that you are not licensed to perform. Mr. Wirtz asked if they could act as an owner's agent. Ms. Clark replied in the positive. Ms. Clark commented it was all about how they write the contract. She commented that they could not write a contract that says, replace this plumbing or electrical fixture and then sub the work out to a plumber or electrician.

Mr. Manausa commented that it was clear that you cannot contract for the client, you have the client hire the electrician or mechanical person. The contract would be paid by the owner not the architect or interior designer. Ms. Clark commented that was why it was all about how the contract was written.

Ms. Shore commented that this would be a great newsletter article for the interior designers. Mr. Minacci was asked to write the article.

## **New Business**

Ms. Grigsby asked for clarification on experience requirements verified by an NCIDQ passed person. Ms. Estes read Rule 61G1-22.002, F.A.C. education and experience, which clarified her question.

Ms. Grigsby commented that one-third of the 90 people that attended her continuing education class did not know they needed a certificate of authorization. She commented that know that they know they would apply to the board and would receive a huge fine for practice prior to licensure.

Ms. Grigsby commented that the board should consider the fining amounts. Mr. Gonzalez commented that ignorance was not excuse. He commented that they were looking at the size of the firms, come forward on their own and other factors regarding the fines.

Ms. Clark commented that she had great concern of how the board was reviewing the continuing education courses. She commented that she would like the board to review the process. She recommended that the board appoint one board member to review the process and meet with staff and make a recommendation to the board on how to fix the problem.

Ms. Shore and Ms. Grigsby commented that there were not many courses to review.

Mr. Gonzalez commented that he would like to invite Mr. Thaddeus Combs with the Dept of Community Affairs to attend the next board meeting. He commented that he saw PSA's for the professions of real estate, certified public accountants, and construction and he would like to know if the department was going to provide the same for architects and interior designers. Ms. Chastain replied that she would look into and update the board at the next meeting.

## **Old Business**

No old business.

## **Adjourn**

The meeting adjourned at 4:34 p.m.

## **RULES COMMITTEE/WORKSHOP**

### **Call to Order**

Mr. Bullock called the meeting to order at 4:34 p.m.

Rules Report

Rule Tracking

Ms. Clark reviewed her rules report. She commented that she would like to have someone to work with her on the language for Rule 61G1-11.012 regarding the education sub-committee. Mr. Bullock appointed Mr. Schreiber.

Ms. Clark referred to Rule 61G1-11.017, she commented that this was recommended by Mr. Martin and was rejected by JAPC. Ms. Clark recommended that they withdraw this language.

MOTION: Mr. Gonzalez moved to withdraw the language.

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

Ms. Clark commented that Rule 61G1-11.017, regarding the exemption from renewal for Military Spouses and requested that they make a motion. She commented that she did not realize that they had proposed language previously and now that they have withdrawn the previous language the rule number is now available.

MOTION: Mr. Gustafson moved to approve the language and rule number as presented.

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

Ms. Clark commented that she was waiting on direction from the board regarding 61G1-16, Seals and Plans.

#### **Rule 61G1-17.001/.002 Fees**

Ms. Clark commented that the language was noticed and the board approved the language on the June 15, 2004 telephone conference call. She commented that the language was ready for adoption. She commented that she was contacted by Mr. Huey with the Florida AIA and requested that the board reconsider the issue.

Mr. Bullock commented that Florida AIA was going to file a suit opposing the fee increase. He commented that his discussion with Florida AIA and requested that they held the fee increase in abeyance until this meeting. He, Mr. Manausa, and Ms. Clark were going to meet with Florida AIA to clarify the boards position regarding the fee increase. He commented that after the discussion then the board could determine what they should do regarding the rule.

Ms. Grigsby asked if this was regarding monies needed for privatization. Mr. Bullock requested that they hold off on the discussion to give him an opportunity talk with AIA Florida and come back to the board with a recommendation.

Ms. Clark commented that she does not feel that the board had statutory authority to adopt this Rule 61G1-18.003 for prototype buildings. Mr. Manausa commented that NCARB had adopted language regarding prototype-building procedures.

Mr. Manausa commented that this was a requirement by the Department of Community Affairs. Ms. Clark commented that they had procedures in place.

Mr. Gonzalez commented that implementing this would open up for more plan stamping. Mr. Hughey agreed with Mr. Gonzalez. Mr. Minacci commented that he agreed with Ms. Clark that JAPC would turn down the rule due to lack of statutory authority.

**MOTION:** Mr. Gonzalez moved to close Rule 61G1-18.003.

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

Ms. Clark commented that Rules 21.001(4) and 24.001(4), continuing education for interior designers and architects requiring zero hours for advance building code courses was noticed, published, and should be affective at the next meeting. She commented that Rule 23.025, 23.030, 23.060 were effective May 13, 2004. She commented that Rule 26.001 and .002 were withdrawn.

The Rule 61G1-16, seals was kept to allow Mr. Rodriguez an opportunity to address because the committee thought that the direction was to possibly mirror the engineering language for electronic signing and sealing.

**Discussion**

No additional discussion.

**New Business**

No new business.

**Old Business**

No old business.

**Adjourn**

The meeting recessed at 4:56 p.m.

## MINUTES

**BOARD OF ARCHITECTURE AND INTERIOR DESIGN  
Marriott Sawgrass Ponte Vedra Resort  
1000 PGA Tour Blvd  
Ponte Vedra Beach, FL 32082  
800.457.4653**

**August 4, 2004**

### **General Business, Educator's Task Force and Committee Meetings**

#### GENERAL BUSINESS MEETING

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

Mr. Bullock called meeting to order at 9:04 a.m.

##### Board Members Present:

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

##### Board Member Absent:

Neil Hall

##### Others Present:

Mary Ellen Clark, Board Counsel  
David Minacci, Prosecuting Attorney  
Juanita Chastain, Executive Director  
Terri Estes, Government Analyst  
Trent Manausa  
Emory Johnson  
Steve Hefner  
Nicole Kristmann  
Julie Kovach  
Carlos Bravo  
L. Scott Fetterhoff  
William Pizella

Kimberly Transtrum  
Michael Wirtz  
Aida Bao-Garciga  
Lorraine Bragg  
Ann Bettin  
Susette Crosby  
Al Oberlander  
Dr. Nick Markovich  
Sheri Litt  
Janine King  
Sharon Delgado  
Bethany Creamer  
Pat Johnston  
Jill Smith  
Andrew Ray  
Martha Kotten  
Eckert Wordell

Court Reporter: Gayle J. Featheringill, Statewide Reporting Service, 606 Blackstone Building, Jacksonville, FL 32202, 904.353.7706 or 904.249.9952

**Petition for Hearing**  
**Vanessa Sunquist**

Ms. Sunquist was not present. Ms. Clark commented that the board considered the application for licensure by endorsement on April 28, 2004. She commented that the board voted to deny based on her not graduating from an approved program in interior design. She commented that Ms. Sunquist through her attorney petitioned timely for a Chapter 120.57(2) hearing. She commented that Ms. Sunquist submitted additional information, which was reviewed by Mr. Butler, the education consultant. She commented that the board should review the additional information and determine if she meets the 3 year approved curriculum criteria set forth in Chapter 481, F.S.

**MOTION:** Ms. Grigsby moved to approved based on the additional information and she has completed an approved interior design program and vacate the notice of intent deny and approve her application.

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

Ms. Del Bianco commented that she reviewed the additional information and had a problem with approving education with costume design as part of the curriculum. Mr. Schreiber commented that it was board practice to accept the education consultant's recommendation.

The motion was called, passed with Ms. Del Bianco and Mr. Horstmyer opposing.

### **Lyndon Fetterhoff**

Ms. Clark presented the application for licensure by endorsement, which was considered by the board and the board voted to deny Mr. Fetterhoff's application. She commented that the board denied based on him not being a graduate from a school or college of architecture accredited by NAAB or from a board approved architectural curriculum pursuant to Chapter 481.209(1)(b) and 481.213(3)(a), F.S. She commented that Mr. Fetterhoff submitted a letter to the board not disputing material facts but had additional information for consideration.

Mr. Fetterhoff was present and sworn in. Mr. Fetterhoff commented that the department notified him that his license was null and void and that he was required to reapply. He commented that his degree at the time he graduated was not an accredited degree. He commented that he contacted Gary Ridgill with the University of Florida and he wrote a letter on his behalf. He commented that NAAB's web site specifically states that a Master's of Arts in Architectural degree was accredited two times once in 1983.

Mr. Schreiber commented that he concurred with Mr. Fetterhoff. He commented there was a continuous period when the Master's degree was accredited and the degree name changed.

MOTION: Mr. Schreiber moved to rescind the notice of intent to deny and grant the application for licensure by endorsement.

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

Mr. Fetterhoff requested to keep his original license number. He was informed that his original licensure number was gone and he would receive a new license number.

### **Application Reviews**

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

Eckert Wordell, P.C.

Mr. Wordell was not present. Mr. Hicks presented the file and commented that it appeared they practiced prior to licensure and a fine may be due. He commented that there were projects listed and completed prior to application and they began soliciting for services in 2002.

Ms. Del Bianco commented that they had practiced for two biennium's.

MOTION: Mr. Gustafson moved to approve with a \$2,000 fine.

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

### **Vertex Architecture, Inc.**



Mr. Carlos Bravo was present and sworn in. Mr. Hicks presented the file and commented that the application reflects services were offered in August 2002 and a fine may be due for practice prior to licensure.

Mr. Bravo commented that they started the corporation performing consulting work. He commented that they realized after they formed the firm that they needed the certificate of authorization. He commented that it was an oversight.

Ms. Clark asked how many persons worked at the firm. Mr. Bravo replied himself and one other person. Ms. Clark asked if he came forth on his own or by the prosecuting attorney. Mr. Bravo replied on his own.

Mr. Bravo commented that he was advised to form a corporation, which was initially drafting services and he and his partner decided to begin offering architectural service so they formed the firm.

MOTION: Ms. Del Bianco moved to approve with a fine of \$600.00.

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

**Z. W. Jarosz Architect, P.A.**

There was no representative present for the firm. Mr. Hicks presented the file and commented that the application reflects they began offering services in 2004 and they incorporated in March 2004.

Mr. Minacci commented that this firm was previously offering services and was issued a cease and desist. He commented that they have complied and would not offer services until they receive their certificate of authorization.

Mr. Hicks commented that the date that they had to refer to was March 2004. Mr. Manusa commented that they were offering services prior and were issued a cease and desist.

The board questioned the date of 1979 reflected on the application. Ms. Del Bianco asked Mr. Minacci how large the firm was. Mr. Minacci replied one licensed architect and five draftsman.

MOTION: Ms. Del Bianco moved to approve with a \$9,000 fine for practice since 1988.

SECOND: Mr. Gonzalez seconded the motion.

Ms. Grigsby commented that the fine was excessive and offered an amendment to the motion of a \$4,000 fine.

Ms. Del Bianco and Mr. Gonzalez were not willing to accept the amendment.

The question was called, passed with Ms. Grigsby opposing.

## **RDG Planning & Design**

### **RDG IA, Inc. (business name change)**

Mr. Overlander was present and sworn in. He commented that he provided a letter of explanation regarding possible practice prior to licensure. Mr. Hicks presented the file and commented that there were two applications; one for a fictitious name and one for a business name change. The board determined that the firm was not practicing prior to licensure but answered the application incorrectly, which was clarified.

MOTION: Ms. Del Bianco moved to approve RDG Planning and Design.

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

MOTION: Ms. Del Bianco moved to approve RDG IA, Inc.

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

## **Application for Architecture Endorsement**

### **Thomas C. Porter**

Mr. Porter was not present. Mr. Hicks commented that he had questions regarding this application and referred to the board for determination if he meets licensure criteria. Ms. Clark commented that Mr. Porter applied under Chapter 481.213(c), F.S. and he meets the requirements.

MOTION: Mr. Gustafson moved to approve.

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

## **Interior Design Endorsement**

### **Sheryl Fox**

Ms. Fox was not present. Ms. Del Bianco presented the file and commented that her education was not FIDER accredited and does not have enough experience. Ms. Clark commented that Ms. Fox applied pursuant to Chapters 481.213(3)(a) and 481.209(2)(c), F.S., which would require proof that she was eligible to take the prescribed exam and have 3 years of interior design education. Ms. Del Bianco commented that she does not meet the education or experience requirements. Ms. Del Bianco commented that Mr. Butler reviewed and denied.

MOTION: Mr. Gustafson moved to deny based on not meeting the requirements of education or experience pursuant to Chapter 481.209(2)(c), F.S.

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

## **Interior Design Certificate of Authorization**

### **BP Designs, Inc.**

#### **Billy**

Mr. William Pizella, Jr. was present and sworn in. Mr. Minacci commented that they had been practicing prior to licensure and they had a case against the firm for offering interior design services without a certificate of authorization.

Mr. Pizella commented that he was licensed in 1999 and offered services in his name. He commented that he had a retail showroom and been in business for five years. He commented that he was the only person in the firm.

Ms. Del Bianco asked what types of projects he performed. Mr. Pizella replied residential. Mr. Bullock asked if he performed commercial. Mr. Pizella replied in the negative.

MOTION: Mr. Gonzalez moved to approve with \$1,000 fine for both applications.

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

### **Continuing Education Reviews**

#### **Applications for denial**

#### **Negotiating More Equitable Contracts**

Ms. Clark requested that the board reference the statute or rule for the reason for denial. Ms. Grigsby commented that the denial was based on non-related subject matter pursuant to Rule 61G1-24.002, F.A.C.

MOTION: Mr. Gonzalez moved to deny based on Rule 61G1-24.002, F.A.C. based on non-related subject matter or related topics and insufficient time.

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

Due to appearances and individuals being present, the board reviewed the addendum packets.

#### **Julie Kovach**

Ms. Kovach was present and sworn in. Ms. Kovach commented that she does not understand why she was before the board because she had a license. The board determined that the license she was referring to was her business license. The board explained the requirement regarding a Florida licensed interior designer to qualify a business for a certificate of authorization. Ms. Kovach had been renewing her business license but not her individual license.

Mr. Minacci commented that the board reviewed a disciplinary case for unlicensed activity for Ms. Kovach, which has been resolved and fines had been paid. Ms. Del Bianco commented that it was her responsibility to renew her license regardless of whether she received a renewal notice from the department.

MOTION: Ms. Grigsby moved to approve.

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

**Nicole Kristmann**

Ms. Kristmann was present and sworn in. Mr. Minacci commented that he had asked that the application be pulled from the consent agenda because he had a disciplinary case that would appear before the Probable Cause Panel on August 6, 2004 because she had been practicing prior to licensure.

Ms. Kristmann commented that she applied for her business license and she was informed that she needed to obtain an interior designer's license to qualify the business. She commented that she thought that her NCIDQ was her license and she did not know that she needed an additional license. Mr. Minacci commented that he could see this situation both ways and was going to recommend that Probable Cause issue a notice of cease and desist. He commented that he thought the issue should be brought to the board for review and consideration.

Ms. Kristmann confirmed for the board that she does not perform commercial work. Ms. Grigsby commented that Mr. Butler performed a second review for education and was being recommended for approval by her and Mr. Butler.

MOTION: Mr. Schreiber moved to approve.

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

**Review of Significant Court Decisions that Affect Roofing Contractors in Florida**

MOTION: Ms. Del Bianco moved to deny pursuant to Rule 61G1-24.002, F.A.C., and referred to page 6 of the handbook regarding related topics.

SECOND: Mr. Gustafson seconded the motion.

Mr. Rodriguez arrived at the meeting at 10:00 a.m.

Mr. Schreiber commented that he thought it would be an interesting topic for architects. Mr. Manausa commented that this course would be beneficial to architects and did not feel it should be denied based on content.

Ms. Del Bianco withdrew the motion.

MOTION: Ms. Del Bianco moved to approve.

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

**Managing Roofing Contractor Liability**

MOTION: Mr. Gonzalez moved to approve.

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

**Ratification Lists  
Applications (handout)**

Interior Design by Endorsement

MOTION: Mr. Gonzalez moved to approve presented.

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

Interior Design by Examination

MOTION: Mr. Gonzalez moved to approve as presented.

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

Interior Design Business

MOTION: Mr. Gonzalez moved to approve as presented.

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

Architecture applicants by Examination

MOTION: Mr. Gonzalez moved to approve as presented.

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

Architecture by Endorsement

MOTION: Mr. Gonzalez moved to approve as presented.

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

Architecture Business (COA)

MOTION: Mr. Gonzalez moved to approve as presented.

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

Architect applying for Dual Interior Design License

MOTION: Mr. Gonzalez moved to approve as presented.

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

The board recessed at 10:13 a.m.

The meeting reconvened at 10:43 a.m.

### **Continuing Education**

MOTION: Mr. Gonzalez moved to approve the courses listed in the agenda.

SECOND: Mr. Rodriguez seconded the motion.

### **Discussion**

#### **Financial Report – Juanita Chastain**

Ms. Chastain reviewed the financial statements. She pointed out the standards and licensure, under expense reflected the travel budget and other administrative expenses. She reviewed the projected travel plan and the projected expense for 2003-04. Ms. Chastain commented that \$76,000 was projected for travel in 2004-05. She also commented that the board requested all interior designers and architects with an administrator and counsel to attend all of the meetings. She commented that in reality the board would not be able to spend \$76,000 and the board would have to decide how many people would attend.

Ms. Chastain advised the board that they would have to determine who they would like to send to the meetings. She advised that she would guess, and only guess, that they may be approved for approximately \$50,000 for travel.

Ms. Chastain reviewed for the board the newest financial projections and it did not appear based on new projections that they would be in a deficit. She commented that it did not appear that there would be a deficit from now through 2009. She advised the board that the monies would be reflected in the operating account for licensed fines and unlicensed fines and expenses would be reflected in the unlicensed activity account.

#### **Core Course Audit Results – Juanita Chastain**

Ms. Chastain reviewed the memorandum from Mr. Ayrish regarding the results of the Core Course audit. She commented that the board needed to decide what they would like to do with the results of the audit. The board discussed the results. Mr. Gonzalez commented that it was mandatory that they take the course.

Mr. Rodriguez commented that he knew a gentleman that did not take the course, his license was inactive, and he wanted to relinquish his license. He commented that they may have quite a few of those unique situations and possibly let the board review them on an individual basis.

Mr. Minacci commented that the board had the option of opening disciplinary cases or fail to renew the license. He commented that if the board took the disciplinary route then they would need to give guidelines.

Mr. Manausa commented that he would like to know which department took precedent over the disciplinary issue, the Department of Community Affairs or the Department of Business and Professional Regulation, because if a licensee did not take the course then they should not be practicing. Mr. Bullock commented that he would rather remedy by not allowing the licensee to renew. Ms. Clark commented that she did not feel the board could not renew because the licensee must have due process.

Ms. Membiela asked if the board could outline a fine and take action against the licensee. Mr. Rodriguez commented that the board could send a letter stating that their license was null due to failure to comply with the statute.

Ms. Del Bianco commented that the board has given them an opportunity to comply and now the board needed to decide what to do with the individuals that did not comply with the letter.

Ms. Clark suggested that the board amend their citation rule, which would be less work than going the full administrative complaint route. She recommended that they should appoint a board member to work with her and Mr. Minacci on the citation language, she would notice for rule making, and the language would be ready for the next conference call.

Mr. Minacci addressed Ms. Membiela's concern regarding the cost of him enforcing this issue through discipline. He advised her there would be no additional cost because it would be licensed cases.

The board discussed the timeframe and the fine that should be imposed.

**MOTION:** Mr. Rodriguez moved to notice the rule, appoint a member of the board to work with counsel and prosecuting attorney to draft the language, access a fine of \$500 if the licensee complies within 45 days of citation issuance, take the course and pay the fine. Failure to comply the prosecuting attorney would file an administrative complaint.

**SECOND:** Ms. Del Bianco seconded the motion.

Ms. Clark reviewed the rule regarding continuing education and the amount of the fine. Mr. Manausa asked what the disciplinary guidelines were if they did not comply and what the penalty would be. Ms. Clark replied that they could notice the disciplinary guidelines and draft language to address that issue as well. The board discussed suspending the license as a disciplinary guideline.

Ms. Clark recommended that Mr. Minacci have a sample citation available for the September conference call. She commented that if they voluntarily relinquish they would have to come before the board as discipline.

Mr. Gonzalez volunteered to be on the committee to work with counsel and the prosecuting attorney to draft the language.

The motion was called and it passed unanimously.

**Renewal Agreement Between Florida Board of Architecture and Interior Design and Smith Thompson, Shaw & Manausa, P.A.**

Mr. Bullock referred the board to the contract in the agenda packet.

**Smith, Thompson, Shaw & Manausa Unpaid Invoices**

Ms. Chastain commented that she needed direction from the board to process the payments. She advised the board that she could not pay the invoices without their direction because the invoices would be paid from this fiscal years appropriation and budget. Mr. Rodriguez commented that would put them in the same position they were in.

Mr. Minacci requested that the invoices be paid. He commented that they were going to reduce costs regarding travel, court reporters, etc for unlicensed cases. He commented that there would be no reduction in services. He commented that the first year of the contract they concentrated on unlicensed cases and he thought they had them under control. He commented that they were working on the licensed cases.

Mr. Rodriguez commented that he was concerned with paying the invoices now because it might create a problem in the future. He commented that he would like to see a business plan. He suggested that the board appoint a person to review the plan then have the authority to approve payment or not.

Mr. Minacci commented that he could not prepare a plan because there is no way to project the numbers of cases. He commented that it would be pulling numbers out of the air because depending on whether a case goes to DOAH could affect the cost.

Mr. Manausa commented that the board had a contract for a lump sum for licensed cases and an hourly rate for unlicensed activity. He commented that the department decided that they could not pay the contract and took the money out of the appropriation and placed it in the unlicensed activity fund. He commented that it depleted the \$375,000 and by putting it back in the unlicensed activity fund the Governor took that money in the sweep. He commented that not one penny had been spent from the unlicensed activity fund for the architects or interior designers and that money was gone now. He commented that that money was appropriated additionally and the department said they would pay the arrears out of this year's appropriation. He commented that they must figure out how to make it up by the end of the contract period and during the next Legislature. He commented that the unlicensed activity should be paid out of the unlicensed activity funds from this year.

Ms. Chastain commented that the appropriation was for \$375,000 regardless of where it was paid from, operating or unlicensed activity account, the payment amount could not exceed the appropriation of \$375,000. She commented that there was never an ability to pay above that amount.



Mr. Manausa commented that the department had the ability to spend from the unlicensed activity account but they chose not to. He commented that they have an appropriation to spend from the unlicensed activity account, not specifically for architects but they have the ability.

Ms. Chastain commented that for this contract they have specific appropriation authority. Mr. Manausa commented that the department should not have allowed the contract to be signed. Ms. Chastain commented that the contract was not with the department it was with the board.

MOTION: Mr. Del Bianco moved to pay the invoices.

SECOND: Ms. Membiela seconded the motion.

Mr. Rodriguez commented that he was concerned about the message being sent because the board had fiscal responsibility for the contract. He commented that if they have a \$150,000 shortfall in one year, use that to get an additional appropriation to continue to operate and then turn around and pay out the lump sum putting them back in the same hole. He commented that he had a problem with doing that without having a plan for review, study or course of action.

Ms. Del Bianco commented that she would agree if the contractor was not performing up to standard and if the board was negligent in how the contract was entered into but the entire board understood that the licensed cases would be paid from the operating account and the unlicensed cases would be paid out of unlicensed activity account. She commented that this was not the board's error. Ms. Membiela commented that the board should look as to whether the amount is appropriate.

Mr. Rodriguez commented that they should look at the big picture and include privatization.

Mr. Horstmyer commented that services were rendered and they should be paid.

Mr. Hughey commented that AIA Florida might have a problem with the vote, not because the work was not performed. He commented that when this matter was brought to AIA to obtain additional appropriation through the Legislature that they understood that the increased appropriation would not be used to pay previous appropriation issues but for future uses. He commented that the vote to pay the previous invoice might cause damage with the relationship between the board and AIA Florida. He commented that AIA's understanding with individual board members and others was whatever the board wanted to do to resolve the issue with the firm for last year's situation it would not be included in the funding for this years budget.

Mr. Bullock asked if Mr. Huey could recommend an alternative to pay the invoices. Mr. Hughey replied that he was not at the meeting to provide alternatives.

Ms. Grigsby commented that if Mr. Minacci cut costs and they came out even at the end of the year then it would not be an issue.

Mr. Johnson commented that he had a contract to provide expert witness services to Smith, Thompson, Shaw & Manausa. He commented that he understood the contract that he signed and the law firm made an agreement with him to pay for services. He commented that it was not his, licensed architects or interior designer, or AIA Florida's duty, nor responsibility to lobby the Legislature for funding for the board. He commented that he was having difficulty with the board not paying for services rendered when the contractor had explained how to cut costs. He commented that he had a problem with the board hearing only one side of the issue.

The question was called, passed and Mr. Rodriguez opposed.

MOTION: Ms. Del Bianco moved to ratify the renewal agreement with STS&M

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

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

October 4-6, 2004 Key West

The board set a telephone conference call for September 21, 2004 at 10:00 a.m.

### **Reports**

#### **Interior Design/Architect/Rules Committee Reports and Ratification**

Ms. Shore provided a review of the Interior Design Committee stating they discussed the IDCEC and NCIDQ meetings and pass rates. She commented that they discussed the issue of contracting or sub-contracting and clarified that architects and interior designers could not act as such without appropriate licenses.

Ms. Del Bianco commented that she had a problem with the individuals that came before the board regarding the permitting issues and the building department. She commented that she would like to send a letter to the Building Code and Administrators' Board regarding the issue. Ms. Clark cautioned Ms. Del Bianco about going before another board in that manner and they had no legal recourse. Ms. Del Bianco commented that she would like to see what the board's point of view was regarding the interpretation of the statutes and open a dialogue.

Ms. Clark commented that the board had no backing and they could not discipline another board. She commented that the individuals being wronged could file a complaint and the board has no authority over the building official. She commented that the board had no enforcement authority over the building official.

Ms. Membiela commented that there appeared to be a technicality to the wording in the statutes and feels they could or should be addressed.

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

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

Mr. Schreiber commented that the Architecture Committee discussed the NCARB annual meeting and the various resolutions. He commented that the packet included the pass rates, a message from the regional director, the rolling clock, and the ARE cut score.

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

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

### **Rules Committee**

The board will report later in the meeting.

### **Chair's Report – Ellis Bullock**

Mr. Bullock requested to delay his report until after his meeting with AIA Florida.

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

No report.

Board Counsel's Report – Mary Ellen Clark

Letter to Patra Liu

Letter to John D'Amico

Ms. Clark reviewed her letters as well as two additional letters in their packets, Ms. Burggraf and Mr. Marcial.

Ms. Clark provided an update on the Ellinwood case stating that she wrote a brief in June in response to his appeal in February and he argued that the board wrongly denied based on the laws that governed initial licensure. She commented that in his brief he argued that the board should have considered grandfathering and endorsement provision. She commented that she replied back that he was considering apples to oranges. She commented that she was waiting to hear from the District Court of Appeals.

### **IDAF Report – Susette Crosby**

Ms. Crosby commented that NCIDQ issued a new definition and they would be incorporating the language in the statutory rewrite. She informed the board that the electronic signing and sealing amendment language passed but the Bill did not pass. She commented that they were trying to get a Bill in the Senate to add interior design to the Consultants Competitive Negotiation Acts (CCNA). She commented that Steve Hefner was President Elect and would report to the board in the future.

The meeting recessed at noon.

## EDUCATORS TASK FORCE

Chair – Stephen Schreiber

### Board Members Present:

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

### Board Member Absent:

Neil Hall

### Others Present:

Nicholas Markovich, Palm Beach Community College  
Sherry Litt for Joyce Butts, Florida Community College  
David Minacci, Prosecuting Attorney  
Emory Johnson, Interior Design Expert Witness  
Trent Manausa, Architect Expert Witness  
Andrew Ray, Valencia Community College  
Pat Johnston  
Susette Crosby, President IDAF  
Jeanine King, Florida International University  
Aida Bao-Garciga, IDAF  
Bethany Creamer, Daytona Beach Community College  
Sharon Delgado, Daytona Beach Community College  
Jill Smith, Seminole Community College  
Jose Farinos, Indian River Community College  
Jan Pagonas, Indian River Community College  
Michael Wirtz, Probable Cause Panel Member  
Steve Hefner, President Elect IDAF  
Lorrain Bragg, IDAF  
Ann Bettin, Brevard Community College  
Inaudible, National Kitchen and Bath Association (NKBA)  
Martha Kotten, University of Florida  
Rodner Wright, FAMU

### **Call to Order**

The meeting reconvened at 1:19 p.m.

Mr. Schreiber commented that he was the Dean of Architecture with the University of South Florida and requested that the meeting be an open forum. He commented that he was more familiar with architecture than interior design.

## **Discussion**

NAAB criteria / New Doctorate of Architecture

Mr. Schreiber commented that the process changes approximately every 6 years. He commented that every 3 years the accreditation conditions and procedures are validated. He commented that any changes that are necessary happen on the second validation.

Mr. Schreiber commented that the last draft of the NAAB conditions for accreditation was included in the packets. He commented that the conditions for changes had not been approved. He commented that any new schools would have to abide by these conditions and changes probably in 2 years. He commented that one of the biggest changes were the only accredited programs were Bachelors and Masters level. He commented in the mid 1980's NAAB began controlling degree titles, Bachelor or Master of Architecture. He commented that a new degree type had been approved, which was the Doctorate of Architecture.

Mr. Schreiber commented that the closest school to being approved for the Doctorate program was the University of Hawaii. He commented that the difference in the degrees were almost up to each individual institution. He commented that the accreditation team could not require that the work of the Doctorate program must be a higher or lower level than the Bachelor program.

Mr. Schreiber commented that a few years ago the accreditation team passed a resolution that no new Bachelor programs would be approved. He commented that the existing programs would be grandfathered with a timeframe. Mr. Right commented that essentially what happened was that they would not allow new programs to begin candidacy at Bachelor level.

Mr. Schreiber commented that there was a policy that was being put together on how to treat students in schools. He commented that they added a condition called the studio culture. He commented that a good side was that they created a culture of the school and various kinds of information into what architects do. He commented that the down side was the boot camp mentality and time management philosophy.

Mr. Schreiber commented that another subject was the 60/40 rule and that only 60 percent were architecture courses and 40 percent general education and elective. He commented that the theory was the architect would be well rounded. He commented that the accreditation board changed that requirement to be a fixed number of general and elective courses.

Mr. Schreiber commented that they adjusted the student performance criteria. He commented that there were 3 levels of accomplishment and they eliminated awareness so there were only 2 levels now.

Mr. Wright offered some input.

Mr. Markovich commented that the Bachelor programs were 5-year programs. Mr. Bullock commented that an accredited program was not less than 5-years. Mr. Schreiber replied that there used to be time limits and NAAB removed the time limits but he was not aware of any programs approved for less than 5-years.

Mr. Schreiber commented that there were 3 pre-architecture programs in the audience that continue on to have a 2+4 year degree. He commented that he would like to have the Community Colleges more involved or more recognition regarding the degree issued. He commented that 40 % of the studies are done at the pre-architecture or Community College level.

Mr. Markovich commented that the first 2-year programs were articulated in law. He commented that technically the courses should be the same whether received from a Community College or University. He commented that it would help if the Community Colleges were involved in the accreditation process. He commented that essentially that a student should be able to go from a Community College to University because they are the same curriculum.

Mr. Wright commented that he was aware of the discussion regarding the relationship between NAAB and the Community Colleges. He commented that a University technically does not have students the first 2 years of the program. He commented that NAAB assumes that there is a relationship and responsibility between the schools, Community College and University. He commented that technically NAAB only accredits the Professional program so in fact the 4+2 year programs would often times only work they show is 2 years of the 4 years program. He commented that if a program feels as though they can satisfy all of the conditions and performance criteria within those 2 years can move further.

Mr. Schreiber concurred and commented any accredited 4+2-year program would receive a Master of Architecture degree. He commented that they would look at the whole 6 years and determine that they met the criteria. Mr. Wright commented that they only look at the 6 years if the school chooses.

Mr. Rodriguez commented that every board member should sit on an accreditation board.

A representative from the University of Florida commented that there was a process for accepting students if there was an agreement. She commented that they welcome Community College students.

### **FIDER changes**

Ms. Grigsby presented the information in the packet and commented that FIDER had added to their requirements for accreditation that a school must demonstrate that the education culminate in a Bachelor degree. She commented that any professional programs that do not culminate in a Bachelor's degree had until January 1, 2010 to comply with the minimum requirement. She commented that the deadline to apply for programs that do not culminate in a Bachelor's degree had passed.

Ms. Grigsby commented that students of a 2-year program would have to transfer to a 4-year program at a University. Mr. Farinos commented that Community Colleges did not have a problem with FIDER changing the rules. He commented he was not a FIDER accredited school but could continue to prepare students for the examination. He commented that the Community Colleges produce a majority of the licensees and wanted the state to accept the 2-year degree.

Ms. Grigsby read the statutes and rules, which states FIDER accredited or equivalent. Pat Johnston commented that NCIDQ was backing off the 4-year degree requirement and would continue to test the 2-year graduates.

Mr. Rodriguez asked how the board in 2010 would determine equivalency between a 4-year and 2-year degree. Ms. Del Bianco commented that FIDER had nothing to do with the state statutes. She commented that the issue was the board would not have anything to gauge the equivalency.

Ms. Grigsby referred the board and audience to Rule 61G1-22, F.A.C. regarding the equivalency criteria that was currently performed. She commented that the education consultant reviewed non-FIDER programs for equivalency based on the rule.

Mr. Wirtz commented that the years ago the rule was implemented because of the statute requirement and the interior design committee did not want the board to become an accrediting body for 2 and 3-year programs. He commented that they were going to monitor the pass/fail rates in reference to Associate or Bachelor degrees for trends.

Mr. Wirtz commented that FIDER was currently looking at doing equivalency evaluations for licensure. He commented that if it developed it would not be available until the first of next year.

Mr. Schreiber commented that the NCARB education standard was measured by NAAB and they oversee EESA evaluations.

Mr. Farinos commented that the Community Colleges role was not to convert their programs from 2 years to 4 years.

Mr. Wirtz commented that FIDER would accredit the first profession degree, which would not be based on years. Mr. Schreiber read the statute, which include 2 and 3-year programs. Mr. Wirtz commented that a minimum of 3-years would be required for first professional degree.

Ms. Delgado commented that the statute required a minimum of 2 years of education then 4 years of work experience then take and pass the examination.

Mr. Farinos commented that a combination between education whether 2 or 4 years and experience for a total of 6-years and passage of the NCIDQ examination measures the knowledge.

### **Equivalency evaluation of Non-Fider programs**

Mr. Schreiber referred the board to the check-sheet. Mr. Schreiber commented that he felt the check-sheet needed expanding.

Mr. Markovich commented that he had some confusion between the FIDER model regarding the arts and science program and what the expectation was of what could be transferred either to an interior design degree or architecture degree.

Jeanine King with the Florida International University commented that there is a difference in the architecture and interior design programs so when Community College students apply to Universities the degree will not transfer because one-profession issues an arts degree and the other issues a science degree and they are not interchangeable. She commented that it would be great to have one program to get students into the 4-year program whether it be architecture or interior design.

Ms. Jill Smith commented that their program articulates into the FSU program.

Mr. Markovich commented many students are not able to leave the area.

Mr. Johnson commented that the board was working on the cleanup and he commented that there was not going to be an easy answer. He commented that he believed that the board had gone on record in support of the FIDER model and the Bachelor degree. He commented that the board had previously followed FIDER's direction, however, it was not addressed in the statute re-write. He recommended that the board take into consideration updating Chapter 481.209(2), F.S. and Rule 61G1-22.002(a) and (b), F.A.C.

Ms. Del Bianco commented that they were looking at both FIDER and NCIDQ's requirements. She commented that the board would continue to receive feedback from the community regarding the statute re-write.

Mr. Gonzalez commented that there have been more architecture and interior design schools open.

### **Chapter 481.209, F.S. / Rule 61G1-22, F.A.C.**

This was available for reference.

### **For Information**

July 30, 2003 Educators Task Force Committee Meeting Minutes  
Committee Assignments

Mr. Wright asked what the intent was regarding the Task Force and what they were expected to accomplish and perform. Mr. Schreiber commented that the Task Force was



used to advise the board on issues effecting the education profession and offer feedback on the statutes and rules. He commented that it would be helpful to get the Educator's position on how to improve the profession regarding the students and educators.

Ms. Del Bianco recommended having telephone conference calls with the educator's between the face to face meetings. Mr. Manausa recommended that the Educators bring discussion items that were of interest to them.

### **New Business**

No new business.

### **Old Business**

No old business.

### **Adjourn**

The meeting was adjourned at 2:24 p.m.

The board returned to the General Business meeting at 2:26 p.m.

Prosecuting Attorney's Report – David K. Minacci

Settling final judgements from Circuit Court regarding unlicensed cases

Jeffrey Pattek

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

- April 2004

- May 2004

- June 2004

Unlicensed Billable Hours

- April 2004

- May 2004

- June 2004

Results of April 2004 PCP Meeting

Results of April 2004 Board Meeting

Results of June 2004 PCP Meeting

Press Releases/Speaking Engagements/Other Correspondence

Mr. Minacci reviewed the reports as presented in the packet. He commented that they would discuss the Pattek case during the meeting on August 5, 2004. He updated the board on the Gomez case and that it was now at the District Court of Appeals.

### **AIA Report – Vicki Long**

Not present.

### **For the Board’s Information**

Biennial Chart

Updated board members list

Total number of licensed architects and interior designers (packet)

### **New Business**

Mr. Rodriguez asked why the letter from Mr. Jackson was in their packets. Ms. Chastain replied that she was not sure how to respond. Mr. Rodriguez commented that this was the sixth time he has had this kind of comment regarding building officials. He commented that building officials were requiring architects to affix a seal to drawings that were not performed under his control. Ms. Clark commented that the board had no jurisdiction over building officials and the individual would need to file a complaint against the building official. Mr. Rodriguez commented that it would come down to a he said she said issue.

Ms. Del Bianco commented that the building official is implementing the infraction and his license needs to be sanctioned by his governing board and he is wrong for asking for an architect to do something against statute.

Mr. Rodriguez commented that he felt it would be simple to send a letter to the Building Code Administrator and Inspectors Board so they could administer to the local officials. Ms. Clark commented that the Office of the Attorney General does not want letterhead going out that says they are advising you that you can’t do something.

**MOTION:** Mr. Rodriguez moved that the Chair or Vice-Chair write a letter to the Building Code Administrators and Inspectors Board advising them that cases have been brought before this board where building officials are asking practitioners to sign and seal drawing that are a violation of the Chapter 481, F.S. and would they please be so kind to circulate a notice that they can’t do that and they may be reprimanded.

**SECOND:** Ms. Grigsby seconded the motion, it passed, and Mr. Gonzalez opposed.

Mr. Rodriguez commented that they were imposing their judgement on other licensees.

### **Old Business**

Ms. Del Bianco commented that they did not give clear direction on how to proceed with the St. Johns and Dade County issue, Commercial Interiors. She commented that it was a similar problem as what they just voted on.

MOTION: Ms. Del Bianco requested the same letter be issued to address interior designers.

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

Ms. Del Bianco commented that she would like the statute clarification final language with no strikeouts be brought back before the board. Ms. Clark commented that they must be presented with strikeouts.

MOTION: Ms. Del Bianco moved to have the language presented both ways with and without strikeouts.

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

The meeting recessed at 2:45 p.m.

**MINUTES**  
**BOARD OF ARCHITECTURE AND INTERIOR DESIGN**  
**Marriott Sawgrass Ponte Vedra Resort**  
**1000 PGA Tour Blvd**  
**Ponte Vedra Beach, FL 32082**  
**800.457.4653**

**August 5, 2004**  
**9:00 a.m.**

**General Business Meeting**

**Call to Order**

Mr. Bullock called the meeting to order at 9:05 a.m.

Board Members Presents:

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

Board Members Absent:

Neil Hall

Others Present:

Mary Ellen Clark, Board Counsel  
David Minacci, Prosecuting Attorney  
Juanita Chastain, Executive Director  
Terri Estes, Government Analyst  
Trent Manausa  
Emory Johnson  
Susette Crosby  
Steve Hefner  
Melissa Minacci

Court Reporter: Beth Masters, Statewide Reporting Service, 606 Blackstone Building,  
Jacksonville, FL 32202, 904.353.7706 or 904.249.9952

**Review and Approval of Minutes**

## **April 27-28, 2004 Committee Meetings and General Business**

MOTION: Mr. Gustafson moved to approve as presented.

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

The board thanked AIA for coffee.

### **AIA Florida Report – Vicki Long**

The board welcomed Ms. Long to the board meeting. Ms. Long thanked the board. She commented that she had worked with the Legislative process for 15 years specifically appropriations and worked as a Governmental Affairs Manager. Ms. Long commented that AIA put the announcement of the fee increase in the Friday Facts and they began receiving telephone calls from members regarding the risk of the fees being swept and what was the necessity of the increase. She commented that AIA met with Mr. Bullock yesterday regarding the possibility of the fee being swept and came to the conclusion that there was no guarantee but it was unlikely. She commented that Committee was still split on the issue. She commented that they would not support or oppose the fee increase. She commented that AIA Florida was in strong support of the privatization of the board.

Mr. Bullock commented that the board needed monies in the budget to privatize. The board held the rule for the fee increase in abeyance until today. Mr. Horstmyer asked what the possibility was that the fee increase or additional monies would be swept. Mr. Manausa replied that the Governor only sweeps money that has not been allocated. He commented that if there was an excess of money then they sweep the funds and they only sweep approximately every 8 years. He commented that if the money was allocated then the Governor could not sweep those funds.

Ms. Chastain commented that funds were swept last year and would be swept again this year.

Ms. Long updated the board on AIA's efforts during the Legislative Session. She commented that one of their key Legislative efforts was the approval and passage of the appropriation increase for the enforcement contract. She commented that they amended Bill 101 regarding signing and sealing but it failed at the House. She commented that the Good Samaritan Act passed and was signed into law. This bill would cover the architect better regarding liability. She mentioned numerous bills that they watched and monitored. She explained what the mold exemption bill was and commented that it failed because it was so controversial.

Portions of the tape were inaudible.

Ms. Long commented that AIA Florida was looking forward to working with the board regarding the statutory rewrite. She commented that she understood the interior designers were working to open the CCNA statute, cautioned them, and provided an example as to why. She commented that AIA would oppose the opening of that statute.

Ms. Clark commented that she agreed with AIA being part of the process on the statutory rewrite to avoid problems at the end of the process.

Mr. Rodriguez arrived at 9:36 a.m.

## **Disciplinary Cases**

### **Reconsideration of Prior Final Order**

Licensed

#### **DBPR vs. Jeffrey Pattek**

Case Number 99-05087

(PCP: Falkanger, Wirtz, and Schiff)

Mr. Minacci presented the case and commented that the department began the process and they obtained a final judgement against Mr. Pattek for \$8,525. He commented that Mr. Pattek wrote the department and offered to pay a one time payment of \$5,000 instead of the Court mandated fine and cost \$8,525. Mr. Minacci commented that he presented it to the Probable Cause Panel and they recommended that the board accept the offer.

Mr. Minacci commented that the Panel had no authority to amend or change a final order or judgement. Mr. Horstmyer asked what the original fine was. Mr. Minacci replied it was \$5,000 plus investigation and administrative costs.

Ms. Clark asked Mr. Minacci if they would need to file a release of the final judgement if the board accepts the \$5,000. Mr. Minacci replied in the positive.

**MOTION:** Mr. Gonzalez moved to accept the \$5,000 settlement as presented.

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

Ms. Clark requested that Mr. Minacci provide a copy of what he files with the Courts regarding the case. Mr. Minacci replied in the positive.

Mr. Bullock commented that the board needed to return to the Rules Committee for a report. Ms. Clark asked that the board ratify all decisions made by the Committee.

**MOTION:** Ms. Del Bianco moved to file the rule to increase the fees.

**SECOND:** Ms. Grigsby seconded the motion.

Mr. Rodriguez asked why they were going to move forward with the fee increase when they would not be in a deficit. Mr. Manasa replied that they needed the monies to privatize and for travel. Mr. Rodriguez commented that the lowest surplus in the budget was \$385,000 in 2008. Mr. Bullock commented that the numbers they receive from the department was

different every meeting. Mr. Rodriguez commented that they are basing their decision on funny numbers because it was allocation based budgeting.

Mr. Horstmyer asked what the board's response was to AIA. Mr. Bullock commented that the board did not want to do something that AIA would oppose too. Mr. Horstmyer replied that Mr. Bullock did not answer his question. Portions of the tape were inaudible.

The question was called, passed with Mr. Rodriguez and Mr. Horstmyer opposed.

Ms. Clark provided a summary of the Rules Committee meeting. She commented that Mr. Schreiber was to work with her on language Rule 61G1-11.012, voted to notice the Citation and Disciplinary Guideline Rules 61G1-12.004 and 005 for development and Mr. Gonzalez was appointed to work with counsel and prosecuting attorney to draft language. She commented that the language would be ready for the telephone conference call. She commented that the Committee voted to withdraw Rule 61G1-11.017 time to comply with final order and move forward with language that was previously voted exemption for renewal of military spouses. She commented that they voted not to proceed with 61G1-18.003 procedures for adopting prototype building documents and deferred discussion whether discussion needed to proceed with Rule 61G1-16 for Mr. Rodriguez.

Mr. Rodriguez requested that Rule 61G1-16 be pulled from the Rule Report.

MOTION: Ms. Del Bianco moved to ratify the Rules Committee recommendations.

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

Mr. Minacci commented that he had provided a handout with the Settlement Stipulation cases to be handled on a consent agenda because they were in line with the Probable Cause Panels recommendation.

### **Settlement Stipulation Licensed**

#### **DBPR vs. Thomas Bachtold**

Case Number 2003-080571  
(PCP: Rodriguez and Wirtz)

#### **DBPR vs. Michael Bissell**

Case Number 2003-045810  
(PCP: Rodriguez, Wirtz, and Hall)

#### **DBPR vs. Lawrence M. Dixon / Dixon Design Associates, Inc.**

Case Numbers 2002-007454 and 2003-087092  
(PCP: Rodriguez, Wirtz, and Hall)

**DBPR vs. Stephen Lloyd**  
Case Number 2003-070563  
(PCP: Rodriguez, Wirtz, and Hall)

**DBPR vs. Charles McKirahan**  
Case Number 2003-054049  
(PCP: Rodriguez, Wirtz, and Hall)

**DBPR vs. Omega Architectural Productions, Inc.**  
Case Number 2003-081720  
(PCP: Rodriguez, Wirtz, and Hall)

**DBPR vs. Jerome Uhan**  
Case Number 2003-067655  
(PCP: Rodriguez, Wirtz, and Hall)

**DBPR vs. Howard S. Ellman / Dynamic Designs, Inc.**  
Case Number 2004-007468  
(PCP: Rodriguez, Wirtz, and Hall)

**DBPR vs. Andrew R. Narcus**  
Case Number 2003-054003  
(PCP: Rodriguez, Wirtz, and Hall)

**DBPR vs. Keith Parker**  
Case Number 2003-057706  
(PCP: Rodriguez, Wirtz, and Hall)

MOTION: Mr. Gonzalez moved to accept the Settlement Stipulation cases as presented on the consent agenda as presented.

SECOND: Mr. Horstmyer seconded the motion and it passed unanimously. Mr. Rodriguez requested to be excused from the meeting because the rest of the cases he served on the Probable Cause Panel and must be recused. Mr. Bullock granted his request.

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

**DBPR vs. David Pillsbury**  
Case Number 2004-001856  
(PCP: Rodriguez, Wirtz, and Hall)

Ms. Clark advised the board how to proceed with the hearing pursuant to Chapter 120.57(2), F.S. and that Mr. Pillsbury filed timely for the hearing. Mr. Pillsbury was present and sworn in.



Mr. Minacci presented the facts of the case and commented that probable cause was found for one count of practicing architecture without a license and they recommended a \$5,000 fine plus costs. Mr. Pillsbury commented that he only provided drawing and drafting services. He commented that one of his partners assured him that an engineer could sign and seal a project through the corporation. He commented that he put the corporation information on one of his contracts in ignorance prior to the application being completed.

Mr. Bullock asked what kind of drafting he provided. Mr. Pillsbury replied that he provided residential drawings. Mr. Gonzalez asked what PBD was. Mr. Pillsbury replied that it was Professional Builder Designer, which was under the American Institute of Building Design. He commented that it was a professional organization for residential buildings. He commented AIBD was looking at changing the name so it would be less confusing between residential or commercial buildings.

Mr. Schreiber asked why he was not an architect. Mr. Pillsbury replied circumstances and finances. Mr. Bullock commented that he was treading on light water using the word building because it could be residential or commercial it was not clear.

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

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

MOTION: Mr. Gonzalez moved to impose a \$5,000 fine plus \$258.00 cost.

SECOND: Ms. Grigsby seconded the motion.

Mr. Pillsbury commented that the fine seemed strong for a first offense and that he was the only person in his firm and he could not afford a \$5,000 fine. Mr. Manausa commented that the contract regarding this case was for \$3,000.

MOTION: Ms. Membiela moved to reduce the fine to \$2,000 plus costs and allow 6 months to pay.

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

The board clarified that the amount could be paid in 6 equal installments.

Mr. Minacci commented that this Association would be a vehicle to provide laws and rules information too. He advised that he would try to contact them and arrange a public speaking appearance.

### **Hearing on the Recommended Order Unlicensed**

**DBPR vs. Lee Mabire**

Case Number 2002-01021

(PCP: Rodriguez, Wirtz, and Hall)

Ms. Clark commented that there was a dispute of material facts and there was a judgement from an Administrative Law Judge reflecting that there was a violation of the practice act and recommended a \$2,000 fine \$2,111.25 cost. Mr. Minacci confirmed that there were no exceptions filed.

Mr. Minacci presented the case and commented that the respondent was unlicensed. He commented that he contracted to provide, performed and received payment for services. He commented that Mr. Maribe argued that they did not need an architect for projects under \$25,000 based on the exemptions listed in the practice act. He commented that they argued that the building was for public use and won.

Ms. Clark commented that no new information or facts could be considered and that the board must deliberate on the materials provided in the agenda packet.

MOTION: Mr. Gustafson moved to accept the findings of fact and conclusions of law as recommended by the Administrative Law Judge in the recommended order.

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

Mr. Minacci requested the board to adopt the Administrative Law Judge's recommendation.

MOTION: Mr. Gonzalez moved to accept the \$2,000 fine plus the \$2,111.25 costs as recommended by the Administrative Law Judge.

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

**DBPR vs. Jimmy Lee Wallace / Onyx Design, Inc.**

Case Number 2003-061680

(PCP: Rodriguez, Wirtz, and Hall)

Mr. Wallace was not present. Ms. Clark advised the board that Mr. Wallace and his attorney requested a continuance to a meeting in Tallahassee.

Ms. Clark recommended that they continue the case due to the fact that Mr. Wallace was not financially able to appear. She quoted a statute and time limitation requirement. The tape was inaudible. She cautioned the board not to automatically deny the request without giving some courtesy of granting a continuance.

Ms. Membiela asked if the attorney was made aware that the board does not meet in Tallahassee. Mr. Schreiber asked if this was a basis for hardship. Mr. Manausa suggested that they continue until October and the meeting was scheduled for Key West.

The board discussed denying the request for continuance because they have not met in Tallahassee and would not be meeting there anytime soon. Mr. Schreiber stated that the letter requests a continuance to the next meeting in Tallahassee and the board would not be meeting in Tallahassee.

**MOTION:** Ms. Del Bianco moved to accept the respondent's request to continue, subject to Wallace waiver of the 90-day requirement for 30-days, only this continuance would be granted to the next meeting in Key West and no further continuances would be granted.

**SECOND:** Ms. Grigsby seconded the motion, it passed with Ms. Membiela, Mr. Schreiber, Mr. Bullock, and Mr. Gonzalez opposed.

Ms. Chastain was assigned to write a letter with Ms. Clark's help.

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

#### **Unlicensed**

#### **DPBR vs. Terry Lodge / White Heart Designs**

Case Number 2003-083531

(PCP: Rodriguez, Wirtz, and Hall)

No one was present. Ms. Clark advised the board on how to proceed pursuant to Chapter 120.57(2), F.S. Mr. Minacci presented the case and commented that probable cause was found on a 3 count administrative complaint for practicing architecture without a license, using the title architect, and offering architectural services without a certificate of authorization. He commented that the panel recommended a \$15,000 fine plus costs.

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

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

**MOTION:** Mr. Gonzalez moved to accept the panel's recommendation of \$15,000 plus \$342.00 costs.

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

The board requested that Mr. Minacci file a complaint against the contractor.

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

#### **DBPR vs. Ronald Uphoff**

Case Numbers 2003-087552, 2003-081661, 2004-002178

(PCP: Rodriguez, Wirtz, and Hall)

No one was present. Ms. Clark advised the board how to proceed and advised that they must determine if Mr. Uphoff was properly notified or served with the administrative complaint and that he had waived his rights by failure to respond to the administrative complaint. She commented that proof of service was found in the agenda materials. Mr. Minacci commented that Mr. Uphoff was served and referred the board to the return receipt card and he had not responded as of today's date.

**MOTION:** Mr. Gustafson moved to accept that the administrative complaint was served and the respondent had waived his rights to an administrative hearing by not responding within 21 days.

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

Mr. Minacci commented that probable cause was found on 3 cases that were combined together. He commented that the subject signed and sealed a letter a month after a final order suspended his license. He commented that on a final order in 1997 when he was on probation Mr. Uphoff submitted plans that were reviewed and found that the drawings were not prepared to a reasonable standard of practice. He commented that the panel recommended that probable cause be found on a 3 count administrative complaint, violating an order of the board, practicing on a suspended licensed, and negligence of the practice of architecture. He commented that the panel recommendation revocation and payment of outstanding fines and costs and an additional \$3,000 fine. He requested that the board accept the panel's recommendation.

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

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

**MOTION:** Ms. Del Bianco moved to accept the panel's recommendation.

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

Mr. Gonzalez asked if the threshold building inspector's license would be revoked as well. Mr. Minacci replied in the positive.

## **Unlicensed**

### **DBPR vs. Losville Belvett**

Case Number 2003-050618

(PCP: Rodriguez, Wirtz, and Hall)

No one was present. Ms. Clark advised the board how to proceed and advised that they must determine if Mr. Belvett was properly served the administrative complaint. She commented that the materials reflect that he was properly served by publication in the newspaper at his last known address.

MOTION: Mr. Gustafson moved that the administrative complaint was properly served and Mr. Belvett waived his rights to an administrative hearing by not responding within 21 days.

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

Mr. Minacci presented the case and commented that probable cause was found on a 2 count administrative complaint for using the name or title of architecture without a license and practicing architecture without a license. He commented that the probable cause panel's recommendation was a \$10,000 fine plus costs. He requested that the board adopt the panel's recommendation.

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

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

MOTION: Mr. Gonzalez moved to accept panel's recommendation of a \$10,000 fine plus \$216.00 costs.

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

**DBPR vs. Vincent Biscombe**

Case Number 2003-085864

(PCP: Rodriguez, Wirtz, and Hall)

No one was present. Ms. Clark advised the board how to proceed and commented that they must determine if the respondent was properly served and whether he responding within 21 days. She referred the board to proof of service in the agenda packet by hand delivery.

MOTION: Mr. Gustafson moved that the administrative complaint was properly served and Mr. Biscombe waived his rights to an administrative hearing by not responding within 21 days.

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

Mr. Minacci presented the case and commented that probable cause was found on a 2 count administrative complaint for practicing architecture without at license and using the title architect without a license. He commented that the probable cause panel's recommendation was a \$10,000 fine plus cost.

MOTION: Mr. Gonzalez moved to accept the finding of facts and conclusions of law as presented in the administrative complaint.

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

MOTION: Mr. Gonzalez moved to accept the probable cause panel's recommendation of a \$10,000 fine plus \$399.00 costs.

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

Mr. Gonzalez complimented Mr. Minacci on his press releases regarding unlicensed activity and cases.

### **Settlement Stipulation**

#### **DBPR vs. Richard Cortes**

Case Number 2003-077312

(PCP: Rodriguez and Wirtz)

Mr. Cortes was not present. Mr. Minacci presented that case and commented that probable cause was found and a 3 count administrative complaint was filed for fraud, deceit, negligence or misconduct in the practice of architecture, offering to practice services beyond the scope permitted by law, and becoming involved in a conflict of interest by acting as an inspector on a project where he was the contractor.

He commented that the probable cause panel's recommendation was 1-year suspension, 2-year probation, 3,000 fine plus costs. He commented that the settlement stipulation was for 6 months suspension, 4 years probation, \$3,000 fine plus costs.

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

SECOND: Ms. Del Bianco seconded the motion.

Mr. Minacci commented that the suspension was reduced but the non-reporting probation was increased. Mr. Gonzalez commented that he would like a signed statement that says he is not practicing. Ms. Clark advised that they would have to reject the stipulation to make the probation reporting.

The question was called and it passed unanimously.

The meeting recessed at 11:03 a.m.

The meeting reconvened at 11:27 p.m.

#### **DBPR vs. John W. Kemper**

Case Number 2003-043189

(PCP: Rodriguez, Wirtz, and Hall)

Mr. Kemper was not present. Mr. Minacci presented the case and commented that probable cause was found to file a 2 count administrative complaint for negligence and signing drawings that do not accurately indicate all essential parts of the work.

Mr. Minacci commented that the probable cause panel's recommendation was 2-years suspension added to the 2 years previously imposed, five years total probation, a \$2,000 fine plus costs. He commented that the settlement stipulation was for voluntarily relinquishment of the license by Mr. Kemper and he would no longer be able to practice architecture in Florida.

Ms. Clark asked Mr. Minacci if this was allowing him to relinquish his license in lieu of discipline. Mr. Minacci replied that he did not feel that Mr. Kemper would have relinquished his license other than for disciplinary purposes. He commented that this was resolution to the case and would affect his architectural license in other states.

Mr. Bullock commented that he wanted it to be discipline. He asked Mr. Minacci if other states would get the message that he was disciplined. Mr. Minacci replied in the positive. Mr. Minacci replied that this board could bring discipline against him under Chapter 455, F.S. and that the settlement stipulation was entered to dispose of the administrative complaint pending.

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

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

#### **DBPR vs. Robb & Stucky**

Case Number 2004-011827

(PCP: Rodriguez, Wirtz, and Hall)

The respondent submitted a letter to the board requesting a continuance until the next meeting to allow an appearance. Mr. Minacci requested that the board to grant the continuance the case until the October meeting.

MOTION: Mr. Gustafson moved to approve the continuance until the next meeting.

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

#### **Unlicensed**

##### **DBPR vs. Robert Casale**

Case Number 2002-014032

(PCP: Rodriguez, Wirtz, and Hall)

No one was present. Mr. Minacci presented the case and referred the board to a letter submitted by the attorney. He commented that Mr. Casale filed for bankruptcy. He commented that if he is discharged then legally they could not seek or file against him for collecting.

Mr. Minacci commented that even though they could not take action against Mr. Casale there would be a record at the department and he would provide a press release regarding the case.

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

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

Mr. Manausa commented that he was licensed in another state and that state would be notified.

**DBPR vs. Laurence O. Rubel**

Case Number 2003-071894

(PCP: Rodriguez, Wirtz, and Hall)

No one was present. Mr. Minacci presented the case and commented probable cause was found on a 1 count administrative complaint for using the title "architect". He commented that the probable cause panel's recommendation was a \$5,000 fine plus costs. He commented that the settlement stipulation was for a \$3,000 fine plus \$366 costs.

MOTION: Mr. Gustafson moved to accept the settlement stipulation.

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

Mr. Minacci confirmed for Ms. Grigsby that the fine was \$3,000 plus \$366 costs and that the stipulation combined the amount, which was an error.

**Reconsideration of Prior Final Order**

**Licensed**

**DBPR vs. Thomas V. Smith**

Case Number 2003-041210

(PCP: Rodriguez, Wirtz, and Hall)

No one was present. Mr. Minacci presented the case and commented that the respondent was an architect living in California. He commented that Mr. Smith entered into a settlement stipulation, which imposed a \$6,000 fine plus costs, 1-year suspension, 2 years probation with a project list submitted every 6 months. Mr. Smith through his attorney requested that the board consider voluntarily relinquishment of his license in lieu of fines, costs and obligations of previous order.

Ms. Clark referred the board to the order in the agenda packet.

Mr. Manausa commented that the benefit to the public was immediate. The board discussed the possibility of revocation. Ms. Clark commented that the final order that was entered still stood.

MOTION: Mr. Gustafson moved to accept the voluntary relinquishment of Mr. Smith's license.

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



**Discussion**

No additional discussion.

**New Business**

Mr. Johnson requested direction from the board regarding AIA's involvement with the statutory changes. He asked if they would like to see the changes come back to the board first or be circulated before it returns to the board.

Mr. Johnson requested that the board office notify educators pursuant to Chapter 455.2125, F.S., which requires when boards make changes to the education requirements they must involve educators.

Mr. Gonzalez requested that they provide to the associations first then bring to the board. Mr. Manausa commented that AIA had received all of his drafts.

A representative with AIA commented that they could provide input prior to the next meeting. Ms. Clark recommended that they have a meeting to get comments instead of just requesting comments.

**Old Business**

No old business.

**Adjourn**

The meeting was adjourned at 11:57 a.m.