

## **MINUTES**

### **BOARD OF ARCHITECTURE AND INTERIOR DESIGN**

**Casa Monica Hotel  
95 Cordova Street  
St. Augustine, FL 32259  
800.648.1888 or 904.827.1888**

**March 30, 2005**

**General Business**

**9:00 a.m.**

#### **Call to Order**

Ms. Grigsby, Vice-Chair called the meeting to order at 9:05 a.m.

#### **Board Members Present:**

Miguel Rodriguez  
Ellis Bullock  
Stephen Schreiber  
Mary Jane Grigsby, Vice Chair  
Sharon Del Bianco  
Joyce Shore  
Kenneth Horstmyer  
Rick Gonzalez, Chair (arrived late)

#### **Board Members Absent:**

Neil Hall  
Garrick Gustafson  
Roymi Membiela

#### **Others Present:**

Mary Ellen Clark, Board Counsel  
David Minacci, Prosecuting Attorney  
Juanita Chastain, Executive Director  
Terri Estes, board staff  
Trent Manausa  
Emory Johnson  
Vicki Long, Florida AIA  
Robert J. Boerema  
Bruce Phillips  
Susette Crosby  
Joyce Butts  
Shelley Siegel

Aida Bao Garciga  
Kim Transtrum  
Donna Kirby  
Sandra Dryden  
Michael Wirtz  
Steve Hefner  
Michael Byrd  
Janice Young  
Gloria Ellinwood

Court Reporter: Cindy Green, 407.896.1813, through American Court Reporting, 425 Old Magnolia Road, Crawfordville, FL 32327

Hearing not Involving Disputed Issues of Material Fact

Paul Spung

Ms. Clark advised the board that Mr. Romero, Mr. Spung's attorney, submitted a letter requesting a continuance based on his desire for more time to review information from the Ohio state board and a previously undisclosed criminal violation.

Motion: Ms. Del Bianco moved to continue the hearing.

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

### **Interior Design Discussion**

Interior Designer Plans

Ms. Bao Garciga commented that she received an interpretation from the Director of the Building Department in her area and they determined interior designers' seals were not being accepted unless they were attached to an architects' or engineers' seal. She requested that the board provide her with an interpretation or direction on how to handle the issue.

Ms. Clark advised the board that the laws and rules clearly state what the use of a seal is and when it is to be affixed. She advised the board not to provide an opinion unless it was in response to a written petition for declaratory statement based on an individual set of circumstances.

NCIDQ/FIDER Questionnaire

Mr. Wirtz commented that the questionnaire was for NCIDQ information purposes.

Ms. Young commented that FIDER requested that the questionnaire be distributed. She commented that this was for gathering of information and there was no action that would be taken from the information gathered.

Mr. Wirtz advised the board that FIDER was investigating, with a committee, the equivalency issue. He commented that they created a task force to research the need and issue.

NCIDQ Updated Model Documents  
Model Title Legislation  
Model Practice Legislation  
Model Regulatory Board Rules and Regulations  
NCIDQ Model Language Review and Comment Cycle  
NCIDQ Minutes from the Board of Directors' Meeting January 2005  
NCIDQ Minutes from the Board of Directors' Meeting December 2004  
NCIDQ Minutes from the Board of Directors' Meeting January-November 2004  
For the board's information, there was not discussion on the above items.

### **Architecture Discussion**

Mandatory Construction Administration – Trent Manausa

Mr. Manausa commented that the Florida AIA committee was becoming supportive of the mandatory construction administration proposal. He commented that the committee was trying to prepare the language and issue for the upcoming legislative session.

Ms. Del Bianco commented that the board should define what incidental practice was for architects. Ms. Clark commented that incidental practice was subject to interpretation. Ms. Del Bianco commented that it would provide perimeters for both architects and engineers. Mr. Rodriguez commented that if the Board of Professional Engineers would sit down with the Board of Architects and Interior Designers to determine the perimeters then he would agree to define incidental practice. The board discussed other states that defined incidental practice.

The board discussed the fact that the Board of Architects and Interior Designers and the Board of Professional Engineers met for years and discussed the issue of having the discipline of the profession listed when the individual signed and sealed plans. They discussed that the process and progress fell apart when the boards quit meeting together due to budget issues.

Mr. Minacci advised the board that he and Mr. Manausa were going to meet with the Board of Professional Engineers to review the proposed contract administration language for their feedback. He commented that he would express this board's desire to meet and discuss the incidental practice issue. The board discussed the need to have a face to face meeting with the Board of Professional Engineers.

Ms. Chastain advised the board how the travel budget was set and how many members that would be approved to attend meetings out of state. Ms. Del Bianco commented that they could arrange to meet in the same city and same dates as the Board of Professional Engineers to accomplish meeting together and within the board's budget. Mr. Bullock commented that he disliked the board's budget process and that they were not able to send as many board members as they want to out of state meetings and conferences.

March Southern NCARB Conference update

Mr. Rodriguez provided an update on the Southern NCARB Conference. He commented that Conference elections were held, provided the names of the winners, and advised that

Stephen Schreiber was elected Treasurer. He commented that they passed some house keeping resolutions and that he would provide those to Ms. Chastain for disbursement to the other board members.

Mr. Rodriguez commented that there were some California resolutions presented and they have requested that Florida co-sponsor them. He commented that he was aware that Texas was co-sponsoring three of the resolutions.

Resolution 1 – establish an NCARB Regional Governance Commission which would comprise of 2 representatives from each region appointed by the membership of the region to study the composition of those regions and develop a recommendation for equitable realignment and representation on the board of directors. This would encourage more than one candidate for each executive position.

Mr. Rodriguez commented that this would allow the realignment of the regions and have a broader representative on the board of directors. He commented that they would like to have 2 representatives from each state for more diversity. He commented that currently the NCARB elections are unopposed and felt there was a problem with that. Mr. Schreiber commented that there should be at least 2 candidates for every office for elections. Mr. Rodriguez commented that California wanted to see broader representation.

The board discussed the possibility of the regions changing. Mr. Rodriguez commented that he did not feel that the goal was to change the regions but have broader representation and offer diversity of opinions. Mr. Schreiber commented the Commission would move from 6 to 12 directors.

Resolution 2 – transition to increase the number of directors from 6 to 12 or 2 from each region.

Resolution 3 – allow member boards or regions to submit comments in opposition to resolutions to be published in the pre-annual meeting report. Also, the opponents and proponents will be allowed to rebut the opposing arguments in favor or opposition of the resolution.

Mr. Rodriguez commented that would allow boards to issue their opinions and be prepared for the annual meeting. He commented that the favored the resolutions.

Resolution 4 - established 2 additional seats on the board of directors which were a public non-architect member and member board executives. He commented that the National Board was discussing including a public member at large.

Resolution 5 - was to change committee appointments to a fixed term of 3 years.

Resolution 6 - all committee and task force charges be posted on member board's member web page.

Resolution 7 – all increases of fees be subject to the vote of membership.

Mr. Rodriguez commented that Texas was not supporting this resolution and he did not feel Florida should either.

Resolution 8 – establish a criterion by NCARB candidates for the NAAB board of directors to be evaluated and appointed.

Mr. Rodriguez commented that currently NCARB moves their immediate past president to the board of directors.

Resolution 9 – establish goals, guidelines, and protocol for NCARB members of NAAB accreditation teams to follow on visits to schools.

Mr. Rodriguez commented that he felt this was an inappropriate resolution for NCARB because NAAB sets the guidelines for their accreditation teams. He commented that anything that NCARB would do should be binding only on NCARB. He requested that the board not support the resolution.

Resolution 10 – establish a task force to evaluate the new 2004 NAAB student performance criterion compared to the 1998 criterion evaluating how the new criterion would fulfill the NCARB education standards and if there are any gaps between education and practice as found in the 2001 NCARB practice analysis. The task force is to review the process by which the 2004 criterion came into being and determine whether the interest of state boards were heard and will be adequately heard before the standards for architectural educational standards are changed in the future. The task force is charged with determining if students were being adequately educated and trained in the core competency for architectural practice prior to beginning full time internships.

Ms. Del Bianco opposed resolution 10. Mr. Rodriguez commented that he felt that resolution 10 would be a valuable exercise but should not be in a resolution form. He commented that the last sentence of resolution 10 he would support.

Resolution 11 – establish a section of the ARE that is exclusively about codes and regulations.

Mr. Rodriguez commented that would change the exam from a 9 section to a 10 section exam. Mr. Bullock commented that section 10 of the exam would solve Florida's core course issue. Mr. Rodriguez agreed but felt the codes were reference documents not memorization documents.

Resolution 12 – reintroduce a comprehensive design examination that would require the candidate to design a building from the ground up.

Mr. Rodriguez felt they should support this resolution if it could be done via computer.

Resolution 13 – allow portions of the ARE that are more academic in nature to be taken upon graduation of college.

Mr. Rodriguez commented that he felt they should be able to take the entire ARE examination upon graduation. The board discussed the benefit of practice prior to taking the examination as well as taking the test straight out of school.

The board voted yes on the following resolutions – 1, 3, 4, 5, 6, 8, and 11

The board voted no on the following resolutions – 2, 7, 9, 10, 12, and 13

The board authorized Mr. Rodriguez to offer Florida as a co-sponsor. The board discussed a concern regarding the timing of the publication of resolutions and Mr. Rodriguez agreed to voice that concern. The board discussed having monthly conference calls to remedy the timing issue on resolutions.

Ms. Grigsby commented that the upcoming NCARB meeting would be held June 22-25 at the Ritz Carlton South Beach, Miami Beach, Florida. They requested that all board members be able to attend.

Mr. Schreiber commented that at the regional meeting they received a presentation on the emerging professional which was a great web based resource for interns that allowed them to supplement their IDP by reading materials and taking examinations similar to continuing education. He commented that California presented an IDP program which was a performance based program in addition to NCARB's IDP program.

Mr. Rodriguez commented that he felt NCARB IDP would go through an extension review and redevelopment in the future.

Mr. Rodriguez commented that they also received an NCARB strategic plan and it included items that were pertinent to the regulation of the profession. He commented that the strategic plan included improving services and decreasing turn around times on records and paperwork. He commented that the final plan would be presented at the annual meeting.

#### Executive Masters Degree in Architecture

Mr. Schreiber commented that this was the shortest NAAB approved program. Mr. Rodriguez commented that the program was limited to licensed architects. Mr. Schreiber commented that it was for individuals with 4 year degree programs and they were trying to obtain a NAAB accredited degree at nights and on weekends.

Mr. Manasa commented that the difficulty of the program was that the courses were only given on certain weekends, over a period of time and the school was located in San Diego, California.

Mr. Rodriguez commented that the program was limited to licensed architects and 5 years full time professional experience after licensure but there was no requirement that the individual have a NAAB accredited degree to enter. He commented that this degree was NAAB accredited.

Incidental Practice of Engineering  
2005 NCARB Annual Meeting and Conference  
Letter from Blakely Dunn  
2005 Board Member/Educator's Conference Summary  
ARE number and percent passing report  
NCARB – University of Buffalo/SUNY Wins \$25,000 Prize  
For the board's information, there was no discussion on these items.

Mr. Schreiber commented that he attended the NCARB Prize presentation and was pleased with the schools that were bringing firms into the studios which impacted the students in a positive way.

Review of Statutes Discussion  
House Bill 0699  
Amendment to House Bill 0699  
Legislative update from AIA Friday Facts  
AIA Florida Report – Vicki Long  
Ms. Long with Florida AIA was present. She commented that House Bill 0699 was heard at the House Committee and there were questions regarding the amendment that placed interior designers in the bill. She commented that there were questions regarding the need for responsible supervisory control and whether it was limiting an individual's ability to manage their practice the way they saw fit.

Ms. Long commented that the questions or issues had been resolved and the bill should be moving forward. She commented that the language would be amended to include interior designers as well as landscape architects.

Ms. Long commented that the language was amended to include the ability to allow for electronic signing and sealing.

Ms. Long commented that she met on March 16, 2005 with Mr. Vu, Jacksonville AIA Chapter, and commented he met with legislators and it was a wonderful experience and encouraged board members to attend a legislative session. Ms. Long commented that there were approximately 50 plus architects that spoke with almost all of the 160 Legislators regarding the bill.

Ms. Long commented that there were 2 bills going through the process that dealt with electronic signing and sealing. She commented that they wanted to keep the bills separate in case they needed a vehicle to adopt or amend House Bill 0699.

Ms. Long commented that House Bill 255 and Senate Bill 1012 proposed by the department was going to allow the board ability and discretion to reinstate an individual's license that lapsed to null status. She advised the board that the Senate had approved the language and it was ready for presentation in the House.

Ms. Long advised that the Professional Services Acquisition which was a CCNA bill was opened by the Board of Surveyors and Mappers and the Professional Board of Engineers to tighten the language for continuing contracts and to better define the word "negotiate". She advised that the bill was moving forward with no or very little opposition.

Mr. Rodriguez asked if the language required rules to be drafted which would allow the board leeway for individuals on a case by case basis. He commented that there should be a mechanism for the department to notify the board when language is being presented to the legislature. He commented that he was in the hearing when the language was reviewed by the legislative committee and he was surprised. He felt that the board should have been made aware of the language prior to it going to the legislature so the board members do not discover by accident.

Ms. Long commented that staff analysis reflected that the language would be created by rule and that continuing education and fees needed to be determined.

Ms. Long commented that House Bill 117 and Senate Bill 590 regarding Mold assessment and remediation was controversial. She commented that Florida AIA had not taken a position on the bill. She commented that there was some language for a right to cure in cases where mold was found and provide guidelines for the architect to remedy the issue.

Mr. Rodriguez commented that the right to cure was not an issue because that exists elsewhere. He commented that it appeared that this was going to be a licensing issue under the contractor's board. He commented that he consults on mold and felt that architects should be included. He commented that he was entitled to do this work currently and he did not want to see this become a licensing issue under the contractor's board.

Ms. Long commented that House Bill 567 was an alternative plan review and inspection bill which provides for private providers of inspection services. She commented that Thaddeus Cohen met with individuals post hurricane that were having problems getting inspections as the rebuilding process continues. She commented that AIA continued to provide architect names to the building departments in an effort to assist with inspections.

Ms. Long commented that Senate Bill 442 was related to the building codes and had been amended numerous times.

Ms. Long confirmed for the board that they were appropriated \$525,239 for the privatization contract and it should not be up for negotiation as the Legislature moved into final stages of budget development.

Ms. Long introduced some Florida AIA members that were in attendance. Portions of the tape were inaudible.

Ms. Long commented that there were 2 task forces created and they had asked Mr. Manausa to participate. She commented that one of the task forces would concentrate on bringing interested parties together that would be impacted by legislative language and eliminate confusion or barriers regarding the language. She commented that the other task force would focus on architectural firm ownership issues. She commented that they had looked at the Certified Public Accountant Profession as a reference because they had minimum ownership requirements.

Mr. Rodriguez commented that he had a concern with Senate Bill 442, section 12, dealing with ongoing building code education and he was concerned with the Building Education and Outreach Council. He commented that the Council would be made up of representatives from each board and he felt that there should be an architect and interior designer represented. He commented that the new Council would phase out the Technical Advisory Committee (TAC). He commented that the TAC voted that the boards should have authority over advanced building code courses. He commented that attorneys argued that the authority was only allowed by the Department of Community Affairs (DCA) and the authority could not be given to the individual boards. He commented that the authority was given to the boards; however, DCA must still approve those courses by the Council.

Mr. Rodriguez commented that the 2 hour mandatory advance training requirement would be a reciprocity issue for the licensees.

Mr. Johnson commented that Senate Bill 442, section 29, implemented the following; a county or municipal government must review and approve, approve with conditions, or deny any application for a site development plan or building permit or other permit within 90 days after receipt of the application unless the applicant agrees to an extension. An application that is not acted upon within such period is automatically deemed approved and the applicant may begin construction or commence any other activity allowed under the permit sought.

Ms. Long advised the board to visit Florida AIA's web site for tracking and updates on bills.

Rules Report and Discussion  
Rule Tracking (hand out)  
Statute and Rules examination  
NCARB ARE rolling clock

Ms. Clark provided a list of the rules noticed for development and draft language as available.

Ms. Clark commented that Rule 61G1-11.012, Educational Advisory Committee which was noticed in June 2004 and the draft proposal was to update the rule to reflect what the board was actually practicing.

Motion: Mr. Bullock moved to approve the language as presented.

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

Ms. Clark commented that the board requested that language be created to require a laws and rules test be taken as a condition of licensure. She commented that Rule 61G1-13.004, Florida Laws & Rules Examination for Architects was draft language for request and she referred to the language as utilized by the Board of Professional Engineers.

Ms. Clark commented that she drafted updated language for Rule 61G1-13.001, Experience Requirements for the board to review and consider adopting.

Motion: Mr. Schreiber moved to approve language as presented for Rule 61G1-13.001.

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

Mr. Schreiber asked if it would be more appropriate to use the word "Statute" in place of "Laws" for Rule 61G1-13.004 Florida Laws & Rules Examination for Architects. Ms. Clark replied that the word "Laws" was synonymous with "Statutes".

Mr. Manausa commented that the language reflects a multiple choice examination and he asked Ms. Clark if her intent was to change from a true or false examination. Ms. Clark replied that she would not be writing the examination and that the rule language was for the board to review and revise as they see fit. Ms. Del Bianco commented that true or false examinations were multiple choice.

Ms. Chastain commented that she spoke with the department's Bureau of Education and Testing (BET) and they feel that the examination should be psychometrically sound based on Chapter 455 and 120, Florida Statutes allowed for review or challenges of examinations. She presented some options to the board for consideration.

Option 1 – An online laws and rules examination developed by BET with experts to assist. The cost would be approximately \$3,000. The grades could be uploaded into the applicant's file. The examination could be administered in person by the current computer based testing company, Promissor.

Option 2 – a mail-out examination, with a grade sheet that could be scanned and the cost would be the same to create the examination with additional minimal mailing and scanning costs.

Ms. Chastain commented that the board would need to determine if they would charge a fee above the application fee. Mr. Manausa asked if BET developed the examination would the board have the opportunity to review the examination for pertinent content. Ms. Chastain replied that there would be licensed architects and interior designers appointed as experts to BET to assist with the development of the questions for the examination. She advised the board that they could select the expert.

Ms. Young commented that implementing the laws and rules examination would be placing an additional bureaucratic incumbent on the applicant. She suggested resolving the issue with the licensees by having them sign an affidavit that they are aware and familiar with the laws and rules.

Mr. Rodriguez asked if the involvement of BET was optional. Ms. Chastain replied that BET strongly recommends that the board have a psychometrically sound examination in case any one every challenged the exam. Mr. Rodriguez commented that he did not feel there would ever be a challenge.

Motion: Mr. Rodriguez moved that the board take no further action on the issue.

Ms. Del Bianco asked what an individual would challenge. Ms. Clark commented that nothing had been presented that was in opposition to what the board was requesting. She commented that \$3,000 for an on line psychometrically sound examination was reasonable.

Ms. Young suggested that it be a continuing education course. The board felt that a continuing education course was a reciprocity impediment.

Mr. Bishop commented that licensees never see board meetings unless they are present for disciplinary reasons. He commented that all licensees sign an affidavit that they have knowledge of the law when they make application. He commented that he did not feel they should burden individuals that practice above and in accordance with the law.

Ms. Del Bianco commented that it has been brought to the board's attention that licensees are not aware of the law even if they signed the affidavit. She commented that an open book test should not be a burden on individuals that practice in accordance with the law because they should know that information already. She commented that the board wanted something simple that would reemphasize the responsible supervisory control issue and problem areas.

Mr. Bishop commented that individuals that were not practicing above board would take the test, sign the form and continue to do wrong. Mr. Manausa commented that the test would be for new licensees on the basic knowledge of the laws. He commented that the board never envisioned a proctored exam.

Ms. Chastain commented that the proctored exam was an option and that any on line proctored exam would help monitor and control whether the individual was taking the exam or if they were having their secretary take the exam. She commented that it was presented as an option for consideration. Mr. Manausa commented that you would never be able to stop all of the cheaters.

Mr. Rodriguez commented that the board envisioned the questionnaire or test to be questions that would force individuals to review the laws and rules. He commented that the Bureau of Education and Testing took a simple item and now it was out of control. He commented that if the board could review and approve the questions, if the test could be

put on line, and if the process was simple he would support it but if not then he would motion to take no further action on the rule.

Mr. Schreiber commented that he took a similar test in New Mexico which took approximately 15 minutes. He commented that maybe they should look at the pass percentage to be 75 % instead of 90 % and they should seek guidance from the Bureau of Education and Testing.

Ms. Chastain commented that the questionnaire was presented to the Bureau of Education and Testing as a 25 question exam and that the cost was minimal. She commented that they did not feel that the test would be problematic. Mr. Manausa commented that he did not want to see licensees charged for the examination.

Ms. Ellinwood requested that the board seriously consider the requirement as a continuing education unit for all licensed individuals.

Ms. Del Bianco commented that she did not want there to be a cost to applicants.

Ms. Chastain suggested that she would have a representative from the Bureau of Education and Testing available for questions.

Motion: Ms. Del Bianco moved to approve as presented.

Second: Mr. Bullock seconded the motion.

Mr. Rodriguez commented that the passing score of 90% is too high and recommended that the percentage be stricken. The percentage was an example of what engineers require for their examination.

Ms. Young commented that passing scores or percentages would be determined by psychometricians. Ms. Clark commented that they may want to talk with the Bureau of Education and Testing. Mr. Manausa commented that the questionnaire or test was extremely easy and it was something they should know. He did not feel that 90% was a bad number.

Mr. Manausa commented that the board discussed making the completion of the examination a continuing education credit and requested that they consider that when they create the rule language. Ms. Clark commented that it would need to be added to the continuing education rule not the examination rule.

The question was called and the motion failed.

Motion: Mr. Rodriguez moved to approve the language as written with the modification that the board reviews and approves the examination contents.

The motion died for lack of a second.

The board recessed at 11:50 a.m. for lunch  
The board reconvened at 1:00 p.m.

Application Reviews to begin at 1:00 p.m.

#### Application Reviews

Mr. Minacci commented that there were some applications on the agenda that had pending disciplinary cases which were now resolved. He requested that the board approve the following applications.

Berlin Designs, Inc.  
Brewer Architecture, Inc.  
Coltrain E. Jones, Architects, PA  
Jackson & Hall Architects, PA  
Mulvanny G2 Architecture Corporation  
Nexus Design Group, LLC  
Windigo Architects, PA  
Windigo Architecture  
BKM Architects, Inc. changing to BKM Design-Build, Inc.  
Associates One  
Healthyliving Interiors  
Sharon Laird

Motion: Mr. Schreiber moved to approve Brewer Architecture, Inc., Coltrain E. Jones, Architects, PA, Jackson & Hall Architects, PA, Mulvanny G2 Architecture Corporation, Nexus Design Group, LLC, Windigo Architects, PA, and Windigo Architecture.

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

Motion: Mr. Schreiber moved to approve BKM Architects, Inc. changing to BKM Design-Build, Inc.

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

Motion: Mr. Schreiber moved to approve Associates One and Healthyliving Interiors.

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

Motion: Mr. Schreiber moved to approve Sharon Laird.

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

#### Architect Endorsement

John Walls

Mr. Walls was present and sworn. Mr. Hicks presented the application and commented that Mr. Walls had been out of practice for some time and wanted the board to review. Ms. Clark commented that the applicant applied pursuant to Chapter 481.213(3)(c), F.S. and it appeared that he met the application requirements. She commented that there was a concern regarding his stationery and him using it prior to licensure in Florida.

Motion: Mr. Rodriguez moved to approve the application as presented.  
Second: Mr. Bullock seconded the motion and it passed unanimously.

#### Interior Design Certificate of Authorization Interiors by CK, Inc.

Mr. and Ms. Korn were present and sworn. Mr. Minacci commented that there was a disciplinary case pending. He explained that the board changed some of their processes regarding reviewing the applications, issuing cease and desist orders, and issuing citations. He commented that the company was issued a cease and desist which they signed and returned stating they would not offer services until they obtained their certificate of authorization. Mr. Minacci recommended that the board approve the application and impose a \$500 fine as a condition of licensure.

Motion: Mr. Schreiber moved to approve the application and imposed a \$500 fine as a condition of licensure.  
Second: Ms. Shore seconded the motion and it passed unanimously.

#### Allen Arant

No one was present. Mr. Hicks presented the application and commented that Mr. Arant did not have the required degree but was originally licensed in California 1970. Ms. Clark commented that the applicant applied pursuant to Chapter 481.213(2)(b), F.S. which required the licensure in another state be substantially equivalent or more stringent than those in Florida. The board reviewed the California Article 4, Section 552 sub b, and concluded it was not substantially equivalent to Florida's laws.

Motion: Ms. Del Bianco moved to deny the application.  
Second: Mr. Bullock seconded the motion and it passed unanimously.

#### Kevin Spolski

Ms. Chastain requested that the board review Mr. Spolski's education and provide her some direction. She commented that Mr. Spolski graduated from the University of Florida with a Bachelors of Design in 1977. She commented that at the time he entered the program it was an approved program but in 1976 the architecture program changed to a 4 plus 2 program. She commented that the applicant was advised that he did not have the appropriate degree and needed to provide documentation of IDP completion.

Ms. Chastain commented that Mr. Ridgdill with the University of Florida submitted a letter advising that his conclusion was that Mr. Spolski's academic credentials were the equivalent to the professional Bachelor's of Architecture degree that was a terminal degree at the time (1974), that Mr. Spolski entered the program.

Mr. Schreiber commented that the Bachelor of Design was a 4 year degree. Ms. Clark commented that Mr. Spolski was applying pursuant to Chapter 481.209, F.S. examinations which would require him be a graduate with a NAAB degree or be a graduate of an approved architectural curriculum evidenced by a degree from an unaccredited school that the board has approved the program.

Mr. Schreiber commented that he was reluctant to approve the applicant. Mr. Rodriguez commented that it appeared that he was caught between the degree changing from a Bachelor of Architecture to Bachelor of Fine Arts in Architect both of which were 4 year programs and neither were NAAB accredited.

Mr. Schreiber commented that he thought the program was originally a 5 year program then it was converted to a 4 plus 2. Mr. Rodriguez commented that the degree he received was a Bachelor of Design degree which was a component of the 4 plus 2 program which is not an accredited degree.

Mr. Rodriguez commented that Mr. Spolski did not have an acceptable degree. Mr. Schreiber commented that if the University of Florida determined that Mr. Spolski had an equivalent degree to a Bachelor of Architecture then they could confer him such a degree.

Ms. Del Bianco commented that he could request an evaluation from NAAB.

Architecture Certificate of Authorization  
Bellin & Pratt Architects, LLC  
RAR Architect, Inc.

Mr. Minacci commented that due to time constraints the \$500 citation was not issued against Bellin & Pratt Architects, LLC and RAR Architect, Inc. for practice prior to receiving the certificate of authorization. He requested that the board approve both applications with a \$500 fine as a condition of licensure.

Motion: Mr. Bullock moved to approve Bellin & Pratt Architects, LLC and RAR Architect, Inc. with a \$500 fine as a condition of licensure.

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

Ratification Lists  
Applications (handout)

Architecture Applicants by Passage of Examination  
Items 1-8

Motion: Mr. Rodriguez moved to approve items 1-8.

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

Architecture by Endorsement  
Items 9-58

Ms. Estes requested to remove item number 28 from the ratification list for further discussion.

Motion: Mr. Schreiber moved to approve items 9-58 with the exception of number 28.

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

Architect Business applying for Interior Design Business  
Items 59-60

Motion: Ms. Del Bianco moved to approve items 59-60.

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

Architect Individual applying for Interior Design License  
Item 61

Motion: Ms. Del Bianco moved to approve item 61.

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

Architecture Business  
Items 62-82

Motion: Ms. Del Bianco moved to approve items 62-82.

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

Architecture Business Name Change  
Items 83-86

Ms. Estes requested to add Borelli and Associates Architect Planners change to Borelli Partners, Inc.

Motion: Ms. Del Bianco moved to approve items 83-86 with the addition.

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

Interior Design by Passage of Exam  
Items 87-89

Motion: Ms. Del Bianco moved to approve items 87-89

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

Interior Design by Endorsement  
Items 90-104

Motion: Ms. Del Bianco moved to approve items 90-104.

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

Interior Design Business  
Items 105-112

Motion: Ms. Del Bianco moved to approve items 105-112.

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

Interior Design Business Name Change  
Items 113-114

Motion: Ms. Del Bianco moved to approve 113-114.

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

Continuing Education

Motion: Mr. Rodriguez moved to approve the continuing education list as presented.

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

Mr. Manausa requested to return to Mr. Walls and commented that he had not practiced in 25 years and had no continuing education. He commented that he was concerned with the health, safety, and welfare of the public because he wondered if he was competent to practice since he had been out of the profession for such a long time. The board discussed the fact that the state Mr. Walls maintained his license for all the years did not require continuing education.

Ms. Clark commented that there was nothing in the laws that authorized the board to deny based on their concern. Mr. Manausa commented that the board should consider implementing a law that would allow for the review of competence or lack of practice. Mr. Rodriguez commented that they did not have a duty to issue the license. Ms. Clark advised that if they met the requirements for licensure then they should license the applicant. She commented that if the board had a valid concern they could inquire and impress upon the applicant the importance of their concern and request that the applicant take continuing education. The board determined if the consultant had a concern then the board wanted to see the applicants.

Mohammad Rahimian

Mr. Rahimian was present and sworn. Mr. Hicks presented the application and commented that Mr. Rahimian did not have the required degree. Mr. Rahimian advised the board that he graduated in England and submitted his 5 year Diploma in Architecture from Canterbury School of Architecture in England to the University of Michigan Ann Arbor. He commented that the University of Michigan accepted his diploma and he completed the Masters of Urban Planning degree. He advised the board that he applied for and was granted licensure in New York.

Ms. Clark advised that Mr. Rahimian was applying for licensure pursuant to Chapter 481.213(3)(c), F.S. which was NCARB endorsement. The board advised Mr. Rahimian to contact NCARB for a foreign education evaluation to confirm that his education was equivalent to a Bachelors of Architecture and that he was eligible for 5 educational credits.

Mr. Rahimian waived his Chapter 120.60, F.S. application processing rights to allow for the education review and requested that his application be continued.

Motion: Mr. Rodriguez moved to continue the application until the next meeting to allow for Mr. Rahimian to contact NCARB regarding his education.

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

### **Rules Report**

The board returned to the rules report. The board discussed the need to determine whether they wanted a proctored examination, the number of questions, and the passing grade.

Portions of the tape were inaudible.

Rule 61G1-14

Motion: Mr. Rodriguez moved to repeal everything in Rule 61G1-14 except for Rule 61G1-14.001(1).

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

Rule 61G1-20

Motion: Ms. Shore moved to repeal everything in Rule 61G1-20 except for Rule 61G1-20.001(1).

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

Rule 61G1-21.001(1)

Motion: Mr. Schreiber moved to approve the rule language as presented.

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

Rule 61G1-22.004

The board postponed voting on the rule language.

Rule 61G1-24.001(1)

Motion: Ms. Del Bianco moved to approve the rule language as presented.

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

## **Reports**

Executive Director's Report – Juanita Chastain

Financial Report – December 31, 2004

Schedule monthly telephone conference calls

2005-2006 meeting schedule including NCARB, NCIDQ, and board meetings

Ms. Chastain reviewed the financials for the board. She requested that the board hold monthly telephone conference calls to accommodate application processing. Ms. Clark reminded the board that they must process application timely.

Future Board Meetings

May 5, 2005 – telephone conference call 8:00 a.m.

June 28, 2005 – telephone conference call 3:00 p.m.

July 25-27, 2005 – Marco Island, Florida with AIA

August 30, 2005 – telephone conference call 11:00 a.m.

October 24-25, 2005 – Panama City, Florida General Business Meeting

October 26, 2005 – Panama City, Florida Probable Cause Panel Meeting

November 4-6, 2005 – NCIDQ

The board discussed having a joint meeting with the Board of Professional Engineers in early 2006.

Ms. Estes advised the board that she and staff had taken the initiative to re-mail or forward 462 renewal notices of 1027 that were returned with forwarding addresses. She advised the board she and staff mailed out 2643 notices regarding qualifier and responsible supervisory information. She advised that the information was mailed to all business licensees requesting current information on their qualifier, responsible supervisor, and

provided them with the most current laws and rules. She advised that she and staff were updating the system so staff could run a report to determine which businesses had renewed without a current qualifier an example was an individual's license was null and void but they renewed the business license.

Ms. Estes commented that applicant, Maura Dennison, attended the last board meeting and the board requested that staff contact the school to follow-up on her architecture education being equivalent to the interior design education. Ms. Estes advised that she had sent a letter and initiated two follow-up telephone calls and had received no response to her inquiry as of today's date.

NCARB Annual Meeting scheduled for June 22-25, 2005

The board appointed Mr. Bullock as the board's NCARB delegate. The board discussed the need to have everyone attend since the meeting was being held in Miami. Ms. Chastain advised that she would put in an authorization for Mr. Schreiber and Mr. Rodriguez since Mr. Bullock's was covered by NCARB. Mr. Gonzalez requested that all architects be approved to attend.

Chair's Report – Rick Gonzalez

Mr. Gonzalez arrived at the meeting at 2:40 p.m. He thanked Mr. Rodriguez for performing pro bono work at the AIA Florida headquarters. He thanked and congratulated Mr. Schreiber on his position as Treasurer with NCARB.

Mr. Gonzalez commented that he was involved with his community with the Catholic University Advisory Board and felt that it was important that architects and interior designers remain involved with their communities. He commented that Mr. Cohen with the Department of Community Affairs and the Governor have encouraged licensed professionals to get involved in their communities.

Ms. Grigsby commented that she attended the ASID National Conference and was privileged to have breakfast with Cameron Sinclair, Architect, recipient of the ASID National Design for Humanity Award. She commented that he began an organization called Architecture for Humanity and they work all over the world with architects, interior designers, and landscape architects. She commented that they are able to participate via the computer.

Mr. Gonzalez encouraged members to get involved for smart growth.

### **General Discussion**

Probable Cause Panel

The board discussed the need to extend the rotation of probable cause. Mr. Rodriguez commented that he was not going to request reappointment but offered to continue to serve on the probable cause panel which would allow for only one board member needing to be recused.

Mr. Gonzalez commented that the building code updates would become effective July 2005 which would cause problems for historical preservation.

Mr. Minacci asked if they could appoint a back up probable cause panel member in case of emergencies. Ms. Clark commented that the rule did not address allowing another board member substitute for another panel member on a case by case basis. Therefore, she would not advise that he could have a back up member.

Ms. Del Bianco commented that Mr. Schiff offered to serve as a probable cause panel member.

IDAF Report – Steve Hefner  
No report

Board Counsel's Report – Mary Ellen Clark  
No report

Prosecuting Attorney's Report – David K. Minacci  
Audit Report ending October 31, 2004 – Financial Statement  
Status Report of Cases

- Licensed Architects Legal Cases
- Licensed Interior Designers Legal Cases
- Unlicensed Architects Legal Cases
- Unlicensed Interior Designers Legal Cases
- Licensed Architects Investigative Cases
- Licensed Interior Designers Investigative Cases
- Unlicensed Architects Investigative Cases
- Unlicensed Interior Designers Investigative Cases
- Fines Chart
- Licensed/Administrative Hours
  - December 2004
  - January 2005
  - February 2005
- Unlicensed Billable Hours
  - December 2004
  - January 2005
  - February 2005
- Results of January 10, 2005 PCP Meeting
- Results of January 12, 2005 Board Meeting
- Results of February 24, 2005 PCP Meeting
- Press Releases/Speaking Engagements/Other Correspondence

Mr. Minacci advised the board that Mr. Abbott passed away and he would like to recognize him for his contributions to the profession. The board requested that Mr. Minacci prepare a resolution in his honor. Mr. Minacci introduced Mr. Anstis and advised that he would be an architect expert.

**For the Board's Information**

E-mail regarding Frank Abbott

Letter from Harold Langbehn

Biennial Chart

Total Number of Licensees

Updated board members list

Mr. Rodriguez presented the board and staff with a reproduction of the drawings for the Old Capitol when renovations were done.

Ms. Del Bianco commented that in her area the qualifier is required to have an occupational license not the business. She commented that her certificate of authorization did not have her name listed as the qualifier. She advised the board that all licensed professionals must have an occupational license.

Mr. Rodriguez commented that some states have annual luncheon or dinners and present licensees with their wall certificates.

The board recessed at 3:40 p.m.

**MINUTES**  
**BOARD OF ARCHITECTURE AND INTERIOR DESIGN**  
**Casa Monica Hotel**  
**95 Cordova Street**  
**St. Augustine, FL 32259**  
**800.648.1888 or 904.827.1888**

**March 31, 2005**  
**9:00 a.m.**

**General Business Meeting**

**Call to Order**

Mr. Gonzalez, Chair called the meeting to order at 9:03 a.m.

Board Members Present:

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

Board Members Absent:

Neil Hall  
Miguel Rodriguez  
Roymi Membiela

Others Present:

Mary Ellen Clark, Board Counsel  
David Minacci, Prosecuting Attorney  
Juanita Chastain, Executive Director  
Terri Estes, board staff  
Trent Manausa  
Emory Johnson  
Brian Cote  
Robert Pearsons  
Andy Beselica

Court Reporter: Cindy Green, 407.896.1813, through American Court Reporting, 425 Old Magnolia Road, Crawfordville, FL 32327

## **Disciplinary Cases**

Mr. Minacci requested that the board approve on a consent agenda the settlement stipulations that reflected the recommendation of the probable cause panel.

### Settlement Stipulations

Licensed

DBPR vs. William Deemer

Case Number 2004-029810

(PCP: Rodriguez, Hall, and Bullock)

DBPR vs. Ann Deveer

Case Number 2004-038441

(PCP: Rodriguez, Wirtz, and Hall)

DBPR vs. Fred Prather

Case Number 2004-028461

(PCP: Rodriguez, Wirtz, Bullock and Hall)

DBPR vs. Rink Reynolds Diamond Fisher Wilson

Case Number 2004-042063

(PCP: Rodriguez, Wirtz, and Hall)

Unlicensed

DBPR vs. Nadya Chapra and Creative Concepts Plus, Inc.

Case Number 2004-007571

(PCP: Rodriguez, Wirtz, and Bullock)

DBPR vs. Joseph Interiors of Florida, Inc. and Donald Joseph

Case Numbers 2004-026359

(PCP: Rodriguez, Wirtz, and Hall)

DBPR vs. Bryan Molyet and Molyet Engineering

Case Number 2003-083518

(PCP: Rodriguez, Wirtz, and Hall)

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

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

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

Unlicensed

DBPR vs. Andy Beselica and AB & Associates

Case Number 2003-092472

(PCP: Rodriguez, Wirtz, and Hall)

Mr. Beselica was present and sworn. Mr. Minacci presented the case and commented that the respondent presented himself as an architect, contracted to provide architectural services for a commercial project, and used the license of an architectural firm and was not authorized to do so. He commented that probable cause was found to file a 3 count administrative complaint. The panel recommended a \$15,000 fine plus costs.

Mr. Minacci commented that the administrative complaint was filed October 20, 2004 and on November 1, 2004 the respondent submitted a letter in response to the administrative complaint but did not request a formal hearing. He commented that the respondent did not dispute the facts that he was not licensed, entered a contract to offer architectural services, or that he used the license of a business without their permission. He commented that he admitted the fact that he occasionally provided clients with architectural plans.

Mr. Minacci commented that on November 15, 2004 he notified the respondent that he did not properly respond to the administrative complaint. He advised the respondent that he needed to admit the facts and appear before the board or dispute the facts and request a formal hearing. He commented that he gave the respondent an extension until November 26, 2004 to respond. He commented that he received a letter from the respondent dated November 23, 2004 disputing the facts in the administrative complaint and requested an informal hearing. He commented that if he was disputing the facts he should have requested a formal hearing not an informal hearing.

Mr. Miancci commented that on December 1, 2004 he advised the respondent that he did not properly request a formal hearing and allowed him until December 20, 2004 to respond to the letter. He commented that he had not received a proper request for a formal hearing and his opinion is that the respondent has waived his right to a formal hearing.

Ms. Clark asked Mr. Beselica if he understood his hearing rights. Mr. Beselica responded that he did not present himself as an architect. Ms. Clark advised Mr. Beselica what the different types of hearings were and on what basis hearings were granted. Ms. Clark reviewed the administrative complaint and the petition process.

Ms. Clark commented that since Mr. Beselica responded within 21 days they should determine which facts he is disputing.

Mr. Minacci asked Mr. Beselica if he disputed the fact that he was not licensed to practice architecture. Mr. Beselica responded in the negative.

Mr. Minacci asked Mr. Beselica if he disputed the fact that on February 2003 that he entered an agreement titled "Abbreviated Standard Form of Agreement between Owner and Architect" with Luis Panora to provide architectural services. Mr. Beselica replied that he entered an agreement with Mr. Panora to provide architectural services but it was done by a licensed architect and licensed structural engineer.

Mr. Minacci asked Mr. Beselica if the agreement reflected that he was a licensed architect. Mr. Beselica replied in the negative.

Mr. Gonzalez asked Mr. Beselica who was AB & Associates. Mr. Beselica replied that it was fictitious name for Andy Beselica & Associates. Mr. Beselica commented that he provided color rendering and design build.

Ms. Clark advised Mr. Beselica if he was disputing the facts then he would need to appear before an Administrative Law Judge because the board was not authorized to be fact finders. She advised Mr. Beselica that he was not entitled to a hearing before the board if he was going to dispute the facts.

Ms. Clark advised that Mr. Minacci would contact Mr. Beselica regarding the scheduling of a hearing before an Administrative Law Judge. Mr. Gonzalez requested that the case be forwarded to the Board of Professional Engineers.

#### Settlement Stipulation

Unlicensed

DBPR vs. Brian Cote and Cote Architectural Designs

Case Number 2004-029165

(PCP: Rodriguez, Wirtz, and Hall)

Mr. Cote was present and represented by Robert Pearsons, Jr. Mr. Minacci commented that the respondent was licensed in Washington, DC but not in Florida. He commented that the respondent contracted to provide architectural services for a 12 story condominium and the respondent was offering services through a business name not licensed.

Mr. Minacci commented that probable cause was found and a 3 count administrative complaint was filed. The panel recommended a \$15,000 fine plus costs and the settlement stipulation reflected a \$7,500 fine plus costs.

Mr. Minacci advised the board that the funds were being held in trust and he requested and recommended that the board approve the settlement stipulation presented.

Mr. Pearsons requested that the board approve the settlement stipulation and that they had removed the word "architectural" from the firm name. He commented that Mr. Cote was contacted by a department investigator regarding the use of architectural in the title of the business name. He commented that they discussed the fact that other businesses used the word architectural in their business name and they were not architects. He commented that Mr. Cote was advised by the investigator that it was fine to continue to use the word. He commented that Mr. Cote never intended to violate the law.

Mr. Gonzalez asked what type of services Cote Designs offered. Mr. Pearsons replied that they offered residential designs not architectural work. He commented that the building in question was a large condominium that Mr. Cote was not licensed to perform but he contracted with a licensed architect to provide the architectural services. He commented that the architect did not perform his architectural duties.

Mr. Gonzalez asked why Mr. Cote did not have a license in Florida. Mr. Cote responded that he applied for licensure but was denied for educational reasons.

Mr. Manausa commented that Mr. Cote is not allowed to offer architectural services in Florida. Mr. Pearsons advised that Mr. Cote was not offering architectural services.

Mr. Cote commented that he moved to Florida in 1984.

Mr. Gonzalez asked if Mr. Cote removed the AIA designation for his business cards. Mr. Cote replied in the positive.

The board cautioned Mr. Cote with regards to plan stamping.

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

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

Mr. Gonzalez commented that he had a concern with architects using the AIA designation when they are not licensed in Florida. Mr. Bullock commented that Mr. Cote was implying that he was a Florida licensed architect by using the AIA designation with a Florida address. Mr. Minacci advised the board that he felt an Administrative Law Judge would not agree because Mr. Cote was a member of AIA. He commented that he did not feel that it would be an open and shut case because they would review based on the context the designation was used.

Ms. Del Bianco commented that they had the problem with the ASID affiliation.

Motion for Order by Waiver

Licensed

DBPR vs. Christine Desiree Snyder and Christine Desiree Collection, Inc.

Case Numbers 2004-038516 and 2004-038511

(PCP: Rodriguez, Wirtz, and Hall)

No one was present. Mr. Minacci presented the case and commented that the respondent offered interior design and architectural services in an advertisement without a certificate of authorization. He commented that probable cause was found to file a 2 count administrative complaint and the panel recommended that a \$10,000 fine plus costs be imposed.

Mr. Minacci commented that the administrative complaint was served on January 22, 2005 via certified mail. He commented that as of today he had received no response. He requested that the board enter a final order imposing the panel's recommendation.

Motion: Mr. Gustafson moved that the respondent waived her right to an administrative hearing and that the board adopt the findings of fact and conclusions of law as found in the administrative complaint.

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

Ms. Del Bianco asked if there was prior discipline because there was a certificate of authorization on file that was submitted in 2001. Mr. Minacci responded that he did not have the final order for the prior offense with him. Ms. Clark advised the board that they could not consider the prior without the information for review.

Motion: Mr. Gustafson moved to impose a \$10,000 fine plus costs.  
Second: Mr. Bullock seconded the motion and it passed unanimously.

#### Unlicensed

DBPR vs. Charles Pereira, III

Case Number 2004-010139

(PCP: Rodriguez, Wirtz, and Bullock)

No one was present. Mr. Bullock was recused. Mr. Minacci presented the case and commented that the respondent's interior design license had been null and void since June 16, 1998. He commented that on December 23, 2003 the respondent prepared a proposal for interior design services for a commercial project. He commented that probable cause was found to file a 2 count administrative complaint and service was attempted by hand but the respondent could not be located. He commented that service was accomplished by advertising a notice of action in the Miami Daily Business Review and it required a response by February 10, 2005. He commented that as of today's date the respondent has failed to respond to the administrative complaint.

Motion: Mr. Gustafson moved that the respondent waived his right to an administrative hearing and that the board adopt the finding of fact and conclusions of law as found in the administrative complaint.

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

Mr. Gonzalez asked if this was fraud. Mr. Miancci replied that he worked with the State Attorney's office on cases similar to this one.

Ms. Del Bianco commented that she was concerned with the title "architectural interior designer". Mr. Gonzalez requested that a press release be issued regarding this case.

Motion: Mr. Schreiber moved to impose a \$10,000 fine plus costs.  
Second: Ms. Grigsby seconded the motion and it passed unanimously.

#### Settlement Stipulation

#### Licensed

DBPR vs. Maria Valls

Case Number 2003-081665

(PCP: Rodriguez, Wirtz, and Hall)

No one was present. Mr. Minacci presented the case and commented that Ms. Valls was on probation. He commented that the conditions of her probation was that she submit plans for review and based on Mr. Abbott's reviews she failed to meet the standard of practice and due care.

Mr. Minacci commented that the probable cause was found to file a 3 count administrative complaint and the panel recommended that revocation be imposed. He commented that the settlement stipulation was for voluntary relinquishment effective December 31, 2005.

Mr. Minacci commented that the case was set to go to formal hearing approximately 3 week ago. He commented that his intent was to get Ms. Vall's license because she no longer needed to practice. He commented that her attorney proposed that they settle and give up the license or they would fight the board and carry this issue past December 31, 2005 and there was no guarantee that they board would get her license.

Mr. Minacci commented that he agreed with the analysis and he was not pleased with her practicing through the end of the year but he was pleased that she would no longer practice in Florida. He commented that she would not be able to reapply for licensure in Florida.

Mr. Gustafson asked if this would allow her to complete any outstanding projects. Mr. Minacci replied in the positive. He commented that she was planning to retire at the end of the year.

Mr. Gonzalez asked about the son and daughter. Mr. Minacci replied that he felt that the son and daughter were essentially running the business.

Mr. Bullock commented that he had a problem with allowing an incompetent individual to continue to practice. He commented that if there was a loss of life the board would be exposed and requested that a cease and desist be imposed. Mr. Minacci commented that Ms. Valls had not been found to be incompetent by a court of law. He commented that Ms. Valls was allowed due process rights and that made it impossible for him to get her license any sooner. He commented that he understood Mr. Bullock's concerns and has not taken this case lightly. Mr. Minacci commented that the fact that Ms. Valls would be off the street forever and that the board and citizen's of the Florida were in a much better position than to continue to fight the issue.

Mr. Manausa commented that she would not be able to practice after December 31, 2005.

Mr. Gonzalez requested that a press release be sent to the Miami Dade building officials that thought so highly of Ms. Valls. Mr. Minacci commented that the building officials that spoke on her behalf did not review the plans in the case. They were reviewed by a different building department. He commented that the building officials that testified on her behalf were irrelevant to the case. Mr. Gonzalez commented that he wanted those facts reflected in the record.

Ms. Clark commented that Mr. Minacci was allowing the board to determine how they wanted to resolve the case. Ms. Del Bianco commented that this was a problem in the family and they would continue to violate the law and requested that this be referred to the contractor's board.

Motion: Mr. Horstmyer moved to reject the settlement stipulation.  
Second: Mr. Gustafson seconded the motion and it failed.

Motion: Mr. Gustafson moved to accept the settlement stipulation as presented.  
Second: Mr. Schreiber seconded the motion, it passed with Mr. Horstmyer opposed.  
Mr. Gonzalez requested that the press release go out as soon as possible.

#### Unlicensed

DBPR vs. Architectural Elements & Design, Inc. and Gary Deluca  
Case Numbers 2004-001125 and 2004-001116  
(PCP: Rodriguez, Wirtz, and Hall)

No one was present. Mr. Minacci presented the case and commented that the respondent was not licensed and offered architectural and interior design services. He commented that probable cause was found to file a 3 count administrative complaint and the panel recommended that that \$15,000 fine plus costs be imposed.

Mr. Minacci advised that the settlement stipulation reflects a \$5,000 fine plus costs and requested that the board approve the settlement stipulation as presented.

Ms. Del Bianco commented that this seemed to be a problem with design build firms. She requested that the case information be forwarded to the contractor's and engineer's boards.

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

Ms. Del Bianco requested that the attorney follow-up yearly to make sure the firms were not continuing to practice. Mr. Minacci commented that it was a work load issue. He commented that he was sending letters to the complainants and requesting that if they noticed any other possible violations to notify his office.

Ms. Del Bianco asked if the firm agreed to change their name. Mr. Minacci replied in the positive.

DBPR vs. Rafael Davila  
Case Number 2004-046356  
(PCP: Rodriguez, Wirtz, and Hall)

No one was present. Mr. Minacci presented the case and commented that the respondent was unlicensed and held himself out as an architect in an advertisement and his web site offers architecture and interior design services. He commented that probable cause was found to file a 2 count administrative complaint and the panel recommended a \$10,000 fine plus costs be imposed.

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

Mr. Gonzalez and Ms. Grigsby felt that this was fraud because the projects displayed on his web site were not real projects. Mr. Minacci commented that Mr. Davila agreed to remove or delete the web site.

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

DBPR vs. Jack Reese and Absolute Design, Inc.  
Case Number 2003-086795  
(PCP: Rodriguez, Wirtz, and Bullock)

No one was present. Mr. Bullock was recused. Mr. Minacci presented the case and commented that the respondent signed and executed an affidavit in 2003 stating that he would no longer offer architectural services. He commented that in an internet advertisement for real estate investors the firm is described as a national architectural design firm and the respondent claims he did not review the advertisements prior to posting. He commented that the respondent entered into 2 commercial projects for conceptual design illustrations.

Mr. Minacci commented that probable cause was found to file a 3 count administrative complaint and the panel recommended that a \$15,000 fine plus costs be imposed. He commented that the settlement stipulation reflected a \$5,000 fine plus costs and requested that the board approve the settlement stipulation as presented.

Mr. Minacci commented that the board had a prior case against the respondent and he disputed some of the facts. He commented that in this case the respondent obtained representation and he has been informed as to what was allowed pursuant to the laws and rules. He commented that the respondent's counsel assured him that the respondent now understands the laws and rules.

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

Mr. Gustafson commented that this would not stop his activity because he would just move around some other way.

### **Discussion**

Ms. Del Bianco commented that she would like a questionnaire that was part of the application process to remedy the laws and rules examination issue. She commented that the application would not be deemed complete until the questionnaire was complete and when the applicant was approved for licensure then the questionnaire would be returned to the applicant with an answer key. She commented that would make them aware of the laws and rules and would like a different questionnaire for each profession. She commented that she would like to see a questionnaire for renewal as well. Ms. Clark advised they did not have statutory authority to impose the questionnaire. She advised that they had statutory authority to impose an examination.

Mr. Manausa requested that the board approve that an examination be created, approved by the Bureau of Education and Testing, and then create rule language. Mr. Minacci suggested that they approve the computerized version to alleviate an additional workload on board staff. Mr. Manausa suggested that one exam be created. Ms. Chastain commented that she did not feel the creation and implementation of the examination through the Bureau of Education and Testing would be problematic.

Ms. Clark commented that she understood from the board that they were in favor of the simple and computerized examination and that Ms. Chastain was going to verify that the board could review and approve the content of the examination.

### **New Business**

Ms. Del Bianco asked what the status was regarding the board meeting in conjunction with the Board of Professional Engineers. Mr. Minacci and Mr. Manausa were going to attend an upcoming meeting with the Board of Professional Engineers regarding contract administration and would feel out if there was a desire on their part to engage in a meeting with this board. Ms. Chastain advised that she was going to confirm the future meeting dates and contact the current Executive Director.

Mr. Horstmyer commented that in his area there was a huge project for a community center and there was some contention regarding the project. He commented that now that it was complete the community was in favor of the project and pleased with the interior design. He commented that the interior design was performed by MJR Interiors which was Ms. Grigsby's firm.

### **Old Business**

No old business.

### **Adjourn**

Motion: Mr. Gustafson moved to adjourn.

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

The meeting was adjourned at 10:25 a.m.