

MINUTES

**Board of Architecture and Interior Design
Hampton Inn & Suites
19 South Second Street
Fernandina Beach, FL 32034
904.491.4911**

**January 29, 2008
9:00 a.m.**

General Business Meeting

Call to Order

Mr. Hall, Chair, called the meeting to order at 9:05 a.m.

Roll Call – identify excused absences

Board Members Present:

Neil Hall, Chair
Rick Gonzalez, Jr.
Rossana Dolan
Eric Kuritzky
Mary Jane Grigsby
Joyce Shore
Garrick Gustafson
Roymi Membiela
Wanda Gozdz

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Juanita Chastain, Executive Director
Terri Estes, Board Staff
Trent Manausa
Emory Johnson
Dwight Chastain
Megan Morris
Kimberly Kalm
Randy Young
Robert Persons
Rita Scholz
James Colson
Louis Jackson

Bob Coward
Michael Bates
Joseph Vislay
Janice Young
Aida Bao-Garciga
Douglas Feldman
Steve Hefner
Bill Kobrynich
Cathie Armstrong
Other interested parties

Court Reporter: Statewide Reporting Service, 233 East Bay Street, Suite 606,
Jacksonville, FL 32202, telephone 904.353.7706

Disciplinary Cases

Consent Agenda

The following cases were approved by consent agenda because the settlement stipulation reflected the Probable Cause Panel's recommendation.

Settlement Stipulation

Licensed

DBPR vs. Joseph Borda and Borda Engineers & Energy Consultants
Case Number 2007-007601
PCP: Rodriguez, Wirtz and Del Bianco

DBPR vs. Alan D. Cohen and Alan David, Inc.
Case Number 2005-012460
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Jose Luis Perdomo
Case Number 2007-031152
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Slattery & Associates Architects & Planners, Inc. and Paul J. Slattery
Case Number 2007-023811
PCP: Rodriguez, Wirtz, and Del Bianco

DBPR vs. Joseph R. Vislay and Vislay Architects Group, Inc.
Case Number 2007-010686
PCP: Rodriguez, Wirtz, and Del Bianco

DBPR vs. Richard Lee Wu
Case Number 2007-011599
PCP: Rodriguez, Wirtz, and Del Bianco

Unlicensed

DBPR vs. Aldon C. Adams and Adams & Adams, Inc.

Case Number 2006-030848

PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Kathryn Carbone and Interior Design South, Inc.

Case Numbers 2007-019834 and 2007-019854

PCP: Rodriguez, Wirtz and Hall

DBPR vs. Betty Cordle and Yacht Décor, Inc.

Case Number 2007-006284

PCP: Rodriguez, Wirtz, and Del Bianco

DBPR vs. Frank J. Holas and Holas and Associates, Inc.

Case Number 2007-030870

PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Louis D. Jackson and Jackson Enterprises

Case Number 2007-027843

PCP: Rodriguez, Wirtz and Hall

DBPR vs. Jorge Rodriguez

Case Number 2007-013096

PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Russell Design Associates, Inc. and Frances M. Russell

Case Number 2006-057655

PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Savoie Architects, P. A. and Matthew C. Savoie

Case Number 2007-040330

PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Workscapes, Inc. and Richard J. Dvorak

Case Number 2007-037639

PCP: Rodriguez, Wirtz, and Hall

Motion: Mr. Kuritzky moved to approve the settlement stipulations as presented.

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

Voluntary Relinquish

DBPR vs. Paul C. Apostolou

Case Number 2005-019615

DBPR vs. Builders Professional Services, inc. and Carl M. Coger
Case Number 2007-010161

DBPR vs. Poetica Architecture Incorporated
Case Number 2006-040601

DBPR vs. Lottie Sims
Case Number 2007-024302

Motion: Mr. Gustafson moved to approve the voluntary relinquishments as presented.
Second: Ms. Membiela seconded the motion and it passed unanimously.

Settlement Stipulation

Unlicensed

DBPR vs. Brian Cote

Case Number 2007-006857

PCP: Rodriguez, Wirtz, and Hall

Mr. Cote was present, sworn in by the court reporter and represented by Robert Persons, Jr. Mr. Hall was recused from the case.

The case was before the board because Mr. Cote was unlicensed and continued to provide design services on a commercial project after a final order was entered. There was disputed evidence that he continued to offer architectural services. Probable cause was found and a three count administrative complaint was filed for practicing architecture without a license, using the title architect without a license, and offering architectural services through a business entity without a certificate of authorization.

The panel recommended a \$15,000 fine plus costs and the settlement stipulation reflects a \$10,000 fine plus costs. Mr. Minacci commented that the fine was reduced because the respondent was required to appear before the board.

Mr. Persons commented that Mr. Cote offered architectural services with the direction of a licensed architect but not within the guidelines of the rule. He commented that Mr. Cote has renamed his business, fixed his signage and notified his customers that he was not an architect. He commented that the project in question was a commercial project but a licensed architect supervised the project. He commented that contract was in violation of the rule. He commented that there was a mix up with his revised stationery and the old stationery was sent to the commercial project client. He commented that it was an oversight and requested leniency.

Mr. Gonzalez asked about his business card that reflected AIA. Mr. Cote is a licensed architect but not in Florida because he does not meet the educational requirements.

Motion: Mr. Gustafson moved to approve the settlement stipulation as presented.
Second: Ms. Shore seconded the motion and it passed unanimously.

DBPR vs. Morris & Kalm, Inc. and Megan Morris

Case Number 2007-008794

PCP: Rodriguez, Wirtz and Del Bianco

Ms. Morris and Ms. Kalm were present and sworn in by the court reporter. The case was before the board because the respondents were not licensed and offered interior design services on invoices, web site, and through a business not licensed. This is a second offense. Probable cause was found to file a three count administrative complaint for practicing interior design without a license, using the title interior design without a license, and offering services through a business entity without a certificate of authorization.

The panel recommended a \$15,000 fine plus costs and the settlement stipulation reflects a \$2,500 fine plus costs. Mr. Minacci commented that this was a second offense they corrected all of the violations but inadvertently left the word "interior design" on their invoice. He commented that the project was residential and the contract did not offer interior design services. He commented that he met with the respondents and they agreed to comply.

Mr. Minacci commented that their practice was all residential. Ms. Grigsby advised Ms. Morris that she could not use the appellation ASID but could use Allied ASID.

Mr. Hall asked why the fine was \$2,500. Mr. Minacci replied that the maximum was recommended but felt that the respondents tried to comply, he met with them, and felt that this was an honest mistake. He commented that they understand the severity of the using the title and felt the board would not see them again.

Motion: Mr. Kuritzky moved to approve the settlement stipulation as presented.

Ms. Membiela asked about the previous case. Mr. Minacci reported that the previous case was an order to cease and desist with a signed affidavit and no fine was imposed.

Ms. Kalm commented that they are stagers for real estate and new homes. She commented that office manager used the old invoice in error. She commented that it truly a mistake and they were doing everything they could to remove any reference to interior design.

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

Motion for Order Waiving Formal Hearing

Unlicensed

DBPR vs. Bob Coward and CADS, Inc.

Case Number 2007-012855

PCP: Rodriguez, Wirtz, and Hall

Mr. Coward was present and sworn in by the court reporter. Mr. Hall was recused from the case. Mr. Minacci presented the case and commented that Mr. Coward was unlicensed.

He commented that the subject presented in an e-mail that he designed a residential club house and restaurant in Florida. The subject offered architectural services through a business without a certificate of authorization.

Probable cause was found to file a two count administrative complaint for practicing architecture without a license and offering services through a business without a certificate of authorization. Mr. Minacci commented that service of the administrative complaint was attempted by hand delivery to the last known address on March 23, 2007 as reflected in the agenda. A notice of action was published in the Gwinnett Daily Post and a response was due by August 30, 2007. As of today the respondent has not replied.

The panel recommended a \$10,000 fine plus costs.

Mr. Coward commented that during the time of Hurricane Andrew he was a director of technical services for a firm in Georgia that engineered, designed, and manufactured light gauge steel structures. He commented that a request from the public was made for a set of drawings for county review as well as an outline of the process. He commented in an e-mail he outlined the process and at that time he was working in a county in Georgia that did not have construction permitting. He commented that he outlined what an individual could or could not do. He commented then he received a letter from Mr. Minacci where someone took his e-mail and used a text editor and edited the e-mail to include information that he did not write.

Mr. Coward commented that he does not practice as an architect or architectural designer. He commented that he has built structures mostly residential. He commented that when he saw the persons name that filed the complaint he realized that it was a person he had excluded from business ventures.

Mr. Coward commented that he provides construction services and software engineering services. He commented that Michael Lowe was identified as the licensed architect for a structure being built in Florida. He commented he worked with Mr. Lowe on structures in Georgia. He commented that he had an agreement with Mr. Lowe to design the interior trim, sheet rock, and the interior and exterior paint. He commented that all of his work was prepared by CAD drawings. Mr. Lowe asked Mr. Coward to provide drafting services for a project in Florida.

Mr. Coward commented that he worked with Mr. Lowe and invoiced him through Computer Aided Design Solutions (CADS) providing AutoCAD project set up which included drafting structure exterior boundaries, drafting structure interior wall separations, project review with the architect, drafting exterior and interior detail dimensions, check print red line and edit, and e-mail electronic files to client. He commented that another project with Mr. Lowe was for a restaurant to review original construction documents, AutoCAD structure set up, draft structure, interior boundaries, and check dimensions.

Mr. Coward commented that he had to communicate with city and county officials. He commented that he received the original structural plans from 1976. He commented that

the interpretation of this work was the only work he did on his own which was to set the boundary of the facility and have Mr. Lowe confirm the boundary. He commented that Mr. Lowe supplied and prepared the original concept of the project with his own drawings. He commented Mr. Lowe made changes etcetera.

Mr. Coward commented that he did not violate Florida's law by using the words architect or using it within the services he provides. He commented that there was no basis for the case against him.

Ms. Clark asked Mr. Coward why he failed to respond to the administrative complaint. Mr. Coward replied that his attorney replied and tracked the response. He commented that his attorney was going to testify for any additional hearings. Mr. Minacci asked Mr. Coward for his attorney's name. Mr. Coward replied Mr. Cramer.

Mr. Coward commented that he would take this case to the Georgia Federal Courts. Mr. Minacci commented that Mr. Coward did not reply to the administrative complaint and he admitted to the allegations. Mr. Minacci requested that the board move forward with the case.

Ms. Clark asked Mr. Coward if he disputed the facts alleged in the administrative complaint. Mr. Coward replied in the positive and he commented that he answered through his attorney that he wanted a hearing. Mr. Minacci asked if he had a copy of that response. Mr. Coward replied in the negative.

Mr. Minacci asked Mr. Coward if he described his plans as architectural plans or offer architectural services in an e-mail. Mr. Coward replied in the negative. Mr. Coward commented that an individual took the electronic file that they received and added text to what he wrote.

Mr. Minacci asked Mr. Coward why he did not respond to the original complaint and the investigation. Mr. Coward replied that he did through his attorney. Ms. Clark commented that based on Mr. Coward's testimony that he believes he responded through his attorney disputing the matter and the board had a claim of equitable tolling. She advised the board that to conclude the matter that Mr. Minacci withdraw the case to resolve whether or not he waived his rights.

Ms. Clark asked Mr. Coward to provide his attorney's information to Mr. Minacci. Mr. Coward commented that Jim Cramer was his attorney but he was only licensed to practice in Georgia. He commented that the matter would be handled in Georgia courts. Ms. Clark advised that this was a Florida case and it would not be filed in Georgia.

Mr. Manausa asked Mr. Coward what address his response was mailed. Mr. Coward commented that his attorney replied to the address included in the document received and the response was sent certified mail. Mr. Manausa asked if he could provide a copy and Mr. Coward replied that he would provide any documents requested. Mr. Coward commented that he appeared before the board to advise them that Michael Lowe was the

architect and drafting services were supplied. He commented that he did not violate the laws of Florida.

Ms. Clark commented that he did not respond to the case and the board was going to give him an opportunity to prove that he did respond through his attorney.

Mr. Kuritzky commented that the board did nothing to Mr. Coward and they deserve respect.

Motion: Ms. Membiela moved the board withdraw the case from the agenda.

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

Mr. Kuritzky requested that Mr. Minacci notify the Georgia Board of Architects of Mr. Coward's case.

Settlement Stipulation

Unlicensed

DBPR vs. David Randell Young and Architectural Drawings, Ltd. Co

Case Number 2006-047619

PCP: Rodriguez, Wirtz, and Hall

Mr. Young was present and sworn in by the court reporter. Mr. Hall was recused from the case. The case was before the board for a contract to offer architectural services for condominiums. Probable cause was found to file a three count administrative complaint for practicing architecture without a license, using the title architect without a license, and offering architectural service through a business entity without a certificate of authorization.

The panel recommended a \$15,000 fine plus costs. Mr. Minacci commented that the fine was reduced to \$2,500 plus costs because it was a first offense and the project was non structural remodel. He commented that he met with Mr. Young regarding the laws and Mr. Young agreed to comply. He commented that Mr. Young was sincere and as a condition agreed to appear before the board.

Mr. Young commented that he was a draftsman and was not aware the he could not use the description architectural to describe his drafting services. He commented that he named his business Architectural Drawings to offer residential plans. He commented that he changed the business name. He commented that a contractor approached him about ten condominiums that were in progress by the owner. There were no drawings of the project and the contractor requested that he draw what was in progress. He worked with a licensed engineer. He commented that he was paid \$100 per condo. The drawings were submitted to the county and a flag went up.

Mr. Young commented that understood the process now of how contracts and supervision worked. He commented that he agreed to the \$2,500 fine but compared to what the project was and what he was paid was high. The new company name was Designs and Permit Drawings. Mr. Kuritzky requested that he update his e-mail address archdwg and asked Mr. Minacci if that would be a violation. Mr. Minacci replied that it was not an issue.

Mr. Young commented that he specifically tells people that he is not an architect.

Ms. Grigsby asked Mr. Young if the project was in progress and he was asked to draw the plans after the fact for permits. Mr. Young replied that there were permits issued but changes were made to the inside and they needed drawings for the inside revisions.

Motion: Mr. Gonzalez moved to approve the settlement stipulation as presented.
Second: Mr. Gustafson seconded the motion.

Ms. Grigsby offered an amendment to the motion to impose a \$1,500 fine plus costs. The motion failed. The settlement stipulation was amended and signed at the meeting to impose a \$1,500 fine plus costs.

Motion: Mr. Gonzalez moved to accept the amended settlement stipulation as presented of a \$1,500 fine plus costs.
Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Ms. Gozdz was out of the room and did not participate in the vote.

DBPR vs. Louis D. Jackson and Jackson Enterprises
Case Number 2007-027843
PCP: Rodriguez, Wirtz and Hall

Mr. Minacci requested that the board reconsider a case that was on the consent agenda. Mr. Jackson was present and sworn in by the court reporter. Mr. Hall was recused from the case. The case was before the board based on Mr. Jackson offering architectural services for a church.

Probable cause was found to file a three count administrative practicing architecture without a license, using the title architect without a license, and offering services through a business entity without a certificate of authorization. The panel recommended a \$15,000 fine plus costs and the settlement stipulation reflects a \$15,000 fine plus costs. The case was approved on the consent agenda but he would like the board to reconsider the fine amount.

Mr. Jackson commented that he was a contractor and was not aware that what he was doing was against the laws of Florida. He commented that he was not an architect but a draftsman. He commented that he graduated in 1970 from the University of Tampa with a degree in architectural design. He commented that he works with two engineers that reviewed his work.

Mr. Jackson commented that he signed the settlement stipulation based on cover the letter so he was requesting the board to reduce the fine. He commented that he did not mean to mislead the public.

Motion: Ms. Membiela moved that the board reconsider the case.

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

Ms. Clark commented that Mr. Jackson's testimony was he did not understand the settlement stipulation agreement. Mr. Jackson commented that he did not dispute the facts but disputed the fine. Ms. Clark advised the board that the board could proceed with a hearing not involving disputed facts.

Mr. Kuritzky asked if he understood that he needed to change his business card. Mr. Jackson replied that he no longer has business cards. Mr. Minacci asked Mr. Jackson if he understood that he could not enter into contracts to offer design services for anything other than residential. Mr. Jackson replied in the positive.

Motion: Mr. Gustafson moved the board accept the findings of fact and conclusion of law as set forth in the administrative complaint.

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

Motion: Ms. Membiela moved the board impose a \$2,500 fine plus costs.

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

Mr. Minacci offered to work with Mr. Jackson on a payment plan.

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

Unlicensed

DBPR vs. Michael G. Bates and Michael G. Bates, Inc.

Case Number 2007-010444

PCP: Rodriguez, Wirtz, and Hall

Mr. Bates (unlicensed) and Mr. Vislay (licensed) were present and sworn in by the court reporter. Mr. Hall was recused from the case. The case was before the board based on a contract Mr. Bates entered into a contract to provide architectural services for a commercial project and offered those services through a business without a license. Probable cause was found to file a three count administrative complaint for practicing architecture without a license, using the title architect without a license, and offering architecture services through a business entity without a license.

On August 9, 2007, Mr. Bates filed an election of rights form stating that he did not dispute the facts in the administrative complaint. The panel recommended a \$15,000 fine plus costs. Mr. Bates commented that he was a licensed building contractor and a draftsman. He commented that he and Mr. Vislay worked in the same office for 20 years. He commented that he was contacted by a friend inquiring for another person about architectural drawings for a structure that had hurricane damage. He commented that he went to the site and took pictures because Mr. Vislay was out of town.

Mr. Bates commented that he prepared a proposal not knowing that design and planning services was considered offering architectural services. He commented that they provided

the gentleman a set of construction documents and they never heard from him again. He commented that the gentleman had someone else utilize and change the drawings for permitting. Mr. Bates commented that he had a contract with the client for construction services and it upset him so he filed a lien against the client.

Mr. Bates commented that he told the gentleman that he was not an architect but a contractor. He commented that Mr. Vislay was the in house architect and he did not realize by saying he had an in house architect that he was offering services. He commented that he just did not realize how the contracts and advertisements should have been worded but understands now. Mr. Bates commented that he never does commercial work.

Mr. Bates commented that he and Mr. Vislay worked together for 20 years in the same office. Mr. Vislay commented that he uses Mr. Bates for drafting. Mr. Minacci commented that if they incorporated there would not have been a problem.

Mr. Gonzalez commented that the complainant said the plans were poor quality. Mr. Bates commented that the only short coming was roof drainage and the client did not agree with his recommendation.

Mr. Minacci commented that this was not the typical unlicensed case.

Motion: Mr. Gustafson moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Mr. Gonzalez moved that the board impose a \$3,000 fine plus costs.

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

Mr. Minacci commented that he would work with Mr. Bates on payment.

Motion for Order Waiving Formal Hearing

Licensed

DBPR vs. David Lawrence Berton

Case Number 2005-015519

PCP: Rodriguez, Wirtz, and Hall

Mr. Berton was not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board based on citation for failure to take the Florida Building Code core course. A one count administrative complaint was filed for failing to perform a statutory obligation. Service was attempted by hand delivery to the respondents last known address on November 7, 2006. Service was achieved by publication with a response due November 29, 2007 and as of today there has been no response.

The panel's recommendation was a \$500 fine, complete the required course and the license shall be suspended until compliance.

Motion: Mr. Gonzalez moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Motion: Mr. Gustafson moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Ms. Membiela moved that the board impose a \$500 fine plus costs, complete the required course and the license be suspended until compliance.

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

DBPR vs. Kenneth Buyyounouski

Case Number 2006-065864

PCP: Rodriguez, Wirtz, and Hall

Mr. Buyyounouski was not present or represented by counsel. Mr. Minacci requested that the case be withdrawn from the agenda because he has complied.

Motion: Mr. Gonzalez moved that the board withdraw the case from the agenda.

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

DBPR vs. Jamie Colmenares

Case Number 2007-022009

PCP: Rodriguez, Wirtz, and Del Bianco

The respondent was not present or represented by counsel. The case was before the board based on the licensed respondent acting as a consultant to a firm offering architectural services without a full time architect. The respondent failed to respond to the investigation regarding his involvement. A one count administrative complaint was filed for aiding and abetting unlicensed activity. Hand delivery of the administrative complaint was achieved on October 17, 2007 and the respondent has failed to respond to the administrative complaint.

The panel recommended a \$1,000 fine plus costs, a reprimand, and two years probation.

Motion: Ms. Grigsby moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto.

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

Motion: Mr. Kuritzky moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Mr. Kuritzky moved that the board impose a \$1,000 fine plus costs, a reprimand, and two years reporting probation.

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

DBPR vs. Christian H. Crookless

Case Number 2005-065592

PCP: Rodriguez, Wirtz, and Hall

The respondent was not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board based on the respondent being audited for continuing education and the respondent failed to provide evidence of completing continuing education. A one count administrative complaint was filed for failure to perform a statutory obligation. Service was attempted June 17, 2006 by hand delivery but achieved by publication with a response due on October 8, 2007. As of today the respondent failed to respond to the administrative complaint.

The panel recommended a \$1,000 fine, complete 40 hours of continuing education, and suspension of the license until compliance.

Motion: Mr. Gustafson moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto.

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

Motion: Mr. Gustafson moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Mr. Gustafson moved that the board impose a \$1,000 fine, complete 40 hours of continuing education, and suspension of the license until compliance.

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

DBPR vs. Design Limited

Case Number 2007-024787

PCP: Rodriguez, Wirtz, and Del Bianco

The respondent was not present or represented by counsel. The case was before the board based on the respondent holding a certificate of authorization however they no longer employ a licensed architect. A one count administrative complaint was filed for practicing architectural services through a business entity without a licensed architect qualifying the business. Service was achieved by hand delivery November 6, 2007 and the respondent has failed to respond.

The panel recommended revocation of the license and impose the costs.

Motion: Mr. Kuritzky moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto.

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

Motion: Mr. Kuritzky moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Mr. Kuritzky moved that the board revoke the license and impose the costs.

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

Ms. Dolan commented that this was a second offense.

DBPR vs. Deborah Keena

Case Number 2005-015602

PCP: Rodriguez, Wirtz, and Hall

Ms. Keena was not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board based on the respondent failing to take the Florida Building Code core course. A one count administrative complaint was filed for failure to perform a statutory obligation. Service of the administrative complaint was attempted by hand delivery but was achieved by publication with a response due by June 29, 2007. The respondent has failed to respond to the administrative complaint.

The panel recommended a \$500 fine, complete the Florida Building Code core course, and suspension of the license until compliance.

The board discussed the publication being in Michigan since her address of record was Florida. Mr. Minacci commented that it was her responsibility to have a valid address of record with the department.

Motion: Mr. Kuritzky moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto.

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

Motion: Mr. Gustafson moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Motion: Mr. Kuritzky moved that the board impose a \$500 fine plus costs, complete the required course and suspension of the license until compliance.

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

DBPR vs. Sondra H. Schiffman

Case Number 2007-006144

PCP: Rodriguez, Wirtz, and Hall

Ms. Schiffman was not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board based on the respondent failing to pay a \$500 fine pursuant to a final order entered September 6, 2006. A one count administrative complaint

was filed for violating a lawful order of the board. Service was achieved by hand delivery to respondents last known address on July 23, 2007. The respondent has failed to respond.

The panel recommended revocation of the license. Mr. Gustafson commented that there was correspondence indicating that she no longer practiced. Ms. Clark commented that it appeared that they did not understand that failing to renew was not the same as relinquishing the license.

Motion: Mr. Kuritzky moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto.

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

Motion: Mr. Kuritzky moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Mr. Kuritzky moved that the board revoke the license.

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

Unlicensed

DBPR vs. Kimberlee Sue Bates and Kimberlee Bates Interior Designs

Case Number 2007-025316

PCP: Rodriguez, Wirtz, and Hall

The respondents were not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board based the respondent holding herself out as an interior designer without a license. A one count administrative complaint was filed and service was achieved by hand delivery. The respondent has failed to respond to the administrative complaint.

The panel recommended a \$5,000 fine plus costs.

Motion: Ms. Membiela moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Motion: Ms. Membiela moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Ms. Membiela moved that the board impose a \$5,000 fine plus costs.

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

DBPR vs. Coastal Florida Interior Design and Anne M. Juliano

Case Number 2007-042314

PCP: Rodriguez, Wirtz, and Del Bianco

The respondents were not present or represented by counsel. Mr. Minacci requested that the case be withdrawn from the agenda.

Motion: Mr. Hall moved that the case be withdrawn from the agenda.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

DBPR vs. Creative Spaces Interior Design, Inc. and Robert M. Weber
Case Number 2006-056265

PCP: Rodriguez, Wirtz, and Hall

The respondents were not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board based on the subject offering interior design services on a web site. A three count administrative complaint for practicing interior design without a license, using the title interior designer without a license, and offering interior design services through a business entity without a license. Service was achieved by hand delivery on July 16, 2007 and the respondent has failed to respond to the administrative complaint.

The panel recommended a \$15,000 fine plus costs.

Motion: Mr. Gonzalez moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Motion: Ms. Grigsby moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Ms. Shore moved that the board impose a \$15,000 fine plus costs.

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

DBPR vs. Shelly Riehl David and Riehl Designs, Inc.

Case Number 2007-024203

PCP: Rodriguez, Wirtz, and Hall

The respondent was not present or represented by counsel. Mr. Hall was recused from the case. Mr. Minacci provided a hand out regarding the case. The respondent offered interior design services in an advertisement without a license. The respondent replied to the complaint but did not state that the advertisement would be changed. The respondent did not respond to the original investigation. A three count administrative complaint was filed for practicing interior design without a license, using the title interior design without a license, and offering interior design services through a business entity without a certificate of authorization. Service was achieved by hand delivery on November 1, 2007 and the respondent has failed to respond to the administrative complaint.

The panel recommended a \$15,000 fine plus costs. Ms. Clark commented that the hand out which was an e-mail was a request from the respondent for a continuance to the next meeting.

Mr. Minacci commented that he did not have sympathy regarding the continuance. He commented that he explained to her attorney the requirements and he has not heard from them until the day before he left for the meeting.

Motion: Mr. Gustafson moved to grant the continuance of the case to the next meeting.
Second: Ms. Membiela seconded the motion and it passed unanimously.

DBPR vs. Design Limited of Sarasota, Inc. and Bob Fowler
Case Number 2007-022003

PCP: Rodriguez, Wirtz, and Del Bianco

The respondent was not present or represented by counsel. The case was before the board based on the respondent being licensed in the fictitious name but does not have a current qualifier and the corporation does not have a certificate of authorization. They were offering architectural services. A three count administrative complaint was filed for practicing architecture without a license, using the title architect without a license, and practicing through a business entity without a certificate of authorization. Service was achieved by hand delivery on October 16, 2007 and the respondent has failed to respond to the administrative complaint.

The panel recommended a \$5,000 fine plus cost. Mr. Minacci commented that the panel was hoping the business would voluntarily relinquish license based on the licensed case.

Motion: Mr. Gonzalez moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Motion: Mr. Gonzalez moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Motion: Ms. Membiela moved that the board impose a \$5,000 fine plus costs.

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

DBPR vs. Carlos Fernandez and T Matrix Group, Inc.
Case Number 2006-036025

PCP: Rodriguez, Wirtz, and Hall

Mr. Fernandez was not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board for contracting to offer architectural services for a residential project using his brother's license information without his brother's knowledge. A two count administrative complaint was filed for practicing architecture without a license and using the title architect without a license. Service was attempted by hand delivery but

achieved by publication with a response due by October 19, 2007. The respondent has failed to respond.

The panel recommended a \$10,000 fine plus costs.

Motion: Ms. Membiela moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto.

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

Motion: Ms. Membiela moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Mr. Gonzalez moved that the board impose a \$10,000 fine plus costs.

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

Mr. Gonzalez requested that Mr. Minacci issue a Spanish press release about the case.

DBPR vs. Michael A. McEachron

Case Number 2007-009087

PCP: Rodriguez, Wirtz, and Del Bianco

Mr. McEachron was not present or represented by counsel. The case was before board based on the respondent contracting to provide signed and sealed residential plans. A one count administrative complaint was filed for practicing architecture without a license. Service of the administrative complaint was achieved by hand delivery on September 22, 2007 and the respondent has failed to respond.

The panel recommended a \$5,000 fine plus costs.

Motion: Mr. Kurtizky moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto.

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

Motion: Mr. Kuritzky moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Mr. Kuritzky moved that the board impose a \$5,000 fine plus costs.

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

DBPR vs. Howard Haire

Case Number 2006-008341

PCP: Rodriguez, Wirtz, and Hall

Mr. Haire was not present or represented by counsel. Mr. Hall was recused from the case. The respondent contracted to provide interior design services for a residence. A three count administrative complaint was filed for practicing interior design without a license, using the title interior design without a license, and offering interior design services through a business entity without a certificate of authorization. Service of the administrative complaint was attempted by hand delivery on March 21, 2007 but achieved by publication with a response due December 14, 2007. As of today the respondent has failed to respond to the administrative complaint.

The panel recommended a \$15,000 fine plus costs.

Motion: Ms. Membiela moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Motion: Mr. Kuritzky moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Ms. Dolan moved that the board impose a \$15,000 fine plus costs.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Mr. Gonzalez requested that Mr. Minacci forward the case to the Construction Industry Licensing Board.

DBPR vs. Ceasar Magnorsky and MM&T Construction, Inc.

Case Number 2006-032292

PCP: Rodriguez, Wirtz, and Hall

The respondent was not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board based on a contract to provide architectural services on a commercial project. A three count administrative complaint was filed for practicing architecture without a license, using the title architect without a licensed, and offering architectural services through a business entity without a certificate of authorization. Service of the administrative complaint was attempted by hand delivery but achieved by publication with a response due by November 19, 2007. As of today the respondent has failed to respond to the administrative complaint.

The panel recommended a \$15,000 fine plus costs.

Motion: Ms. Membiela moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto.

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

Motion: Mr. Kuritzky moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Mr. Kuritzky moved that the board impose a \$15,000 fine plus costs.

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

Ms. Dolan was out of the room and did not participate in the vote.

Mery's Interior Design, Inc. and Amparo D. Garcia

Case Number 2005-046317

PCP: Rodriguez, Wirtz, and Hall

The respondent was not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board based on offering services without a license. A three count administrative complaint was filed for practicing interior design without a license, using the title interior design without a license, and offering interior design services through a business entity without a certificate of authorization. Service of the administrative complaint was attempted by hand delivery but achieved by publication and a response was due October 19, 2007. As of today the respondent failed to respond to the administrative complaint.

The panel recommended a \$15,000 fine plus costs.

Motion: Mr. Gonzalez moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Motion: Mr. Kuritzky moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Mr. Kuritzky moved that the board impose a \$15,000 fine plus costs.

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

DBPR vs. Angel Moreno

Case Number 2006-054165

PCP: Rodriguez, Wirtz, and Hall

Mr. Moreno was not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board based on the respondent contracting to provide architectural services. A two count administrative complaint was filed for practicing architecture without a license and using the title architect without a license. Service of the administrative complaint was attempted by hand delivery but achieved by publication with a response due by December 7, 2007. As of today the respondent failed to respond to the administrative complaint.

The panel recommended a \$10,000 fine plus costs.

Motion: Ms. Membiela moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Motion: Ms. Membiela moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Ms. Membiela moved that the board impose a \$10,000 fine plus costs.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Ms. Membiela commented that she had a concern with the unlicensed individuals not responding to a government agency and they continue to practice. Mr. Kuritzky asked if there was a way to revoke or penalize the corporate registration. Mr. Minacci replied in the negative. Mr. Minacci commented that the greatest impact is the internet through Google.

DBPR vs. Earl G. Nelson

Case Number 2007-009089

PCP: Rodriguez, Wirtz, and Del Bianco

Mr. Nelson was not present or represented by counsel. The case was before the board based on the respondent being licensed which went delinquent in 1993 and then null and void in 1995 then offered architectural services. A three count administrative complaint was filed for practicing architecture without a license, using the title architect without a license, and attempting to use a license while in a null and void status. Service of the administrative complaint was achieved by hand delivery on September 26, 2007. The respondent has failed to respond to the administrative complaint.

The panel recommended a \$15,000 fine plus costs.

Motion: Ms. Membiela moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto.

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

Motion: Ms. Membiela moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

Second: Ms. Dolan seconded the motion and it passed unanimously.

Motion: Ms. Membiela moved that the board impose a \$15,000 fine plus costs.

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

Ms. Clark commented that he was previously licensed and continued to practice and Mr. Minacci may want to refer to the States' Attorney Office for criminal action.

DBPR vs. Phillip R.K. Nixon
Case Number 2005-059302
PCP: Rodriguez, Wirtz, and Hall

Mr. Nixon was not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board based on holding himself out as an architect. A two count administrative complaint was filed for practicing architecture without a license and using the title architect without a license. Service of the administrative complaint was attempted by hand delivery but achieved by publication with a response due by November 16, 2007. The respondent has failed to respond to the administrative complaint.

The panel recommended a \$10,000 fine plus costs.

Motion: Ms. Membiela moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto.

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

Motion: Ms. Membiela moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

Second: Ms. Dolan seconded the motion and it passed unanimously.

Motion: Ms. Membiela moved that the board impose a \$10,000 fine plus costs.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

The board recessed for lunch at noon.

The board reconvened at 1:05 p.m.

DBPR vs. Anthony M. Reale and New York Design, LLC
Case Number 2007-014395
PCP: Rodriguez, Wirtz, and Del Bianco

Mr. Reale was not present or represented by counsel. The case was before the board for plans prepared for a commercial project offering architectural service through a business entity not licensed. A three count administrative complaint was filed for practicing architecture without a license, using the title architect without a license, and offering architectural services through a business entity without a certificate of authorization. Service of the administrative complaint was achieved by hand delivery on October 30, 2007 and the respondent has failed to respond.

The panel recommended a \$15,000 fine plus costs.

Motion: Ms. Membiela moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Motion: Ms. Membiela moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Ms. Membiela moved that the board impose a \$15,000 fine plus costs.

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

Ms. Gozdz was not in the room to participate in the vote.

DBPR vs. Mark Robinson and Mark Robinson Design, LLC

Case Number 2007-033855

PCP: Rodriguez, Wirtz, and Hall

Mr. Robinson was not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board based on a contract offering architectural services for a residential project. A two count administrative complaint was filed for practicing architecture without a license and offering architectural services through a business entity without a certificate of authorization. Service of the administrative complaint was achieved by hand deliver on December 5, 2007 and the respondent has failed to respond.

The panel recommended a \$10,000 fine plus costs.

Motion: Mr. Gustafson moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto.

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

Motion: Ms. Grigsby moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Ms. Membiela moved that the board impose a \$10,000 fine plus costs.

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

Ms. Gozdz was not in the room to participate in the vote.

DBPR vs. Walter G. Toet and Construction Associated Services, Inc.

Case Number 2005-006537

PCP: Rodriguez, Wirtz, and Hall

Mr. Toet was not present or represented by counsel. Mr. Hall is recused from the case. The case was before the board based on an advertisement in the yellow pages offering architectural services and offered the services through a business entity. A three count administrative complaint was filed for practicing architecture without a license, using the architect without a license, and offering architectural services through a business without a certificate of authorization. Service of the administrative complaint was attempted by hand delivery but achieved by publication with a response due by November 30, 2007 and the respondent has failed to respond.

The panel recommended a \$15,000 fine plus costs.

Motion: Ms. Membiela moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto.

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

Motion: Ms. Membiela moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Motion: Ms. Membiela moved that the board impose a \$15,000 fine plus costs.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Ms. Gozdz was not in the room to participate in the vote.

DBPR vs. Tropiland Developers, Inc. and Nerie A. Pagan

Case Number 2006-069249

PCP: Rodriguez, Wirtz, and Hall

The respondent was not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board based on a contract to provide architectural services through a business entity. A three count administrative complaint was filed for practicing architecture without a license, using the title architect without a license, and offering architectural services through a business entity without a certificate of authorization. Service was achieved by hand delivery on August 7, 2007 and the respondent has failed to respond.

The panel recommended a \$15,000 fine plus costs.

Motion: Ms. Membiela moved that the board find that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto.

Second: Ms. Dolan seconded the motion and it passed unanimously.

Motion: Ms. Membiela moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

Second: Ms. Dolan seconded the motion and it passed unanimously.

Motion: Ms. Membiela moved that the board impose a \$15,000 fine plus costs.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

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

Unlicensed

DBPR vs. Oscar Darias and Architectural Design & Planning
Case Number 2007-004336

PCP: Rodriguez, Wirtz, and Del Bianco

Mr. Darias was not present or represented by counsel. The case was before the based on a contract to offer architectural services for a residential project through a business entity. A three count administrative complaint was filed for practicing architecture without a license, using the title architect without a license, and offering architectural services through a business entity without a certificate of authorization. An election of rights form was filed on October 2, 2007 where the respondent did not dispute the facts alleged in the administrative complaint.

The panel recommended a \$15,000 fine plus costs.

Mr. Minacci commented that the respondent responded but did not offer any mitigating facts or explanation. Ms. Gozdz asked if the respondent realized the amount of fine. Mr. Minacci replied that they know that amount that the panel recommended. Ms. Clark commented that there was not a letter explaining that the Probable Cause Panel reviewed the case and recommended the maximum penalty. Ms. Gozdz asked if there was a way to make the information clear to avoid the situation with the case earlier today. Mr. Minacci advised that Mr. Darias was noticed of the meeting today. Ms. Gozdz commented that she thinks that a lay person may not understand what they are reading or signing and then they question the fine later.

Mr. Manausa commented that Mr. Darias provided no mitigating information and the only leverage to stop unlicensed activity was the imposition of a fine. He commented that Mr. Darias had an opportunity to appear before the board today. Mr. Hall requested the board to review the materials and consider the response before imposing the fine.

Motion: Ms. Grigsby moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Ms. Shore moved that the board impose a \$15,000 fine plus costs.

Second: Mr. Kuritzky seconded the motion with Ms. Grigsby, Mr. Gustafson, Ms. Dolan, Ms. Gozdz, and Mr. Hall opposed, and the motion failed.

Mr. Gustafson commented that the maximum fine was too much. Ms. Clark commented that Mr. Darias responded and the panel recommends the maximum penalty for unlicensed case. She requested that the board use their discretion, review the case, and recommend a penalty based on the facts in the agenda.

Motion: Mr. Gustafson moved that the board impose a \$6,000 fine (\$2,000 per count) plus costs.

Second: Ms. Dolan seconded the motion.

Mr. Gustafson commented that he did not ignore the board and he is elderly.

The question was called it passed with Mr. Gonzalez opposed.

Settlement Stipulation

Licensed

DBPR vs. Scholten Design, Inc. and Thomas M. Scholten

Case Number 2007-012351

PCP: Rodriguez, Wirtz, and Del Bianco

The respondent was not present or represented by counsel. The case was before the board based on the business no longer employed a licensed interior designer. A three count administrative complaint was filed for practicing interior design without a qualifier, failing to notify the department that they no longer had a qualifier, and renewing a certificate of authorization by fraud of misrepresentation.

The panel recommended revocation of the license and \$10,000 fine plus costs. The settlement stipulation reflects revocation of the license and a \$2,000 fine plus costs. The fine was reduced based on the business relinquishing the license and they operated for only three months without a qualifier.

Motion: Ms. Grigsby moved that the board adopt the settlement stipulation as presented.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

DBPR vs. Synergy, LLC

Case Number 2007-007026

PCP: Rodriguez, Wirtz, and Hall

The respondent was not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board based on the respondent had a delinquent certificate of authorization and they no longer employed an architect but continued to practice architecture. A two count administrative complaint was filed for practicing architecture through a business without a licensed architect to qualify the business and attempting to use a license in delinquent status.

The panel recommended a \$10,000 fine plus costs. The settlement stipulation reflected a \$5,000 fine plus costs. The fine was reduced based on Mr. Minacci meeting with the respondent reviewing the laws and rules, agreed to comply, and the respondent was working with a licensed architect on the project related to the case.

Motion: Mr. Kuritzky moved that the board adopt the settlement stipulation as presented.

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

Unlicensed

DBPR vs. Thomas E. Audit

Case Number 2007-038321

PCP: Rodriguez, Wirtz, and Hall

Mr. Audit was not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board based on a draftsman drawing plans that were signed and sealed by the respondent who is licensed as an engineer. The plans represent the draftsman as an architect. A one count administrative complaint was filed for assisting the unlicensed practice of architecture.

The panel recommended a \$5,000 fine plus costs. The settlement stipulation reflected a \$2,400 fine plus costs. The fine was reduced because it was a first time offense and the respondent agreed to comply.

Motion: Mr. Kuritzky moved that the board adopt the settlement stipulation as presented.
Second: Mr. Gustafson seconded the motion and it passed unanimously.

DBPR vs. Steve Bass and Alliance Corporate Services

Case Number 2005-046933

PCP: Rodriguez, Wirtz and Hall

The respondent was not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board based on the respondent offering space planning in conjunction with a licensed architect. A one count administrative complaint was filed for practicing interior design without a license.

The panel recommended a \$5,000 fine plus costs. The settlement stipulation reflects a \$2,000 fine plus costs. The fine was reduced because it was a first time offense, the respondent agreed to comply, and the respondent corresponded with a licensed architect not the public. The respondent did not use the word interior design and did not realize space planning was in the definition of interior design.

Motion: Mr. Kuritzky moved that the board adopt the settlement stipulation as presented.
Second: Mr. Gonzalez seconded the motion and it passed unanimously.

DBPR vs. Eunice J. Borden Interior Design

Case Number 2007-020990

PCP: Rodriguez, Wirtz, and Hall

The respondent was not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board based on a contract offering interior design services through a business entity. The respondent was previously licensed but it lapsed null and void in 1993. A two count administrative complaint was filed practicing interior design without a license and offering interior design services through a business without a certificate of authorization.

The panel recommended a \$10,000 fine plus costs. The settlement stipulation reflects \$5,000 fine plus costs. The fine was reduced because it was a first time offense, the respondent agreed to comply, and she is elderly.

Motion: Mr. Gustafson moved that the board adopt the settlement stipulation as presented.

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

DBPR vs. Michael E. Craddock

Case Number 2007-006428

PCP: Rodriguez, Wirtz and Hall

The respondent was not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board based on the respondent offering architectural services after his license lapsed to a null and void status. A three count administrative complaint was filed for practicing architecture without a license, using the title architect without a license, and using a license in a null and void status.

The panel recommended a \$15,000 fine plus costs. The settlement stipulation reflects a \$5,000 fine plus costs. The fine was reduced because it was a first time offense and the respondent agreed to comply by seeking to regain licensure.

The board discussed the prior offense.

Motion: Mr. Kuritzky moved that the board adopt the settlement stipulation as presented.

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

DBPR vs. Victor Secondo Escalona

Case Number 2006-063807

PCP: Rodriguez, Wirtz, and Hall

Mr. Escalona was not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board for a contract to offer architectural plans for a residential project. A one count administrative complaint was filed for practicing architecture without a license.

The panel recommended a \$5,000 fine plus costs. The settlement stipulation reflects a \$2,500 fine plus costs. The fine was reduced because it was a first offense, the project was residential in nature, and the respondent agreed to comply.

Motion: Ms. Shore moved that the board adopt the settlement stipulation as presented.

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

DBPR vs. Patience Halliburton

Case Number 2006-066428

PCP: Rodriguez, Wirtz and Hall

Ms. Halliburton was not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board for a contract to provide architectural plans for two residential projects. A two count administrative complaint was filed for two counts of practicing architecture without a license.

The panel recommended a \$10,000 fine plus costs. The settlement stipulation reflects a \$5,000 fine plus costs. The fine was reduced because it was a first time offense, the respondent agreed to comply, and the projects were residential.

Motion: Ms. Dolan moved that the board adopt the settlement stipulation as presented.
Second: Mr. Kuritzky seconded the motion and it passed unanimously.

DBPR vs. Anthony Harwell and Harwell Design Associates, Inc.

Case Number 2007-008589

PCP: Rodriguez, Wirtz, and Hall

The respondent was not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board based on a contract offering architectural services for a residential project and offered the services through a business entity. A three count administrative complaint was filed for practicing architecture without a license, using the title architect without a license, and offering architectural services through a business entity without a certificate of authorization.

The panel recommended a \$15,000 fine plus costs. The settlement stipulation reflects a \$5,000 fine plus costs. The fine was reduced because it was a first offense, the respondent agreed to comply, and the project was residential in nature.

Motion: Mr. Kuritzsky moved that the board adopt the settlement stipulation as presented.
Second: Ms. Shore seconded the motion and it passed unanimously.

DBPR vs. David K. Hufstetler

Case Number 2007-013696

PCP: Rodriguez, Wirtz, and Hall

Mr. Hufstetler was not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board based on drawings prepared for a church project without the use of a license architect. A one count administrative complaint was filed for practicing architecture without a license.

The panel recommended a \$5,000 fine plus costs. The settlement stipulation reflects a \$2,500 fine plus costs. The fine was reduced because it was a first offense, the respondent agreed to comply, and the drawings were preliminary which were provided to a licensed architect for permitting. He provided the drawings as a favor to the church.

The board discussed the fact that Mr. Hufstetler was a licensed building official and forwarding the case information to the building official's board. Ms. Membiela voiced a concern about forwarding the case to the building official's board because she did not want to jeopardize his livelihood. The board discussed that they were not treating him differently because they forward cases to the engineers' board, construction board, etc.

Motion: Ms. Shore moved that the board adopt the settlement stipulation as presented.
Second: Mr. Kuritzky seconded the motion and it passed unanimously.

DBPR vs. Armando A. Perez
Case Number 2006-055235
PCP: Rodriguez, Wirtz, and Hall

Mr. Perez was not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board based on a contract to offer architectural services on a residential project and offered the services through a business entity. A three count administrative complaint was filed for practicing architecture without a license, using the title architect without a license, and offering architectural services through a business entity without a certificate of authorization.

The panel recommended a \$15,000 fine plus costs. The settlement stipulation reflects a \$10,000 fine plus costs. The fine was reduced because it was a first offense, the respondent agreed to comply, the project was residential, and there was a license architect involved with the project.

Motion: Mr. Gustafson moved that the board adopt the settlement stipulation as presented.

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

DBPR vs. Richard Plumer Design, Inc. and Stephen Mooney
Case Number 2007-016671
PCP: Rodriguez, Wirtz, and Del Bianco

The respondent was not present or represented by counsel. The case was before the board based on a web site advertisement offering interior design services. The respondent was previously licensed but the license has been null and void since 1993. A three count administrative complaint was filed for practicing interior design without a license, using the title interior designer without a license, and offering interior design services through a business without a certificate of authorization.

The panel recommended a \$15,000 fine plus costs. The settlement stipulation reflects a \$7,000 fine plus costs. The fine was reduced because it was a first time offense and the subject agreed to comply.

Motion: Mr. Kuritzky moved that the board adopt the settlement stipulation as presented.

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

DBPR vs. Sherlyn Sam Robin and Sam Robin Interior Design, Inc.
Case Numbers 2006-060481 and 2006-060484
PCP: Rodriguez, Wirtz, and Hall

The respondent was not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board based on a contract for a commercial project and offering interior design services through a business entity. A three count administrative complaint for practicing interior design without a license, using the title interior design without a license, and offering interior design through a business entity without a certificate of authorization.

The panel recommended a \$15,000 fine plus costs. The settlement stipulation reflects \$5,000 fine plus costs. The fine was reduced because it was a first offense, the respondent agreed to comply, and the services were offered but not provided for the project.

Motion: Mr. Kuritzky moved that the board adopt the settlement stipulation as presented.
Second: Mr. Gustafson seconded the motion and it passed unanimously.

DBPR vs. Ann Rue and Ann Rue Interiors, Inc.
Case Number 2007-011137

PCP: Rodriguez, Wirtz, and Del Bianco

The respondent was not present or represented by counsel. The case was before the board based on an advertisement offering interior design and offering services through a business entity. A three count administrative complaint was filed for practicing interior design without a license, using the title interior design without a license, and offering interior design services through a business entity without a certificate of authorization.

The panel recommended a \$15,000 fine plus costs. The settlement stipulation reflects a \$5,000 fine plus costs. The fine was reduced because it was a first offense and the respondent agreed to comply.

Motion: Mr. Gustafson moved that the board adopt the settlement stipulation as presented.
Second: Mr. Kuritzky seconded the motion and it passed unanimously.

DBPR vs. Elyse Santoro and Feng Shui Designs by Elyse Santoro
Case Number 2005-040123

PCP: Rodriguez and Wirtz

The respondent was not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board for an advertisement offering architecture and interior design services as well as through a business entity. A four count administrative complaint was filed for practicing interior design without a license, using the title interior designer without a license, offering architectural services, and offering services through a business without a certificate of authorization.

The panel recommended a \$20,000 fine plus cost. The settlement stipulation reflects \$2,500 fine plus costs. The fine was reduced because it was a first offense, the respondent agreed to comply, and the respondent was not practicing the profession but advertising.

Motion: Mr. Kuritzky moved that the board adopt the settlement stipulation as a presented.
Second: Mr. Gonzalez seconded the motion and it passed unanimously.

DBPR vs. Suncoast Architect, Inc.
Case Number 2007-010347
PCP: Rodriguez, Wirtz, and Hall

The respondent was not present or represented by counsel. Mr. Hall was recused from the case. The case was before the board based on offering architectural services through a business entity. A citation was issued and the respondent disputed the citation. A one count administrative complaint was filed for offering architectural services through a business entity without a certificate of authorization.

The panel recommended a \$5,000 fine plus costs. The settlement stipulation reflects a \$500 fine plus costs. Mr. Minacci explained the citation process.

Motion: Mr. Kuritzky moved that the board adopt the settlement stipulation as presented.
Second: Mr. Gustafson seconded the motion and it passed unanimously.

Application Review

Savoie Architects, P.A.

The application was complete and was held based on the pending resolution of the disciplinary issue. The disciplinary matter was resolved on this agenda.

Motion: Ms. Grigsby moved that the board approve the application.
Second: Mr. Gonzalez seconded the motion and it passed unanimously.

Suncoast Architect, Inc.

The application was complete and was held based on the pending resolution of the disciplinary issue. The disciplinary matter was resolved on this agenda.

Motion: Ms. Grigsby moved that the board approve the application.
Second: Ms. Shore seconded the motion and it passed unanimously.

New Business

No new business.

Old Business

No old business.

Recess

The meeting recessed at 2:35 p.m.

**MINUTES
Hampton Inn & Suites
19 South Second Street
Fernandina Beach, FL 32034
904.491.4911**

**January 30, 2008
9:00 a.m.**

General Business Meeting

Call to Order

Mr. Hall, Chair, called the meeting to order at 9:02 a.m.

Roll Call – identify excused absences

Board Members Present:

Neil Hall, Chair
Rick Gonzalez, Jr.
Rossana Dolan
Eric Kuritzky
Mary Jane Grigsby
Joyce Shore
Garrick Gustafson
Roymi Membiela
Wanda Gozdz

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Juanita Chastain, Executive Director
Terri Estes, Board Staff
Trent Manausa
Emory Johnson
Dwight Chastain
Other interested parties

Court Reporter: Statewide Reporting Service, 233 East Bay Street, Suite 606,
Jacksonville, FL 32202, telephone 904.353.7706

Minutes

July 10-11, 2007 Fort Myers Beach

Motion: Mr. Gustafson moved that the board approve the minutes as presented.

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

August 9, 2007 Telephone Conference Call

Motion: Mr. Kuritzky moved that the board approve the minutes as presented.

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

August 23, 2007 Telephone Conference Call

Motion: Mr. Kuritzky moved that the board approve the minutes as presented.

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

September 27-28, 2007 Key West

Motion: Mr. Kuritzky moved that the board approve the minutes as presented.

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

November 5, 2007 Telephone Conference call

Motion: Mr. Kuritzky moved that the board approve the minutes as presented.

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

Petitions

Ms. Clark directed the board how to proceed with the petitions. She commented that the petitions were for a Formal Administrative Hearing; however, the petitioners requested that the board reconsider the matter before proceeding with the formal hearing.

Kurtis Helin and Eli Woyke were present from Marshall Erdman and they were represented by Fred Dudley and Lawrence Seller from Holland + Knight, LLP.

Mr. Dudley commented that the certificate of authorization application for Marshall Erdman & Associates, Inc. was reviewed but not approved because of quorum issues at the July 2007 board meeting. He commented that the board took a straw vote indicating that they would approve the application for Marshall Erdman if they filed a Rule Waiver/Variance request because the name Marshall Erdman was a deceased individual not licensed as an architect or engineer. He commented that the business had a certificate of authorization in the 1980's but it lapsed to a null and void status.

Mr. Dudley commented that the business was formed in 1951 by Mr. Erdman. Mr. Helin has been employed by the firm for 35 years. The business is licensed in 48 states as a contracting firm and better known in the health care industry as a design build firm. Mr. Dudley commented that they were a construction firm but because they have the design build element it was determined by the Florida board that they needed a certificate of authorization.

Mr. Dudley commented that the business was registered with the Department of State and provided figures on the number of employees and the company's financial background. He commented that the Marshall Erdman & Associates, Inc. name was a name of good will especially throughout the health care industry.

The Marshall Erdman family produces an office furniture line, provides consulting services, prefabrication steel products, and other services for which the name is nationally known. Mr. Dudley requested that the board reconsider the matter of approving the name of the firm for licensure with a certificate of authorization.

Motion: Mr. Hall moved that the board reconsider the Petitions.

Second: Ms. Membiela seconded the motion, it passed with Mr. Gonzalez opposed.

Mr. Dudley commented that the statutes prohibit advertisement in a fraudulent, false, or misleading manner which is to protect the health, safety, and welfare of the public. He commented that he understood the board members took the charge of protecting the public seriously. He commented that no one had contacted the business entity asking to speak with Mr. Erdman for architectural services or anyone outside the company being confused about his standing.

Mr. Dudley commented that the rules require that the business identify their services offered which would include architectural services in advertising. He commented that the company was well known throughout the United States and provided some statistics about the projects performed. He commented that the company name was well known and they would like to keep the name because of their standing and recognition.

Mr. Dudley commented that the board's rule, for which he found no statutory authority, prohibits the use of an individuals' name in the title of a business or firm that is not licensed as an architect or engineer in any state. He commented that rules were made to be bent and the waiver or variance request was the mechanism to accomplish that request based on hardship.

Mr. Hall requested that Mr. Helin elaborate on the hardship that the denial of the certificate of authorization would cause the company. Mr. Helin commented that the company name was well known in the health care industry and if they were required to practice under a different name they would not have the recognition or good will associated with Marshall Erdman & Associates, Inc.

Mr. Kuritzky asked if there was a particular instance where the board's denial of the certificate of authorization caused a hardship to the firm by the not being able to use the name recognition. Mr. Dudley replied that the business filed the certificate of authorization application based on the Prosecuting Attorney citing the business for advertising design services on their web site which included two health care facilities.

Mr. Dudley commented that one hardship was the prosecution by the board which they complied with a \$1,000 fine and changed their web site until they could obtain a certificate of authorization from the board. He commented that the company has not been able to solicit design services until they obtain a certificate of authorization from the board.

Mr. Kuritzky asked why the original certificate of authorization was abandoned and requested that they explain the structure of how they offer services to public. Mr. Helin commented that the structures are designed in house and that business was design, engineer, and construction under one roof or business. He commented that they focus solely on the health care industry. He commented that they do not offer architectural services outside of the business. He commented that they do not partner with outside contracting entities.

Mr. Dudley commented that the business has 29 licensed architects and 23 licensed engineers including two Florida licensed architects. He commented that Mr. Helin was licensed in 45 other states as well. He commented that the business had 500 employees.

Mr. Gonzalez asked if the business used the MEA1 certificate of authorization for design build services since the 1980s. Mr. Helin replied that MEA1 was formed approximately five or six years ago. Mr. Gonzalez asked how they were practicing in Florida since the 1980s. Mr. Helin replied under the name of Marshall Erdman & Associates, Inc. Mr. Gonzalez commented that they practiced for 15 plus years without a certificate of authorization.

Mr. Helin commented that the business had a contractors and engineering license and felt that they met the laws because they were a design build business. Mr. Dudley commented that the business had been fined for practicing and advertising in Florida without a certificate of authorization. He commented that the business was trying to receive licensure under the board's guidelines.

Mr. Woyke confirmed for the board that Marshall Erdman & Associates, Inc. was licensed in approximately 40 other states and some states did not require licensure for business names.

Ms. Clark summarized that the purpose of a Rule Waiver or Variance allows the board to consider unique situations where rules applied in a particular circumstance give a more harsh or unfair result than they do to the general public. In this case the business has been in business since 1951, operating in approximately 48 states, licensed in approximately 40 states to practice architecture, and has an officer (Senior Vice-President of Design) of the corporation licensed as an architect in Florida. She commented that if the board granted the waiver/variance based on the circumstances all of those facts would be placed in an order and it would only set precedent for other corporations in similar situations.

Mr. Hall asked Ms. Clark if those facts would exclude other firms from filing for a waiver/variance. He commented that he did not want to pose a hardship for other firms because they were not licensed in 48 states, etc. Ms. Clark replied that if any corporation that believed that the application of Rule 61G1-12.001(3), F.A.C. to its particular circumstance has the opportunity to apply for a waiver or variance. She commented that any corporation that was exactly situated would not need to apply for a waiver or variance or they would be able to show there would be no basis for denial under the same circumstances. She commented that any corporation has the opportunity to demonstrate a hardship but they would not be able to use this waiver or variance as precedent.

The board discussed the concern of approving the waiver with too narrow or broad for future petitions.

Ms. Membiela commented that she questioned some of the statutes and rules as whether they are in place to protect the health, safety, and welfare of the public which was the board's charge. She commented that from a branding element she would not go to Nordstroms looking for Mr. Nordstrom. She commented that from a consumer perspective when hiring an architect she would look behind the recognized brand name to confirm they have the proper credentials to perform the services.

Mr. Minacci commented that the purpose of the rule was to keep individuals that were alive and not licensed as an architect or engineer from offering those services. He commented that he did not see an issue with licensing Marshall Erdman & Associates, Inc. because he is deceased. Ms. Membiela commented that the business name did not include the title or word architect so it did not have a value as to Marshall Erdman being an architect. She commented that the business title include associates which could mean many things so she did not see the harm.

Mr. Kuritzky commented that the board reviewed numerous cases on yesterday's agenda that included individuals in the title of a business name not licensed. He commented that it was misleading to the public when those business names were listed in the yellow pages under architect or interior design. He commented that the board had a broad obligation to the public.

Petition for Formal Administrative Hearing concerning the Order Denying the Petition for Waiver of Rule 61G1-12.001(3), F.A.C.

Motion: Ms. Grigsby moved that the board vacate the Order Denying the Petition for Waiver entered September 21, 2007 and moved that the board grant the Waiver or Variance of Rule 61G1-12.001(3), F.A.C. request for Marshall Erdman & Associates, Inc. based on the circumstances that they are operating in 48 states, are licensed in 40 states, and have an officer of the business licensed in Florida.

Second: Ms. Membiela seconded the motion, it passed with Mr. Gonzalez opposed.

Petition for Formal Administrative Hearing concerning the Notice of Intent to Deny Petitioner's application for Certificate of Authorization – Marshall Erdman & Associates, Inc.

Motion: Mr. Kuritzky moved that the board vacate the Notice of Intent to Deny September 21, 2007 and grant the certificate of authorization for Marshall Erdman & Associates, Inc.

Second: Mr. Gustafson seconded the motion, it passed with Mr. Gonzalez opposed.

Petition to Repeal Part of Rule 61G1-12.001(3), F.A.C.

Mr. Dudley commented that based on the approval of the Rule Waiver or Variance and certificate of authorization they withdrew the Petition to Repeal part of Rule 61G1-12.001(3), F.A.C.

Application Review

Jason Cadorette

Mr. Cadorette was not present but provided a letter to the board by handout.

Motion: Mr. Gustafson moved to approve the application as presented.

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

Sakid Hamid

Mr. Hamid was present and sworn in by the court reporter. Mr. Hamid provided a brief statement regarding the background question he answered in the positive. He respectfully requested that the board approve his application.

Motion: Ms. Membiela moved to approve the application as presented.

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

Edward Jerdonek

Mr. Jerdonek was present and sworn in by the court reporter. Ms. Chastain commented that Mr. Jerdonek was licensed in other states; however, he did not clearly meet Florida's educational requirements for licensure. She commented that he had a Bachelors of Science in Architecture from Ohio State University and a Masters of Business Administration from Indiana University. She commented that NCARB reviewed and certified that his education was equivalent to a NAAB accredited degree in Architecture. She commented that the board routinely saw this type of evaluation from foreign graduates but this was the first for a United States graduate. She commented that she wanted direction from the board.

Mr. Kuritzky asked if this was the NCARB blue cover council record. Ms. Chastain replied in the positive.

Motion: Ms. Dolan moved to approve the application as presented.

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

Michael Willoughby

Mr. Willoughby submitted a written request to withdraw his application.

Reports

IDAF Report – Aida Bao-Garciga

Ms. Garciga thanked the board for allowing her to report and thanked Mr. Minacci for his presence at their member organizations presentation. She reported that may touch up to 1000 professionals through one day seminars or lunch and learn. She reported that based

on a glitch amendment the definition of design professional would include interior designers in the Florida Building Codes. She commented that IDAF had no intentions to open Chapter 481, Florida Statutes but would support AIA if they did.

Ms. Garciga reported on upcoming events such as ASID Student Day, IIDA Design this Event, Student Day at Jacksonville University, and NKBA through Palm Beach Community College have included courses that lead to certification in kitchen and bath design as part of their interior design program.

Ms. Garciga congratulated Ms. Grigsby for obtaining LEED certification.

Ms. Garciga reported that Ms. Lorraine Dunn-Glipsen passed away over the holidays and she would be missed.

Reconsideration of Application

Andrea Williams

Ms. Chastain commented that Ms. Williams requested that the board reconsider the application and allow her to withdraw the application.

Motion: Mr. Gonzalez moved that the board reconsider the application.

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

Motion: Mr. Gonzalez moved that the board grant the request to withdraw the application.

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

Michael Willoughby

Ms. Chastain requested that the board reconsider Mr. Willoughby's request because he requested a continuance and waived the application processing right.

Motion: Mr. Gonzalez moved that the board grant the continuance.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Ratification Lists

Applicants (handout)

Mr. Gonzalez commented that number 40 under Architecture Business should be Yoshino Trieschmann Design Group and requested that spelling correction.

Motion: Mr. Gonzalez moved that the board approve the applicant ratification list with the noted correction.

Second: Mr. Gustafson seconded the motion it passed unanimously.

Continuing Education (handout)

Motion: Ms. Grigsby moved that the board approve the continuing education ratification list as presented.

Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Addendum

Final Order Review

Ron Jaffe

Ms. Chastain commented that Mr. Jaffe was approved for reinstatement of a null and void license with conditions. One of the conditions was that Mr. Jaffe must complete the Florida Building Code core course. Mr. Jaffe cannot take that course because it is only offered online and to register online to take the course an individual must have a valid license number. Mr. Jaffe's license number is null and void therefore he cannot take the course and meet the conditions set forth in the final order. Mr. Jaffe is eager to take the course and complete requirements. The core course is only available online.

Motion: Mr. Gustafson moved that the board issue Mr. Jaffe's license and that he must complete the core course within 90 days.

Second: Ms. Shore seconded the motion.

Ms. Grigsby recommended within 30 days. The board discussed that if he did not take the course then the board could take disciplinary action against his license.

Mr. Gustafson amended his motion to be that the board issue Mr. Jaffe's license and that he must take the core course within 30 days. Ms. Shore seconded the amended motion. The question was called and it passed unanimously.

Minutes

November 5, 2007 meeting minutes

Motion: Mr. Kuritzky moved that the board reconsider the November 5, 2007 minutes.

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

Ms. Gozdz requested that the minutes reflect that she was in attendance.

Motion: Mr. Kuritzky moved that the board approve the minutes with the correction.

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

Reports

AIA Report – Vicki Long

Ms. Long reported that AIA Florida was prepared for and monitoring the upcoming Legislative Session. She commented that she felt the Session would focus on the State's budget.

Ms. Long reported that AIA discussed eliminating the internship requirement for exam eligibility but they would not open the statutes for that requirement and would work with the board.

Ms. Long reported that AIA Florida was focusing on Constitutional Amendments. She reported that they were focusing on the Home Town Democracy proposal. The Home Town Democracy was a Constitutional Amendment Initiative that would require voters to approve every change during the election cycle. It would stop development or planned developments. Mr. Hall commented that it was a citizen's right to determine if development should happen in environmentally sensitive areas such as the Everglades not the politicians or lobbyist's decision. Ms. Long commented that developers could use their dollars to sway to public easier than politicians in some cases.

Mr. Gonzalez commented that he heard a presentation of a counter proposal to the Home Town Democracy proposal called the Citizens' Bill of Rights. He commented that the presentation indication that Home Town Democracy would not go away unless there was a counter proposal. He commented that he thought the information was on the Department of Community Affairs (DCA) web site. He commented that if the Home Town Democracy was not approved this year it would try again in 2010. He encouraged the board to work with AIA Florida and other associations to protect sustainability, the environment, and citizens' rights.

Ms. Long commented that AIA Florida supports livable communities and environmentally sensitive growth but does not think the Home Town Democracy Initiative is the solution.

Ms. Long reported that AIA Florida was watching three proposals for Sales Tax on Services. She commented that Micky Jacobs spoke to the Budget Reform Commission regarding the Sales Tax Services and that presentation was available by video. The board discussed the impact of the Sales Tax on Services and the different professions it would impact.

Mr. Kuritzky asked how Sales Tax on Services would challenge the viability of a business. Ms. Long replied that Mr. Jacobs provided testimony that the tax would be taken off instead of added onto the fees. Mr. Kuritzky commented that retail adds the tax on. Mr. Manausa commented that architects would have to have a fixed or bottom line because when you bid for a job it's a flat fee including the services consultants. Mr. Kuritzky commented that he would write his contract to reflect it would be a fee plus tax.

Mr. Gonzalez asked Ms. Long if other states had Sales Tax on Services. Ms Long replied approximately five states.

Ms. Long reported that AIA Florida was working on their five year strategic plan. She commented that they were working on increasing membership, humanitarian outreach, and providing support or mentoring to graduates and students. She commented that they were involved with the K through 12 grade students to get the word out that architects are cool.

Ms. Long reported that March 12, 2008 would be AIA Florida's Day on the Hill for lobbying the Legislature. On July 30, 2008 the annual convention will be held in Palm Beach.

Ms. Long commented that she and Ms. Bao-Garciga discussed the probable cause meetings and would like to tell the story of the trends of cases. She commented that she would like to publicize that information to assist with the gaps in the profession and Mr. Rodriguez would assist with writing an article. Ms. Dolan commented that AIA's audience was different from the departments.

Mr. Hall commented that he had a concern regarding board appointments. Ms. Long reported that she thought the appointments would be soon.

Mr. Gonzalez commented that he was excited about AIA Florida writing an article about the board's cases because the department no longer mailed the newsletter. Ms. Chastain advised that the newsletter was available online and licensees could subscribe to have an e-mail notification of when the new newsletter is posted to the board's web site. She advised that the department was working with Google regarding cases posted on the department's web site.

Ms. Long commented that she brought handouts about the Constitutional Amendments and a briefing on the Sales Tax Reform.

Architecture Discussion

Eric Kuritzky – Florida Building Code interpretations

Mr. Kuritzky commented that he was concerned with the demands the building departments were putting on architects. He commented those demands exceeds the professions authority and responsibility. He commented that the Florida Building Code has a broad paragraph that essentially gives building officials authority to ask architects for anything whether appropriate or not. He commented that he had been asked to sign and seal documents prepared by other entities.

Mr. Kuritzky commented that architects were put in a position of holding up projects because they had to argue with building officials. He commented that he would like dialogue with the Building Code Administrator and Inspectors Board regarding the issue. He commented that he would hate to have an architect disciplined for a building department demanding that they perform a duty that is beyond the profession.

Mr. Hall agreed and requested that Ms. Long note the board's concerns. The board discussed different scenarios regarding permitting requirements and building officials requiring signatures for product approval.

Ms. Long commented that AIA Florida has had informal dialogue regarding the board's concerns. Mr. Kuritzky requested that AIA Florida attend the Annual Building Officials Association of Florida (BOAF) Educational Gathering where many officials and department personnel attend. He commented that he attended those meeting and was certified through BOAF. He commented that unfortunately building officials do not think highly of architects and they were in the position of holding up the permitting process.

NCARB Chair's Meeting update – Eric Kuritzky

Mr. Kuritzky commented that the meeting was informative and they discussed Green Design, BIM, programming and the advancement of technology in the profession, and how architects were behind the curve. He commented that the lead was taken by design build firms that apply the new technology. He commented that they discussed the new examination and there were not enough architects entering the professions.

Mr. Gonzalez commented that the graduates were not seeking licensure. Mr. Kuritzky commented that liability was an issue as well. He commented the meeting was educational. He commented that he was approached many times as to why Florida licensed interior designers and he replied that it was a licensed profession.

Mr. Johnson commented that he had difficulty as a licensee agreeing with the board supporting an organization that questioned why Florida licenses interior designers. He commented he could not understand why the board paid to attending NCARB meetings when they did not support licensing the profession of interior designers when the board is the Board of Architecture and Interior Design. Mr. Hall commented that there was hope that they would understand the need for licensing interior designers. Mr. Kuritzky commented that it was not an official position of NCARB but the position of many attendees.

NCARB 2008 Region 3 and 6 Joint Regional Meeting

NCARB Fast Facts – New ARE Eligibility Process

NCARB 2007 Prize Book (available for review)

NCARB Region 3, Board of Directors Meeting minutes

NCARB, Midterm Report from the President

The above was for information and there was no discussion.

Mr. Hall requested that Mr. Kuritzky serve as the board's NCARB delegate. He requested that an interior designer attend a future NCARB meeting.

Ms. Dolan commented that Mr. Dunn was running for Regional Director requested that the board support his candidacy. She commented that she would be attending the NCARB Education Committee meeting this week. She commented that the NCARB White Paper regarding education was included in the agenda. She commented that it touched on the need for practice or training to compliment education.

Interior Design Discussion

E-mail from Ms. Grigsby regarding LEED certification

The board congratulated Ms. Grigsby on her achievement.

NCIDQ Adds Six New Member Boards

Ms. Shore provided a brief overview of the information. She pointed out that NCIDQ was used in Canada and they were working to administer the examination in French.

Ms. Grigsby commented that there were 26 states that have some form of interior design licensure.

December 2007 NCIDQ QUpdate
There was not discussion on this item.

Rules Report and Discussion

Rule Tracking

Ms. Clark reported that the amended language for Rule 61G1-11.013, Florida Administrative Code, regarding intern architect was adopted December 16, 2007.

Ms. Clark commented that she would like the board to review and consider Rule 61G1-21.003 and 24.002, Florida Administrative Code, interior design and architecture handbooks together. She commented that she responded to the Joint Administrative Procedures Committee (JAPC) regarding their comments about the revisions to the handbook. She commented that they accepted all of the explanations with the exception of the word "audit". She commented that over the years changes to the statutes removed the word "audit" and replaced it with "programs in place that measure the compliance with continuing education requirements". She commented that she tried to argue that although the statute does not use the word "audit" that the "audit" was the program the board had in place for many years and measured the compliance with continuing education. Unfortunately, JAPC did not accept her argument and requires that the word "audit" be removed from the handbooks.

Ms. Clark commented that she discussed the issue with the department's counsel regarding other references to the word "audit" throughout the rules. She commented that the board should remove the word "audit" from the handbook. The word "audit" was changed to "monitoring the compliance with continuing education requirements".

The board discussed that the new language was not clear and not in line with the Governor's Plain Language Initiative. Ms. Clark commented that they must replace the word "audit" and read the letter from JAPC encouraging the board to replace the word "audit" with "monitoring requirements" as noted in the statute.

Motion: Ms. Gonzalez moved that the board adopt the revised language as presented in the handbooks.

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

Ms. Clark provided language as requested by Sharon Del Bianco for Rule 61G1-22.001, Florida Administrative Code, interior design professional experience. Ms. Clark requested that the board review the draft language and advise how they would like to proceed. Ms. Grigsby commented that she was not in support of recommending the NCIDQ IDEP program for licensure. She commented that in the future it would be appropriate but not now. The board did not want to pursue the language.

Ms. Clark provided language as requested by Sharon Del Bianco for Rule 61G1-22.003, Florida Administrative Code, interior design education requirements. Ms. Clark requested that the board review the draft language and advise how they would like to proceed. The suggested language would move a paragraph from one area of the rule to another. Ms. Clark cautioned the board that if they submit changes to this rule, JAPC may look at other areas of the entire rule. The board did not want to pursue the language or changes.

Ms. Clark reported that JAPC challenged Rule 61G1-12.001(3), Florida Administrative Code, grounds for disciplinary proceedings. Specifically, challenging the language in paragraph three which states, "an architectural firm may not offer services to the public under the name which contains only the name of an individual not licensed as a professional engineer or registered architect in any state". She commented that JAPC is asking for specific statutory authority for that rule. Ms. Clark commented that she did not believe there was specific statutory authority for that rule.

Ms. Clark commented that the board had two options. She provided information regarding a case that was heard at the Division of Administrative Hearings that rules that a board inherently had the authority to define what was misleading in the practice of a profession and she could make that argument to JAPC or the board could remove the language from the rule.

The board requested that Ms. Clark respond and use the case as a reason because they did not want to remove the language from the rule.

Ms. Clark commented that JAPC challenged paragraph six which reads, "an architectural firm or business holding a certificate of authorization shall not commit misconduct in the practice of architecture, misconduct in the practice of architecture shall include but not be limited to". She commented that JAPC challenged the words "include but not be limited to" because it was unbridled discretion. She commented that the board must state specifically which acts constitute misconduct. She requested the board to review the list to determine if it was complete.

Ms. Clark commented that she would respond to JAPC and request additional time so she could work with the Prosecuting Attorney to create a complete list.

General Discussion / For Information

Future board meeting dates

Probable Cause Panel, March 13, 2008
The meeting will be held in Tallahassee.

Probable Cause Panel, May 5, 2008
General Business, May 6-7, 2008
Board staff would check Tampa, St. Petersburg, or the Orlando area.

General Business, July 28-29, 2008
Probable Cause Panel, July 30, 2008

The board will meet in conjunction with AIA Florida at the Breakers in Palm Beach.

Probable Cause Panel, October 1, 2008
General Business, October 2-3, 2008
Board staff would check the Miami or Ft. Lauderdale area.

Reports

Chair's Report

Appoint board representatives – NCARB, NCIDQ, PCP

Mr. Hall thanked Ms. Scholz for the reception she provided. Mr. Hall appointed Mr. Kuritzky as the board's NCARB delegate. Ms. Clark read the rule for panel appointments and asked if a consumer member would like to serve on the panel. Mr. Gustafson volunteered to serve on the panel. Mr. Hall appointed Mr. Gustafson to serve on the probable cause panel.

Mr. Hall appointed Ms. Shore as the NCIDQ delegate and Ms. Grigsby as the alternate delegate.

Executive Director's Report – Juanita Chastain
Financial Report – September 30, 2007

Ms. Chastain reviewed the financial report and advised that the board was fiscally sound.

Prosecuting Attorney's Report – David K. Minacci

Licensed Interior Designers Legal Cases

Licensed Architecture Legal Cases

Unlicensed Interior Designers Legal Cases

Unlicensed Architecture Legal Cases

Licensed Investigative Cases

Unlicensed Investigative Cases

Results of September 2007 Probable Cause Panel Meeting

Results of September 2007 Board Meeting

Results of November 2007 Probable Cause Panel Meeting

Press Releases/Speaking Engagements/Other Correspondence

Ms. Chastain advised the board that Mr. Minacci received a complaint against an individual that the law firm that Mr. Minacci works with has represented in the past. She commented that Mr. Minacci does not feel it is appropriate for him to handle the case so a solution was to allow an attorney with the department to handle that particular case. She requested that since the prosecuting contract was with the law firm the board approve the department to handle the case. Ms. Clark commented that Mr. Minacci would have a conflict based on rules of the Florida Bar.

Motion: Mr. Kuritzky moved that the board approve Smith, Thompson, Shaw and Manausa turning the case over to the department to handle the case.

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

Mr. Minacci advised that he hired another administrative staff. He commented that since he began with the board his staff has doubled.

Mr. Hall commented that he was pleased with Mr. Minacci's and his staffs' performance.

New Business

No new business.

Old Business

No old business.

Adjourn

The meeting adjourned at noon.