

## **MINUTES**

### **Board of Architecture and Interior Design**

**Casa Monica Hotel  
95 Cordova Street  
St. Augustine, FL 32084  
904.827.1888**

**February 6, 2007  
9:00 a.m.**

### **General Business Meeting**

#### **I. Call to Order**

Ms. Grigsby, Chair, called the meeting to order at 9:08 a.m. Ms. Chastain advised that Mr. Horstmyer was absent due to illness. Ms. Grigsby excused Mr. Horstmyer's absence.

#### Board Members Present:

Eric Kuritzky  
Roymi Membiela  
Joyce Shore  
Rossana Dolan  
Lourdes Solera  
Rick Gonzalez  
Neil Hall  
Mary Jane Grigsby, Chair  
Sharon Del Bianco  
Garrick Gustafson

#### Board Member Absent:

Kenneth Horstmyer, excused

#### 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  
Jennifer Schoening  
Kim Transtrum

Nancy Bredemeyer  
Bill Kobrynich  
F. David Von Thaden  
Carrie Riley  
Wanda Gozdz  
Michael Wirtz  
Janice Young  
Sandra Dryden  
Aida Bao-Garciga  
Shari Silkoff  
Lorraine Bragg  
Jim Colson  
Shelley Siegel

Court Reporter: Christie Sammaro, Volusia Reporting Company, 150 S. Palmetto Avenue, Suite 101, Daytona Beach, FL 32114, 386.255.2150 telephone, 386.258.1171 fax

## **II. Hearing pursuant to Chapter 120.57(2), Florida Statutes**

Jennifer Schoening

Ms. Schoening was present and sworn in. At the July 2006 board meeting, Ms. Schoening's application was reviewed and denied based on the fact that she was not a graduate from an approved interior design program or curriculum. Ms. Schoening requested the hearing to gather additional information regarding her education for an additional education review. She commented that she had practiced interior design for 10 years in another state and passed the NCIDQ examination. She requested that the board allow her to withdraw her application so she could contact a local college that offered an accredited interior design program so they could evaluate her curriculum to determine what additional courses would be needed to be conferred an accredited degree.

Motion: Mr. Gustafson moved to allow the applicant to withdraw her application.

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

## **III. Request for reinstatement of void license**

David Von Thaden

Mr. Von Thaden was present and sworn in. Mr. Von Thaden commented that from 2001-2003 he had complications of a leg injury that required physical therapy. He commented that he did not renew his license in 2003 because of misfiling and he was a sole practitioner. He commented that he became aware of the lack of the 2003 renewal in 2005 when he tried to renew the license. He commented that he contacted the board office immediately and has been trying to resolve the issue since. He commented that he maintained his county licenses, his continuing education, and his ASID registration.

Ms. Clark referred the board to Chapter 455.271(6)(b), Florida Statutes, that states, the board, may, at its discretion, reinstate the license of an individual whose license has

become void if the board, determined that the individual has made a good faith effort to comply with this section but has failed to comply because of illness or unusual hardship.

Ms. Del Bianco asked Mr. Von Thaden why he maintained all of his other licenses but not the departments. Mr. Von Thaden replied that the renewal notice was misfiled.

Motion: Ms. Del Bianco moved to denied because she did not see proof of a medical hardship.

Mr. Johnson requested that the board take into consideration Mr. Von Thaden's documented medical hardship and the fact that he would not qualify for licensure based on today's standards because he was licensed originally under the grandfathering clause.

Ms. Del Bianco's motion failed for a lack of a second.

Motion: Mr. Gonzalez moved to reinstate Mr. Von Thaden's license based on the facts presented.

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

#### **IV. Ratification Lists**

##### Applicants

Interior Design application by examination  
Item 1

Interior Design applicants by endorsement  
Items 2-18

Interior Design Businesses  
Items 19-31

Architects applying for dual licensure  
Items 32-36

Architecture applicants by passage of examination  
Items 37-51

Architecture by endorsement  
Items 52-121

Architecture Businesses  
Items 122-146

Architecture Business Name Change applicants  
Items 147-149

Motion: Mr. Gonzalez moved to approve the list as presented.  
Second: Mr. Hall seconded the motion and it passed unanimously.

#### Continuing Education

Motion: Ms. Shore moved to approve the ratification list as presented.  
Second: Mr. Hall seconded the motion and it passed unanimously.

### **V. Continuing Education Applications**

University of West Florida - Course: The Business of Construction

Motion: Ms. Del Bianco moved to deny based on Chapter 481.215(3), Florida Statutes and Rule 61G1-21.003, Florida Administrative Code, that the requirement that the course must build upon the basic knowledge of interior design.  
Second: Mr. Hall seconded the motion and it passed unanimously.

### **VI. Architecture Discussion**

NCARB Committee Application Form for Fiscal Year 2008

Ms. Dolan asked if there was a need for an NCARB IDP liaison and offered to be Florida's representative. Ms. Chastain advised that there was no NCARB IDP liaison but thanked Ms. Dolan for the offer to represent the board. Ms. Grigsby encouraged Ms. Dolan to apply for any open NCARB positions.

### **VII. Interior Design Discussion**

Letter of Validation for the International Academy of Design & Technology in Orlando  
Mr. Butler reviewed the Bachelor of Fine Arts Degree in Interior Design program from the International Academy of Design & Technology – Orlando and recommended board approval.

Motion: Mr. Hall moved to approve as a board accepted interior design program.  
Second: Ms. Shore seconded the motion and it passed unanimously.

NCIDQ 2006 Annual Meeting Report – Louisville, KY

Ms. Shore reported that she attended the NCIDQ Annual meeting as well as Ms. Del Bianco, Ms. Grigsby, and Ms. Estes. She commented that 8 of the 9 amendments passed and briefly reviewed them as well as the affects it would have on NCIDQ in the future. She advised that the attendees were able to attend the IDCEC meeting and was able to network. Ms. Grigsby congratulated Ms. Del Bianco for being elected to the NCIDQ Board of Directors.

NCIDQ 2006 Exam Activity Report  
NCIDQ Arkansas joins as 21<sup>st</sup> Member Board

NCIDQ Sustainable Design Monograph offers Continuing Education credit at your convenience

NCIDQ Newsletter January 2007

NCIDQ Q-letter December 2006

NCIDQ Q-letter November 2006

NCIDQ Board of Directors' meeting minutes October 2006

NCIDQ Board of Directors' meeting minutes September 2006

The above items were provided for information only and there was no discussion.

### **VIII. Rules Report and Discussion**

#### Rule Tracking

Ms. Clark provided an updated rules packet that included the board's January 16, 2007 telephone conference call request to notice Rule 61G1-11.013, Florida Administrative Code for rule development to remove or delete paragraph 2 of the rule defining "intern architect". She advised that the changes requested for the citation and seal description language were effective January 16, 2007.

#### Architecture Continuing Education Handbook

#### Interior Design Continuing Education Handbook

Ms. Clark advised that the Rule 61G1-21.003 and 61G1-24.002 were re-noticed August 25, 2006 to allow updates and revisions to the board's continuing education handbooks.

Ms. Chastain advised that she, Ms. Clark, and Ms. Estes reviewed the handbooks again and found some minor changes that they would like to make. She requested that the board appoint one board member from each profession to work with staff to review and assist in finalizing the handbooks. Ms. Chastain advised that one of the issues was that licensees could gain credit for attending board meetings with the exception if they were attending for disciplinary purposes and another was waivers of fees for other states agencies. She advised that staff had implemented some of the changes already like allowing continuing education credit for this meeting but it would only be valid for the 2005-2007 renewal period as well as the advanced courses were available for credit between the professions.

Ms. Dolan advised that she had architects in the Tampa area that were interested in attending the May meeting. She asked if licensees and board members could receive credit for attending the Florida Building Commission meetings. Ms. Chastain replied that licensees would not automatically receive credit for attending those meetings but licensees could apply for individual credit via the handbook.

Motion: Mr. Hall moved to delegate board authority to Ms. Solera and Ms. Del Bianco to work with staff to make final revisions to the continuing education handbooks to be ratified at the next meeting.

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

The board discussed the need for rule language regarding the candidacy status established by the Council for Interior Design Accreditation (CIDA). The board determined that there was no need for rule language to allow for the candidacy status.

## **IX. General Discussion / For Information**

E-mail from Rita Scholz regarding health, safety, and welfare concerns

Ms. Grigsby commented that the issue was that hotels were considered commercial design and condominiums were considered residential design and there was a concern as to whether a licensed interior designer was needed for condominiums that were housed in hotels. Ms. Del Bianco commented that condominiums did not have to adhere to fire codes like hotels.

Ms. Solera commented that she felt that a multi-story building would have to adhere to fire safety codes. The board discussed the possibility of prosecuting individuals for practicing interior design when they were not licensed and not adhering to the fire safety codes.

Mr. Kuritzky commented that the building would be defined by use and considered transient occupancy even when the building may be technically considered a condominium. He commented that an individual may own a unit but place the unit in a leasing pool which changed it to a transient occupancy. He commented that transient units or occupancy was a more restrictive commercial situation because of the common areas.

Mr. Gonzalez commented that Ms. Scholz should check with the local departments regarding zoning laws and the definition of transient units or occupancy. Mr. Kuritzky commented that the building code defined timeshare, hotel and transient occupancy. He commented that timeshare ownership was a deed of ownership and a hotel or transient occupancy ownership is a portion of the property.

## **X. Reports**

Chair's Report – Mary Jane Grigsby

Ms. Grigsby commented that she found the NCIDQ meeting interesting because they were going through a transition from a group that administered the examination to an organization that had member boards similar to NCARB.

Executive Director's Report – Juanita Chastain

Financial Report September 30, 2006

Ms. Chastain reported that the board's renewal would take place February 28, 2007 and the next financial report would reflect a majority of their income. She reported that the board was financially stable and the department monitored the projected income and expenditures.

Ms. Chastain reported that the newsletter would be mailed at the end of the month. She reported that the department would perform a continuing education audit in the near future.

Ms. Solera suggested that the department use a different title on an e-mail she recently received called the "Bottom Line" because she deleted the e-mail without reading it thinking it was spam e-mail.

#### Interior Design Associations Foundation (IDAF) Report – Aida Bao-Garciga

Ms. Bao-Garciga reported that IDAF was prepared to proceed with filing legislative language changes implementing construction administration, the definition of space planning, and the definition of interior design in the Florida Building Code. She reported that IDAF had a bill sponsor and was ready to proceed with the board's approval. She reported that IDAF was collecting case information regarding cases of harm or anecdotal cases to support the language.

Ms. Bao-Garciga reported that IDAF and the American Society of Interior Designers (ASID) were offering several events and seminars to offer the Florida Building Core and Advanced courses. She reported that Mr. Minacci, Mr. Manausa, and Mr. Johnson conducted a class for IDAF regarding the licensing law. She reported that they were trying to educate the licensed individuals and newly graduated students on the Florida Statutes and Rules.

Ms. Bao-Garciga reported that IDAF would pursue the definition of interior designers as a profession in the Florida Building Code.

Ms. Bao-Garciga reported that IDAF had been successful in awarding over \$10,000 in scholarships.

Mr. Hall asked if IDAF had coordinated with AIA Florida with regards to pursuing legislative language on construction administration since IDAF already had a bill sponsor. Ms. Bao-Garciga responded that IDAF wanted to meet with AIA Florida at today's meeting to coordinate efforts but AIA Florida was not in attendance.

Mr. Hall asked if Ms. Chastain was able to talk with Ms. Long since the meeting in October to get an update on AIA's legislative efforts for the upcoming session. Ms. Chastain responded that her understanding was that AIA was not going to move forward with language this year.

Mr. Manausa commented that AIA Florida was not going to move forward this session with legislative language regarding construction administration. He commented that the current administration with AIA Florida was not supportive of the language at this time however many members of AIA Florida were supportive of the language.

Mr. Gonzalez congratulated IDAF and the interior designers for the constant presence at the board meetings. He commented that there was a lack of participation by the architecture profession and was disappointed that Ms. Long or another representative from AIA Florida was not present at today's meeting. Mr. Gonzalez encouraged the Chair to write a letter supporting the efforts of defining interior designers in the Florida Building Code and a letter supporting IDAF's efforts to pursue construction administration language for interior designers. He commented that last week there was a tornado in Florida that

caused massive damage and loss of life because individuals were afraid to tackle the issue of construction administration.

Ms. Bao-Garciga commented that Dade County required construction administration and Mr. Gonzalez commented that Broward County required it as well. Ms. Chastain commented that Ms. Long sent her regrets and was not able to attend because the AIA National Convention in Washington, D.C. Mr. Gonzalez commented that the architecture profession had lost the opportunity to pursue legislative language regarding construction administration because session would start shortly and be finished before the board's next meeting.

Ms. Dolan asked if there was a bill drafted already. Mr. Kuritzky commented that if the board wanted support of the construction administration language they should seek it beyond architects and interior designers. He commented that he was a licensed building code administrator and was an active participant of the Building Officials Association of Florida (BOAF). He offered to contact and work with the building officials and recommended that the board meet with BOAF to gain support. He commented that many municipalities require that an architect or engineer sign off on designs. He commented that if the board would work with BOAF and the Construction Industry Licensing Board (CILB) then they would have more depth and support with the language being a requirement.

Mr. Kuritzky commented that architects carry the liability not the building officials. Mr. Johnson commented that IDAF was requested to include construction administration for architects. He commented that he did not feel it was appropriate for interior designers to file a bill pertaining to the practice of architecture. He commented that the language was important to the people of Florida, insurance companies, governmental agencies, and then the profession. He commented that IDAF would not pursue language for architectural construction administration because it was too expensive for them to pursue and defend for that profession.

Ms. Grigsby commented that AIA Florida advised that they would not support IDAF in the pursuit of interior design construction administration. Ms. Solera commented that there were many more licensed architects in Florida than were actual members of AIA Florida. She commented that the profession was being represented by an association the only has or represents a portion of the Florida licensure base. Mr. Gonzalez commented that the board regulates all of the licensees in Florida not just the members of AIA Florida or AIA. He suggested a letter be written to support IDAF's legislative efforts and the definition of interior designers in the Florida Building Code.

The board discussed the need to write a letter encouraging realtors, building officials, and interior designers to implement construction administration. Mr. Kuritzky suggested including a positive impact on insurance premiums.

Ms. Dolan asked if the board could draft the bill and obtain a sponsor. Ms. Clark replied that the board could draft legislative language however the department would not be the bill

sponsor. She commented that the board could draft or approve language and work with an association to be the bill sponsor.

Ms. Dolan asked if the board could draft the bill and go directly to a legislator to sponsor the bill therefore circumventing an association. She commented that there were tricks to passing bills like piggy backing bills.

Mr. Manausa commented that the architecture construction administration language was introduced in last year's session. He commented that Ms. Long and Mr. Huey advised that they could not get support from the Legislature unless the board or association could show there was a need and how construction administration would protect the health, safety, and welfare of the public and they needed a "smoking gun" case.

Mr. Manausa commented that he and Mr. Minacci met with the Florida Board of Professional Engineers and they supported the language. He commented that other states have the requirement and insurance premiums were lower because of it. Mr. Manausa commented that the builders were the largest group that was opposed to the language. He commented that the issue was big business controls the Legislature. He commented that AIA Florida was up against large businesses or organizations.

Mr. Kuritzky commented that this was a multi-level issue and that architects participation was small. He commented that architecture construction administration language would provide assistance to the building officials because they are responsible for so many aspects and a smoking gun would be exposing a building official because they failed to do their job. He commented that he did not want to imply that the building officials were failing in their jobs but the perception would assist in getting the insurance companies behind the need and possibly the building organizations. He commented that there needed to be a coordinated effort between the professions.

Mr. Minacci commented that he had a disciplinary case against an architect licensed in Kentucky that was a friend of a Kentucky Architecture Board member and the respondent inquired about issues the Florida Board was facing. He commented that he advised that the board was working on construction or contract administration. The respondent advised that Kentucky had the same problems that Florida was having and they did not utilize AIA. Mr. Minacci advised that the respondent offered to assist the Florida board if they contacted him.

The board discussed adding construction administration to the current definition of architecture but determined it was already contained in the definition but was not further defined with requirements. Ms. Clark advised that a legislative change took the same amount of effort.

The board discussed reviewing the language submitted last year. Mr. Manausa requested that the board write a letter to AIA Florida advising that the board would like construction administration and request that they not oppose IDAF's bill language.

Motion: Mr. Gonzalez moved to write a strong letter to AIA Florida advising that the board supports the construction administration language and request that they not oppose IDAF's efforts.

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

Ms. Grigsby appointed Mr. Hall to write the letter to AIA Florida and requested that Mr. Manausa assist with the drafting of the letter.

The tape was inaudible and then broke. The following minutes were based on staff notes.

The board discussed the need to write letters supporting IDAF with the definition of the interior designers in the Florida Building Code.

Motion: Ms. Solera moved that the Chair write a letter supporting IDAF's efforts in defining interior designers as a profession in the Florida Building Code.

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

Mr. Kuritzky offered to be the liaison between the board and the Board of Building Code Administrators and Inspectors as well as the Building Officials Association of Florida.

Audible taping resumed at this point.

American Institute of Architects (AIA) Florida Report – Vicki Long

Ms. Long was not able to attend the meeting because she attending an AIA National meeting. Ms. Chastain reported that Ms. Long met with Secretary Benson and Florida AIA was supportive of the board's privatization of the investigative and prosecutorial services.

Board Counsel's Report – Mary Ellen Clark

No report.

Prosecuting Attorney's Report – David K. Minacci

Licensed Architects Legal Cases

Licensed Interior Designers Legal Cases

Unlicensed Architects Legal Cases

Unlicensed Interior Designers Legal Cases

Licensed Architects Investigative Cases

Licensed Interior Designers Investigative Cases

Unlicensed Architects Investigative Cases

Unlicensed Interior Designers Investigative Cases

Fines Chart

Results of October 23, 2006 PCP Meeting

Results of October 25, 2006 Board Meeting Results

Press Releases/Speaking Engagements/Other Correspondence

Summary of Activities for Privatization of the Disciplinary Functions for the Board of Architecture and Interior Design during the period of November 1, 2005 through October 31, 2006 (handout)

Mr. Minacci advised that his workload increased because he had hired another investigator and an additional clerical staff person. He commented that he was pleased with the amount of cases they were completing. The board thanked Mr. Minacci for his efforts.

## **Addendum**

### **XI. Future Board Meeting Dates**

Memorandum for the May 14-16, 2007, board meeting in St. Petersburg

### **XII. Review and Approval of Minutes**

October 24-25, 2006 General Business Meeting

Ms. Solera requested that the minutes be corrected to reflect that she was present.

Motion: Ms. Del Bianco moved to approve the minutes as corrected.

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

October 2, 2006 Telephone conference call

December 14, 2006 Telephone conference call

No corrections.

Motion: Ms. Membiela moved to approve the October 2, 2006 telephone conference call and December 14, 2006 telephone conference call minutes as presented.

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

### **XIII. Committee Appointments**

Continuing Education Committee

Ms. Grigsby reappointed and requested that Mr. Schachne, Mr. Matthias, Mr. Ahern, Ms. Bragg, Ms. Scholz, and Mr. Hefner serve on Continuing Education Committee.

Educators' Task Force Committee

Ms. Grigsby appointed and requested that Ms. Shore serve as the liaison to the Educators' Task Force Committee.

Probable Cause Panel

Ms. Grigsby reappointed and requested that Mr. Rodriguez, Mr. Wirtz, and Mr. Hall serve on the Probable Cause Panel.

Ms. Grigsby appointed and requested that Mr. Hall serve as the NCARB delegate.

### **XIV. Discussion/For Information**

NCARB – Fast Facts January 2007

Southern Conference of NCARB Region 3  
Letter from Jeffrey Huberman regarding ARE timing as it relates to IDP  
NCIDQ Board of Directors' Meeting minutes November 2006  
NCIDQ Petition from the Oklahoma Board of Architects, Landscape Architects and Interior Designers; and Ballot (sample)

Motion: Ms. Del Bianco moved to authorize Ms. Shore to approve the NCIDQ Petition from the Oklahoma Board of Architects.

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

#### **XV. New Business**

Ms. Grigsby commented that the interior design educational requirements may need to be reviewed to make sure they are current with the Council of Interior Design Accreditation (CIDA) requirements.

#### **XVI. Old Business**

Ms. Dolan commented that her local AIA chapter wanted to commend the board on their efforts to combat unlicensed activity. She commented that if there were any articles that the board would like to post on their chapter web site they were welcomed to do so.

The meeting recessed at 11:30 a.m.

## **MINUTES**

**Board of Architecture and Interior Design  
Casa Monica Hotel  
95 Cordova Street  
St. Augustine, FL 32084  
904.827.1888**

**February 7, 2007  
9:00 a.m.**

### **General Business Meeting**

#### **I. Call to Order**

Ms. Grigsby, Chair, called the meeting to order at 9:03 a.m.

##### Board Members Present:

Eric Kuritzky  
Roymi Membiela  
Joyce Shore  
Rossana Dolan  
Lourdes Solera  
Rick Gonzalez  
Neil Hall  
Mary Jane Grigsby, Chair  
Sharon Del Bianco  
Garrick Gustafson

##### Board Member Absent:

Kenneth Horstmyer, excused

##### 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  
C. Booker  
Mark Levine  
Ronald Kurowski  
Jeff Peters  
Sandra Dryden  
Lorraine Bragg

Aida Bao-Garciga  
Shari Silkoff  
Shelley Siegel

Court Reporter: Volusia Reporting Company, 150 S. Palmetto Avenue, Suite 101, Daytona Beach, FL 32114, 386.255.2150 telephone, 386.258.1171 fax

## **II. Disciplinary Cases**

### **Consent Agenda items**

Settlement Stipulations presented on a consent agenda are agreements that reflect the penalty imposed by the Probable Cause Panel. Mr. Hall was recused from the vote.

DBPR vs. Susan Breitbart  
Case Number 2005-020909  
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. William Feldkamp  
Case Number 2005-021413  
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Mitzie Fisher  
Case Number 2006-039527  
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Neil B. Hall  
Case Number 2005-046723  
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. J. P. Hansen  
Case Number 2005-017112  
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Thomas Hansz  
Case Number 2005-020998  
PCP: Rodriguez, Wirtz and Hall

DBPR vs. Home Design Services, Inc. / James Zirkel  
Case Number 2005-045514  
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Patricia Kukes  
Case Number 2005-056883  
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Michael Livingston

Case Number 2005-019281  
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Lisa Hampton Lovetto  
Case Number 2005-056873  
PCP: Rodriguez, Wirtz and Hall

DBPR vs. Moulton Lane, P. A. / David N. Moulton  
Case Number 2005-023847  
PCP: Rodriguez, Wirtz and Hall

DBPR vs. Mariela Martin-Fernandez  
Case Number 2005-065538  
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Mariela Mesa  
Case Number 2005-018914  
PCP: Rodriguez, Wirtz and Hall

DBPR vs. Nancy P. Miller  
Case Number 2005-019505  
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Melvin Mitchell  
Case Number 2005-019140  
PCP: Rodriguez, Wirtz and Hall

DBPR vs. Jose A. Robaina  
Case Number 2005-018314  
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Pedro Robau  
Case Number 2005-019728  
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. F. T. Schmidt  
Case Number 2005-016271  
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Terrence D. Smith  
Case Number 2005-020936  
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Tina Teresa Soo Hoo  
Case Number 2005-056996  
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Doris Testerman  
Case Number 2005-015847  
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Galyn Vogel  
Case Number 2005-056864  
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Ernie Yoshino  
Case Number 2005-016249  
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Robert Weinstein  
Case Number 2005-047963  
PCP: Rodriguez, Wirtz, and Hall

Motion: Mr. Kuritzky moved to accept the settlement stipulations as presented on the consent agenda.

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

**Requests for continuance**

Mr. Minacci requested that the board approve the continuance requests for the following cases. Mr. Hall was recused from the vote.

DBPR vs. E. Dean Bolaris / E. Dean Bolaris, P.A.  
Case Numbers 2005-031944 and 2005-027571  
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Juan Carlos David  
Case Number 2006-024834  
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Peter J. Goldhammer  
Case Number 2006-031795  
PCP: Rodriguez, Wirtz, and Wirtz

DBPR vs. Bobbie LeCroy Lansdown / Bobby Lansdown Design Studio  
Case Numbers 2005-041872, 2005-048266 and 2005-048734  
PCP: Rodriguez, Wirtz and Bullock

Motion: Ms. Solera moved to approve the request to continue the cases presented.

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

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

Licensed

DBPR vs. Ronald Z. Kurowski

Case Number 2005-038674

PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the vote. Mr. Kurowski was present and sworn in. The case was before the board for a 2 count administrative complaint filed November 13, 2006 for signing and sealing plans that were not sufficiently detailed and a title block violation. The respondent filed an election of rights form on November 29, 2006 and did not dispute the facts alleged in the administrative complaint. The probable cause panel recommended a reprimand, 2 years probation, and a \$1,000 fine plus costs.

Mr. Kurowski commented that he does not admit or deny the allegation. He commented that the Chair of the probable cause panel wanted to impose a lesser penalty. He commented that he believed the plans examiner relied on the computer program rather than his own logic. Mr. Kurowski commented that the case was based on an addition to a storage facility. He commented that he had never had previous disciplinary action. He commented that there was no damage suffered and he made all corrections to the plans as directed. Mr. Kurowski provided his professional background and advised that he had no prior disciplinary history and completed his continuing education as needed.

Mr. Kurowski commented that he had implemented procedures to avoid similar situations. He commented that there was a degree of financial hardship because he does not practice the profession on a regular basis. He requested the board be lenient and that a reprimand be imposed instead of 2 years probation, fines, and costs. Mr. Minacci commented that the recommended penalty was the minimum however the board had the option to go below the minimum if they felt there was mitigating factors.

Mr. Minacci referred the board to Mr. Hicks, the expert reviewer, comments regarding the number of times there were plan examiner's comments, changes, and the length of time it took Mr. Kurowski to make the corrections. The board reviewed the drawings provided by Mr. Kurowski and discussed the changes made to the building and the working relationship with the plans examiners, owner, and other professionals involved. Mr. Gonzalez commented that there appeared to be some issues because it took numerous reviews to correct the plans examiners concerns. Mr. Kurowski commented that there was a misunderstanding between him and the plans examiner.

Ms. Solera asked Mr. Kurowski if he spoke with the plan examiner. Mr. Kurowski replied in the negative and commented that he was only provided comments in writing. Ms. Solera commented that Mr. Kurowski should have been more assertive regarding the plan examiner's comments. Mr. Kurowski commented that he had some personal issues going on at the time.

Motion: Mr. Gonzalez moved to adopt the findings of facts as alleged in the administrative complaint.

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

Motion: Mr. Gonzalez moved to adopt the conclusions of law as reflected in the administrative complaint.

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

Motion: Mr. Gonzalez moved to accept the panel's recommendation of a reprimand, 2 years reporting probation, and a \$1,000 fine plus \$156 costs.

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

Unlicensed

DBPR vs. Clive Booker / Design Spectrum International, Inc.

Case Numbers 2005-002161 and 2005-002171

PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the vote. Mr. Booker was present and sworn in. The case was before the board for a 3 count administrative complaint filed on September 5, 2006 for alleged violations of practicing interior design without a license, using the title interior designer when not licensed, and practicing interior design through a company without a certificate of authorization. The respondent filed an election of rights on September 26, 2006 and did not dispute the facts alleged in the administrative complaint. The probable cause panel recommended a \$15,000 fine plus costs.

Mr. Booker commented that he did not set out to violate the laws of the state of Florida. He provided a written statement for the board to review. He commented that up until 2002 he was employed as senior management with a leading interior design firm, he attended one of the leading Universities in the United Kingdom, and tried to maintain the highest professional values. He commented that his goal was to become licensed as an interior designer and had applied for approval to sit for the NCIDQ examination. He commented that he has had difficulty being approved for examination because he was having trouble getting education verification since he graduated so long ago.

Mr. Booker commented that he could not dispute the facts but offered the following as mitigating factors. He commented that Design Spectrum was founded in November 2002 to provide interior design services in the United States and overseas. He commented that when the firm was founded it was qualified with a licensed Florida architect. He commented that he assumed at the time that they received the local occupation license that the firm was properly licensed and that the licensed architect had receive all required licenses for the firm. He commented that the licensed architect thought they were in compliance with all required licenses as well.

Mr. Booker commented that in late 2003 the licensed architect took time off due to an illness in the family. He commented that he ran the company in 2004 and did not realize that they were not operating in accordance with the laws. He commented that in 2004 they bid on a job and at that time realized they were not in compliance and withdrew their proposal. He commented that he contact NCIDQ immediately to inquire about licensure.

Mr. Booker commented that they ceased services and advertisements as interior designers. He commented that the company had not pursued any work in the states pending resolution of the matter. He thanked the board for the opportunity to be heard during the hearing, would accept the findings of the board, and would continue to pursue licensure in Florida.

Ms. Solera asked Mr. Booker if he had been approved to sit for the NCIDQ examination. Mr. Booker replied in the negative. Ms. Solera asked Mr. Booker how long he had resided in Florida. Mr. Booker replied 18 years. Ms. Solera asked Mr. Booker if he felt there was a need to be licensed in Florida before now. Mr. Booker replied he felt the need but got buried in the day to day operations of his job and did not follow through.

Ms. Solera commented that the occupational license was not made out to the company name. Mr. Booker commented that he did not realize that until recently. Ms. Solera asked how the company was able to work and have plans sealed. Mr. Booker replied that they were concept designers and there was an architectural firm that sealed the plans.

Mr. Gonzalez commented that their articles of incorporation indicate that they were offering "interior architecture". Mr. Booker commented that they were going to offer interior design not architecture. He commented that he had learned a lot about the licensing laws in the past few months. He commented that they had a licensed architect and that may have been where the confusion came from regarding the term "interior architecture" and that term was used and accepted overseas.

Ms. Membiela commented that there was a previous case against Mr. Booker in 1999 for similar reasons and wanted to know if that had been resolved. Mr. Booker commented that was recently brought to his attention and was not aware that issue was outstanding. He commented that at that time he was doing cabinetry detailing for a contractor.

Mr. Minacci commented that there was some question as to when the architect actually left the company because there was some indication that she left in August 2003. He commented that the complaint was based on a contract that was signed in October 2003 by Mr. Booker offering interior design services.

Ms. Del Bianco asked what type of services Mr. Booker was providing currently. Mr. Booker replied that he was providing furniture for condominiums on an individual basis and did not work in common areas. Ms. Del Bianco commented that the corporation was inactive with the Department of State and questioned the timeframe regarding his education verification for the NCIDQ examination. Mr. Booker commented that he was in a dilemma because he graduated almost 30 years ago and the institution did not keep records so the only proof of education was his degree certificate.

Ms. Solera asked Mr. Booker if he recalled the 1999 case and if he learned anything from it. Mr. Booker replied in the positive and commented that he settled the case with the complainant. Ms. Solera commented that he settled the case with the complainant but not

with the department. Mr. Booker commented that he was not aware that he had not settled with the department.

Motion: Mr. Gonzalez moved to adopt the findings of facts as alleged in the administrative complaint.

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

Motion: Mr. Gonzalez moved to adopt the conclusions of law as alleged in the administrative complaint.

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

Motion: Mr. Gonzalez moved to impose the panel's recommendation of a \$15,000 fine plus \$576 costs.

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

Mr. Gonzalez commented that he needs to remove the reference to architecture in his corporation documents.

The board asked Mr. Minacci to look into the previous case regarding payment. Mr. Minacci advised that he had filed an action in Circuit Court regarding that case.

### **Voluntary Relinquishment**

The following cases were handled on a consent agenda.

DBPR vs. Linda Suttles Akins  
Case Number 2005-062084

DBPR vs. Susan Lasch Benyo  
Case Number 2005-065722

DBPR vs. Steven W. Hinst  
Case Number 2005-037535

DBPR vs. Roger L. Patterson  
Case Number 2005-020447

DBPR vs. Jacobo Salty  
Case Number 2005-047995

DBPR vs. David Tovey  
Case Number 2005-015507

Motion: Ms. Membiela moved to accept the voluntary relinquishments as presented.

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

DBPR vs. Jimmy G. Griggs

Case Number 2005-018002

PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the vote. Mr. Griggs submitted a written request to voluntarily relinquish his license.

Motion: Ms. Del Bianco moved to accept the voluntary relinquishment as requested.

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

### **Settlement Stipulation**

DBPR vs. Ralph Warburton

Case Number 2005-019958

PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the vote. Mr. Warburton submitted a settlement stipulation for the board to review.

Motion: Ms. Membiela moved to accept the settlement stipulation as presented.

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

### **Motion to Modify or Reconsider**

Unlicensed

DBPR vs. Frederick A. Grantham

Case Number 2003-085876

PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the vote. Mr. Grantham was not present but submitted a letter for the board to review requesting that the board reduce the penalty. Mr. Minacci commented that the case was based on a final order that was entered some time ago because Mr. Grantham practiced on a null and void license. He commented that the letter was requesting that the board reduce the penalty and based on Mr. Grantham's long disciplinary history, the fact that he did not appear, and the nature of the case he requested that the board deny his request for penalty reduction or reconsideration of the final order. Ms. Clark advised that the board had no jurisdiction to reconsider any final order past 30 days of the final order had been entered.

Motion: Ms. Del Bianco moved to deny Mr. Grantham's request to reduce the penalty and the request to reconsider the final order.

Second: Mr. Gustafson seconded the motion, it passed, with Mr. Gonzalez, Ms. Dolan, Ms. Solera, and Ms. Grigsby opposed.

Ms. Dolan commented that his letter reflected that he was elderly and was on a fixed retired income. Ms. Clark commented that he could have argued that when the final order was entered over a year ago. She commented that the board did not have the ability to change the final order at this time but they could direct Mr. Minacci to seek a lower penalty when he filed the action in Circuit Court. Mr. Minacci commented that Mr. Grantham was making payments on the final order.

## **Motion for Order Waiving Formal Hearing**

Licensed

DBPR vs. Huston F. Boothe, Jr.

Case Number 2005-016987

PCP: Rodriguez and Wirtz

Mr. Boothe was not present. The case was before the board for a citation for failure to complete the Florida Building Code Core course and an administrative complaint that was filed June 29, 2006 for failure to perform a statutory or legal obligation. He commented that the administrative complaint was served via publication with no response from the respondent. The probable cause panel recommended a \$500 fine, course completion and suspension until compliance.

Motion: Ms. Del Bianco moved that the board find the administrative complaint was properly served, the respondent has waived his right to dispute the material facts by failure to timely respond, the board adopt the findings of facts and conclusions of law as alleged in the administrative complaint.

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

Motion: Ms. Del Bianco moved to impose the panel's recommendation of a \$500 fine, course completion, and suspension until compliance.

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

DBPR vs. Frederick Brauning

Case Number 2005-016491

PCP: Rodriguez and Wirtz

Mr. Brauning was not present. The case was before the board for a citation for failure to complete the Florida Building Code Core course and an administrative complaint that was filed June 29, 2006 for failure to perform a statutory or legal obligation. He commented that the administrative complaint was served via certified mail and the respondent had not disputed the facts. The probable cause panel recommended a \$500 fine, course completion and suspension until compliance.

Motion: Ms. Del Bianco moved that the board find the administrative complaint was properly served, the respondent has waived his right to dispute the materials facts by failure to timely respond, the board adopt the findings of facts and conclusions of law as alleged in the administrative complaint.

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

Motion: Ms. Del Bianco moved to impose the panel's recommendation of a \$500 fine, course completion, and suspension until compliance.

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

DBPR vs. Alan D. Cohen

Case Number 2005-054185

PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the vote. Mr. Cohen was not present. Mr. Minacci advised that Mr. Cohen was a licensed interior designer; however, his license was suspended for failure to complete the Florida Building Code Core course. The case was before the board for an administrative complaint that was filed December 18, 2006 for alleged violations of practicing architecture when not licensed, rendering or offering to render architectural services, using or attempting to use an interior design license that is not active, practicing interior design, using the title interior designer, practicing interior design through a company without a certificate of authorization, and practicing architecture through a company without a certificate of authorization. He commented that the administrative complaint was served via certified mail and the respondent has not disputed the facts or responded. The probable cause panel recommended a \$7,500 fine plus costs.

The board discussed that there were numerous violations and the penalty amount was low. Mr. Minacci advised the board that Mr. Cohen appeared at the probable cause panel meeting and provided in depth testimony regarding the alleged violations.

Motion: Mr. Gonzalez moved that the board find that the administrative complaint was properly served on the respondent and the respondent waived his rights to be heard by failure to timely respond.

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

Motion: Mr. Gonzalez moved that the board adopt the findings of fact as alleged in the administrative complaint.

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

Motion: Mr. Gonzalez moved that the board adopt the conclusions of law as alleged in the administrative complaint.

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

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

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

DBPR vs. Stephane Dupoux

Case Number 2005-020811

PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the vote. Ms. Dupoux was not present. The case was before the board for a citation that was issued for failure to complete the Florida Building Code Core course and an administrative complaint was filed November 6, 2006. The administrative complaint was served via certified mail and the respondent has not disputed the facts or responded. The probable cause panel's recommendation was a \$500 fine, course completion, and suspension until compliance.

Motion: Ms. Solera moved that the board find that the administrative complaint was properly served on the respondent; the respondent waived her rights to be heard by failure to timely respond, the board adopt the findings of fact as alleged in the

administrative complaint, and the board adopt the conclusions of law as alleged in the administrative complaint.

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

Motion: Ms. Solera moved that the board impose a \$500 fine, course completion, and suspension until compliance.

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

DBPR vs. Herman W. Gradick

Case Number 2005-016932

PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the vote. Mr. Gradick was not present. The case was before the board for an administrative complaint filed June 29, 2006 for the respondent's failure to complete the Florida Building Code Core course. The administrative complaint was served via certified mail September 18, 2006 and the respondent has not disputed the facts or responded. The probable cause panel recommended a \$500 fine, course completion, and suspension until compliance.

Motion: Ms. Solera moved that the board find that the administrative complaint was properly served on the respondent; the respondent waived his rights to be heard by failure to timely respond, the board adopt the findings of fact as alleged in the administrative complaint, and the board adopt the conclusions of law as alleged in the administrative complaint.

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

Motion: Ms. Solera moved that the board impose a \$500 fine, course completion, and suspension until compliance.

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

DBPR vs. Robert Heins

Case Number 2005-020262

PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the vote. Mr. Heins was not present. The case was before the board for an administrative complaint filed November 6, 2006 for failure to complete the Florida Building Code Core course. The administrative complaint was served via certified mail on November 17, 2006 and the respondent has failed to respond. The probable cause panel recommended a \$500 fine, course completion, and suspension until compliance.

Motion: Ms. Del Bianco moved that the board find that the administrative complaint was properly served on the respondent and the respondent waived his rights to be heard by failure to timely respond.

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

Motion: Ms. Del Bianco moved that the board adopt the findings of fact and conclusions of law as alleged in the administrative complaint.

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

Mr. Minacci confirmed that Mr. Heins paid the \$500 fine.

Motion: Ms. Del Bianco moved that the board impose course completion with suspension until compliance.

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

DBPR vs. Milton D. Petrides

Case Number 2005-019492

PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the vote. Mr. Petrides was not present. The case was before the board for an administrative complaint filed November 6, 2006 for failure to complete the Florida Building Code Core course. The administrative complaint was served via certified mail and the respondent has failed to respond. The probable cause panel recommended a \$500 fine, course completion, and suspension until compliance. Mr. Minacci confirmed that the fine had been paid.

Motion: Ms. Membiela moved that the board find that the administrative complaint was properly served on the respondent; the respondent waived his rights to be heard by failure to timely respond, the board adopt the findings of fact as alleged in the administrative complaint and the board adopt the conclusions of law as alleged in the administrative complaint.

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

Motion: Ms. Membiela moved that the board impose course completion with suspension until compliance.

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

DBPR vs. Geraldine A. Visconti

Case Number 2005-016606

PCP: Rodriguez and Wirtz

Mr. Visconti was not present. The case was before the board for an administrative complaint filed for failure to complete the Florida Building Code Core course. The administrative complaint was served via certified mail and the respondent has failed to respond. The probable cause panel recommended a \$500 fine, course completion, and suspension until compliance.

Motion: Ms. Del Bianco moved that the board find that the administrative complaint was properly served on the respondent and the respondent waived her rights to be heard by failure to timely respond.

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

Motion: Ms. Del Bianco moved that the board adopt the findings of fact and conclusions of law as alleged in the administrative complaint.

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

Motion: Ms. Del Bianco moved that the board impose a \$500 fine, course completion, and suspension until compliance.

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

Unlicensed

DBPR vs. Jeff A. Lewis

Case Number 2005-002114

PCP: Rodriguez, Wirtz, Bullock, and Hall

Mr. Hall was recused from the vote. Mr. Lewis was not present. The case was before the board for a 2 count administrative complaint filed December 5, 2005 for alleged violations of using the title architect when not licensed and operating through a business without a certificate of authorization. Service of the administrative complaint was attempted by hand but was unsuccessful and therefore the notice was served via publication in the Broward Daily News Review. The respondent has failed to respond. The probable cause panel recommended a \$10,000 fine plus costs.

Motion: Ms. Del Bianco moved that the board find that the administrative complaint was properly served on the respondent and the respondent waived his rights to be heard by failure to timely respond.

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

Motion: Ms. Del Bianco moved that the board adopt the findings of fact and conclusions of law as alleged in the administrative complaint.

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

Motion: Ms. Del Bianco moved that the board impose a \$10,000 fine plus \$551 costs.

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

DBPR vs. Mary Ann Maffia

Case Number 2005-061546

PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the vote. Ms. Maffia was not present. The case was before the board for a 3 count administrative complaint filed August 8, 2006 for alleged violations of using the title interior designer when not licensed, practicing interior design without a license and operating through a business without a certificate of authorization. The administrative complaint was hand served September 21, 2006 and the respondent has failed to respond. The probable cause panel recommended a \$15,000 fine plus costs.

Motion: Ms. Del Bianco moved that the board find that the administrative complaint was properly served on the respondent and the respondent waived her rights to be heard by failure to timely respond.

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

Motion: Ms. Del Bianco moved that the board adopt the findings of fact and conclusions of law as alleged in the administrative complaint.

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

Motion: Ms. Del Bianco moved that the board impose a \$15,000 fine plus \$93 costs.

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

Ms. Shore commented that she passes this business every day and they still had interior design on the front of the building and was operating. Ms. Solera suggested that the cease and desist order should include that the fine amount of \$5,000 could be levied "per count".

DBPR vs. Milton Pasco

Case Number 2005-059311

PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the vote. Mr. Pasco was not present. The case was before the board for a 2 count administrative complaint filed September 5, 2006 for alleged violations of practicing architecture without a license and for offering services through a business without a certificate of authorization. The administrative complaint was hand served November 21, 2006 and the respondent has failed to respond. The probable cause panel recommended a \$10,000 fine plus costs.

Motion: Mr. Gonzalez moved that the board find that the administrative complaint was properly served on the respondent and the respondent waived his rights to be heard by failure to timely respond.

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

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

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

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

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

DBPR vs. Destry Darr Pethel

Case Number 2006-004400

PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the vote. Mr. Pethel was not present. The case was before the board for a 3 count administrative complaint for alleged violations of practicing interior design without a license, using the title interior designer and offering services through a business without a certificate of authorization. The administrative complaint was attempted via hand service but failed and therefore was achieved through the Palm Beach Daily News. The respondent has failed to respond. The probable cause panel recommended a \$15,000 fine plus costs.

Motion: Ms. Del Bianco moved that the board find that the administrative complaint was properly served on the respondent and the respondent waived his rights to be heard by failure to timely respond.

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

Motion: Ms. Del Bianco moved that the board adopt the findings of fact and conclusions of law as alleged in the administrative complaint.

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

Motion: Ms. Del Bianco moved that the board impose a \$15,000 fine plus \$279 costs.

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

DBPR vs. Ray Pina / Arkitek Plus, Inc.

Case Number 2005-028288

PCP: Rodriguez and Wirtz

Mr. Pina was not present. The case was before the board for a 3 count administrative complaint filed for alleged violations of practicing architecture without a license, using the title architect without a license, and offering services through a business without a certificate of authorization. The administrative complaint was hand served and the respondent has failed to respond. The probable cause panel recommended a \$15,000 fine plus costs.

Motion: Ms. Solera moved that the board find that the administrative complaint was properly served on the respondent and the respondent waived his rights to be heard by failure to timely respond.

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

Motion: Ms. Solera moved that the board adopt the findings of fact and conclusions of law as alleged in the administrative complaint.

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

Motion: Ms. Del Bianco moved that the board impose a \$15,000 fine plus \$153 costs.

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

Mr. Gonzalez requested that a news flash be published stating that the respondent took monies from clients.

DBPR vs. Bradley T. Thompson

Case Number 2005-062532

PCP: Rodriguez, Wirtz, and Bullock

Mr. Thompson was not present. The case was before the board for a 3 count administrative complaint filed for alleged violations of practicing architecture without a license, using the title architect when not licensed, and offering services through a business without a certificate of authorization. Hand service of the administrative complaint failed and service was achieved by publication in the Gulf Coast Business Review. The respondent has failed to respond. The probable cause panel recommended a \$15,000 fine plus costs.

Motion: Ms. Del Bianco moved that the board find that the administrative complaint was properly served on the respondent and the respondent waived his rights to be heard by failure to timely respond.

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

Motion: Ms. Del Bianco moved that the board adopt the findings of fact and conclusions of law as alleged in the administrative complaint.

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

Motion: Ms. Del Bianco moved that the board impose a \$15,000 fine plus \$228 costs.

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

Mr. Gonzalez requested that the case be referred to the Florida Board of Professional Engineers.

DBPR vs. Keith G. Wallace

Case Number 2005-057177

PCP: Rodriguez and Wirtz

Mr. Wallace was not present. The case was before the board for a 1 count administrative complaint filed for an alleged violation of using the title architect. Hand service of the administrative complaint was attempted but failed and it was achieved via publication in the Jacksonville Business Journal. The respondent has failed to respond. The probable cause panel recommended a \$5,000 fine plus costs.

Motion: Mr. Hall moved that the board find that the administrative complaint was properly served on the respondent and the respondent waived his rights to be heard by failure to timely respond.

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

Motion: Mr. Hall moved that the board adopt the findings of fact and conclusions of law as alleged in the administrative complaint.

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

Motion: Mr. Hall moved that the board impose a \$5,000 fine plus \$174 costs.

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

Licensed

DBPR vs. James P. Goldman

Case Number 2005-017635

PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the vote. Mr. Goldman was not present. The case was before the board for a 1 count administrative complaint filed for an alleged violation of failure to complete the Florida Building Code Core course. The administrative complaint was hand served February 28, 2006. The respondent has failed to respond. The probable cause panel recommended a \$500 fine, course completion, and suspension until compliance.

Motion: Ms. Del Bainco moved that the board find that the administrative complaint was properly served on the respondent and the respondent waived his rights to be heard by failure to timely respond.

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

Motion: Ms. Del Bianco moved that the board adopt the findings of fact and conclusions of law as alleged in the administrative complaint.

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

Motion: Ms. Del Bianco moved that the board impose a \$500 fine, course completion, and suspension until compliance.

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

### **Settlement Stipulation**

Licensed

DBPR vs. Bruce C. Bower

Case Number 2006-027583

PCP: Rodriguez, Wirtz and Hall

Mr. Hall was recused from the vote. Mr. Bower was not present. The case was before the board for a 3 count administrative complaint filed for alleged violations of failure to properly supervise the work of another, aiding unlicensed activity, and failure to include proper information in the title block. The probable cause panel recommended a reprimand and \$4,750 fine plus costs. The settlement stipulation reflected a reprimand and \$2,375.00 fine plus costs. Mr. Minacci commented that this was not a typical plan stamping case and provided information regarding his meeting with Mr. Bower.

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

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

Unlicensed

DBPR vs. Mario V. Blanco

Case Number 2005-062510

PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the vote. Mr. Blanco was not present. The case was before the board for a 2 count administrative complaint filed for alleged violations of using the title architect without a license and practicing architecture without a license. The probable cause panel recommended a \$10,000 fine plus costs. The settlement stipulation reflected a \$5,000 fine plus costs based on the respondent's agreement to come into compliance, the project at issue was residential, and the title used was architectural design consultant.

Motion: Ms. Membiela moved to accept the settlement stipulation as presented.

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

DBPR vs. Brukman & Chechik Architecture Studio

Case Number 2005-038752

PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the vote. The respondent was not present. The case was before the board for a 4 count administrative complaint filed for alleged violations of unlicensed practice of architecture, using the title architect when not licensed, offering architectural service through a business without a certificate of authorization, and using the title interior designer. The probable cause panel recommended \$20,000 fine plus costs. The settlement stipulation reflected a \$10,000 fine plus costs based on the respondent being a licensed architect in Argentina, was confused regarding the laws in Florida but now understands the laws, and has agreed to come into compliance.

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

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

DBPR vs. Concepto Uno of Miami and Santiago Bernal

Case Number 2006-041343

PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the vote. The respondent was not present. The case was before the board for a 3 count administrative complaint filed for alleged violations of unlicensed practice of interior design, using the title interior designer when not licensed, and practicing through a business without a certificate of authorization. The probable cause panel recommended a \$15,000 fine plus costs. The settlement stipulation reflected a \$7,500 fine plus costs based on Mr. Minacci's discussion of the case with the respondent and the respondent has agreed to come into compliance.

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

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

DBPR vs. Tracy A. Gregory / TAG for Design

Case Number 2005-063289

PCP: Rodriguez, Wirtz and Hall

Mr. Hall was recused from the vote. The respondent was not present but submitted a letter for the board to review. The letter requested the board reduce the fine amount. Mr. Minacci commented that he and Mr. Manausa met with the respondent and reviewed the laws with her. The case was before the board for a 3 count administrative complaint filed for alleged violations of unlicensed practice of architecture, using the title architect when not licensed, and offering architectural service through a business without a certificate of authorization. The probable cause panel recommended a \$15,000 fine plus costs. The settlement stipulation reflected a \$5,000 fine plus costs. Mr. Minacci commented that mitigating factors were that Ms. Gregory worked with an attorney regarding the presentation to the Tampa City Historic Preservation Committee, as soon as she was notified she immediately removed herself from the project, he and Mr. Manausa went to her place of business and there was no indication of architectural services. Mr. Minacci commented that she offers residential decorating. The presentation was preliminary design and there was an architect on the project. Mr. Minacci commented that when he went to meet with Ms. Gregory she

had already researched and familiarized herself with the laws. He commented that he was not requesting or suggesting that the board reduce the fine as she requested in her letter but does not feel that an increase was needed. Mr. Manausa commented that she strictly helped someone else make a presentation and nothing presented was intended to be constructed.

Ms. Del Bianco commented that the fine imposed was too low. Mr. Minacci commented that he felt the \$5,000 fine was appropriate based on his meeting with her and the circumstances surrounding the case.

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

Second: Ms. Solera seconded the motion, it passed with Mr. Gonzalez, Ms. Grigsby, Ms. Dolan and Ms. Del Bianco opposed.

The board members that opposed the motion felt the fine was not high enough.

DBPR vs. Michael Perry / MPerry Designs, Inc.

Case Number 2005-037042

PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the vote. The respondent was not present. The case was before the board for a 2 count administrative complaint filed for alleged violations of unlicensed practice of architecture and offering architectural services through a business without a certificate of authorization. The probable cause panel recommended a \$10,000 fine plus costs. The settlement stipulation reflected a \$5,000 fine plus costs. Mr. Minacci commented that the individual agreed to come into compliance, the case was residential, and the respondent was working with a licensed architect.

Mr. Gonzalez commented that the respondent was busy in the Boca area. Mr. Perry is an architectural examination candidate.

Motion: Ms. Del Bianco moved to reject the settlement stipulation presented, suggested a counter offer of a \$10,000 fine plus costs, and the respondent must agree or reject the counter offer in writing within 30 days.

Second: Ms. Solera seconded the motion.

Mr. Minacci commented that they were discussing a residential project and he was working with a licensed architect. He commented that compared to other cases the settlement stipulation was sufficient. He requested that the board approve the settlement stipulation as presented. He commented that the respondent responded to the case, worked with the investigators, and felt the stipulation was appropriate.

Ms. Del Bianco withdrew her motion and Ms. Solera withdrew her second.

Motion: Ms. Membiela moved to accept the settlement stipulation as presented.

Second: Mr. Gustafson seconded the motion, it passed with Ms. Del Bianco opposed.

The board discussed unlicensed activity and the need to get the word out to the public to use only licensed professionals. Mr. Hall commented that the fines that were being levied against unlicensed individuals was just a drop in the bucket or the price of doing business. Mr. Minacci commented that he felt for individuals that were trying to get licensed properly or even some of the unlicensed individuals that just didn't know, the fines being levied were extreme to them on a personal financial basis.

Mr. Hall commented that one of the problems the board faces was the state was divided into 3 regions. He commented that in south Florida the level of sophistication of the unlicensed individuals was ahead of the licensed architects. He commented that the use of unlicensed individuals was market and financial driven. Portions of the discussion were inaudible.

DBPR vs. Camilla Popham / Noble Interiors, Inc.  
Case Numbers 2006-036122 and 2006-034896  
PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the vote. The respondent was not present. The case was before the board for a 3 count administrative complaint filed for alleged violations of unlicensed practice of interior design, using the title interior designer when not licensed and offering interior design services through a business without a certificate of authorization. The probable cause panel recommended a \$15,000 fine plus costs. The settlement stipulation reflected a \$5,000 fine plus costs. Mr. Minacci requested that the board approve the settlement stipulation.

Motion: Ms. Membiela moved to accept the settlement stipulation as presented.  
Second: Ms. Shore seconded the motion and it passed unanimously.

DBPR vs. Salini Design / Arturo Belkind and B. Displays, Inc.  
Case Number 2005-038053  
PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the vote. The respondent was not present. The case was before the board for a 3 count administrative complaint filed for alleged violations of unlicensed practice of interior design, using the title interior designer when not licensed and offering interior design services through a business without a certificate of authorization. The probable cause panel recommended a \$15,000 fine plus costs. The settlement stipulation reflected a \$5,000 fine plus costs. Mr. Minacci requested that the board approve the settlement stipulation as presented based on the fact that Mr. Belkind was an architect from another country; he wanted to know what he was doing wrong and wanted to be compliant with the law.

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

The board requested that Mr. Minacci's office follow up with the respondents to make sure they remove improper references from their web sites. Mr. Chastain advised that he was

following up on that and sometimes the references were removed prior the completion of his investigative report.

Ms. Membiela suggested that the board send out information to foreign consulates regarding the licensure requirements and procedures. Ms. Dolan offered the board the opportunity to provide articles to her area AIA chapter. Portions of the tape were inaudible.

Mr. Kuritzky commented that individuals circumvent the permitting process all the time when they do home improvements or additions. He commented that they were up against individuals or customers that just do not want to use licensed professionals. He commented that maybe using an example of where an individual did not use a licensed professional and their home or commercial property was leveled because of that would be good public relations or examples of what does or could happen.

Ms. Young commented that she felt the consumer was becoming more savvy checking if someone was professionally licensed and how easy it was to file a complaint against individuals that were not licensed but offering the services.

**DBPR vs. Francisco Sermer**

Case Number 2005-025255

PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the vote. The respondent was not present. The case was before the board for a 2 count administrative complaint filed for alleged violations of unlicensed practice of architecture and using the title architect when not licensed. The probable cause panel recommended \$10,000 fine plus costs. The settlement stipulation reflected a \$2,500 fine plus costs. Mr. Minacci commented that the case was residential in nature, there was a dispute as to whether he actually held himself out as an architect, and Mr. Sermer now lives in Virginia. The board requested that the case be referred to the Florida Board of Professional Engineers.

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

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

### **III. New Business**

Ms. Dolan asked for information regarding the Florida Building Code advanced courses. Ms. Chastain commented that a reference sheet on how to maneuver the department's web site to obtain the information was published in the newsletter.

The board tentatively set a telephone conference call for March 20, 2007 at 2:00 p.m.

### **IV. Old Business**

No old business.

### **V. Adjourn**

The meeting adjourned at 11:45 a.m.