

MINUTES  
BOARD OF ARCHITECTURE AND INTERIOR DESIGN

TELEPHONE CONFERENCE CALL

May 5, 2005

10:00 A.M. Eastern Time

Toll Free 800.416.4254 or Direct 850.922.2903

**Call to Order**

Mr. Gonzalez, Chair called the meeting to order at 10:05 a.m.

Board Members Present:

Sharon Del Bianco

Neil Hall

Ellis Bullock

Mary Jane Grigsby, Vice-Chair

Kenneth Horstmyer

Stephen Schreiber

Miguel Rodriguez

Rick Gonzalez, Chair

Garrick Gustafson

Joyce Shore

Board Member Absent:

Roymi Membiela

Others Present:

Mary Ellen Clark, Board Counsel

David Minacci, Prosecuting Attorney

Juanita Chastain, Executive Director

Terri Estes, Government Analyst

Les Smith, Investigator

Emory Johnson

Jerry Hicks

Ilija Moss crop

Joan Greenfield

Barbara Stott

Mary Brown

Kristi Boschert

**Final Order Compliance Review**

Barbara Stott

Ms. Stott was present. Ms. Clark commented that Ms. Stott petitioned for a variance/waiver because she was unable to meet all the criteria set forth in the rules for experience verification because she no longer had a positive relationship with her previous employer. She commented that the board granted the waiver to allow her to document experience from her employer. She commented that the board would need to review the additional information Ms. Stott presented.

Motion: Mr. Rodriguez moved to approve the information submitted for licensure.

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

## **Application Review**

Interior Design

Kristi Boschert

Ms. Boschert was present. Ms. Chastain commented that the educational consultant originally recommended denial but an additional review revealed that the education was from a FIDER accredited program. Ms. Grigsby commented that the candidate graduated from a program that offered two types of degrees of which Ms. Boschert conferred an Interior Architecture degree which was also FIDER accredited.

Motion: Ms. Grigsby moved to approve the application.

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

Dawen Huang

Mr. Huang was present. Ms. Grigsby presented the application and he did not meet the education requirements. Ms. Clark commented that the application was made pursuant to Chapter 481.213(3)(a), F.S. which refers to Chapter 481.209(2), F.S. for additional educational requirements. Ms. Grigsby commented that based on Mr. Butler's review Mr. Huang did not have enough interior design course work to meet the 2 year educational requirement.

Ms. Del Bianco commented that there were 2 transcripts in the agenda packet but was not clear if Mr. Butler reviewed both transcripts. She commented that she thought there may be enough credits for educational approval.

Ms. Clark explained to Mr. Huang the application processing procedures as set forth in Chapter 120.60, F.S. Mr. Huang commented that he would waive his Section 120.60, F.S. processing rights to allow for additional education review.

Motion: Ms. Del Bianco moved to continue the application to allow for an additional education review.

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

Ms. Chastain advised Mr. Huang that the board would review his application on the June 28, 2005 telephone conference call.

Joyce Shore joined the conference call at 10:20 a. m.

Kimberly Rigsby

Ms. Rigsby was present. Ms. Grigsby commented that Ms. Rigsby's education was in hotel management and that did not meet the licensure requirements. Ms. Chastain confirmed for Ms. Rigsby that she received an additional diploma from the Art Institute in Residential Design but not a transcript.

Ms. Del Bianco commented that she did not see proof of passing the NCIDQ examination.

Ms. Rigsby commented that she would waive the Section 120.60, F.S. processing rights to allow for a review of the additional education information and proof of passage of the NCIDQ examination.

Motion: Mr. Hall moved to continue the application to allow for an additional education review.

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

Mary Brown

Ms. Brown was present. Mr. Minacci commented that this application was continued from the last meeting because of a pending disciplinary case. He commented that there has not been a scheduled probable cause panel meeting for the panel to review and resolve the case.

Ms. Clark verified that the board received the disciplinary case information for review. She commented that they had a complete application for review and the disciplinary case would be grounds to deny the license. She advised the board to take into consideration the mitigating factors of the case and the delay in the processing of the application.

Motion: Ms. Del Bianco moved to approve the application for licensure.

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

Interior Design Certificate of Authorization

Intriguing Interiors

Ms. Greenfield was present. Mr. Minacci commented that the application was placed on the agenda due to a disciplinary case, however, that case was resolved. He requested that the board approve the application.

Motion: Ms. Grigsby moved to approve the application for licensure.

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

Architecture Endorsement

Ilija Moss crop

Mr. Moss crop was present. Mr. Minacci commented that there was a pending disciplinary case and requested that the board continue the application to allow resolution of the case.

Ms. Clark commented that the prosecutor is advising the board that there is a pending disciplinary case. She commented that an open disciplinary matter is a basis for denial and the board was required to take action on the application within 90 days of a complete application. She advised

Mr. Mosscrop that the board could deny his application or he could waive his Chapter 120.60, F.S. processing rights to allow resolution of the disciplinary matter.

Mr. Mosscrop requested to waive his Chapter 120.60, F.S. processing rights.

Motion: Mr. Rodriguez moved to continue the application until the next meeting.

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

#### Architecture Certificate of Authorization

Arthur J. Marcus Architect PA

No one was present. Mr. Minacci commented that the application was placed on the agenda because of an outstanding citation. He commented that the citation was paid and resolved. He requested that the board approve the application.

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

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

#### David Miller and Associates, PA

Mr. Miller was present. Mr. Minacci commented that the application was placed on the agenda because of an outstanding citation which was still outstanding. Mr. Gonzalez advised the board that he knew Mr. Miller personally.

Mr. Miller commented that under the advice of his attorney he applied for a certificate of authorization. He commented that it was never his intent to deceive or mislead the public about his practice. He commented that his full name is in the title of the firm.

Mr. Minacci commented that the sole purpose of the citation was that his application reflected that he began offering services in Florida October 28, 1993. He commented that there may be evidence in the letter he submitted to the board that the sole proprietorship was set up for accounting purposes. He commented that if it was set up for accounting purposes and he never offered services then there may be a question as to whether a violation occurred.

Ms. Clark commented that the prosecutor felt he had sufficient evidence to issue the citation. She commented that this was not different from other cases presented to the board and intent should not be an element of the violation. She advised the board that there was an open disciplinary matter and in normal procedures the board would request that the applicant waive his Chapter 120.60, F.S., processing rights to proceed. She commented that the reason the disciplinary matter was still open was that Mr. Miller chose to dispute the citation and have the matter taken up by the probable cause panel.

Mr. Miller commented that he did not dispute the citation but understood that there was a telephone conference call and his application would be reviewed today. Ms. Clark commented that his letter states that he chose not to respond to the citation and that he was petitioning the board to waive or reduce the fine. She commented that he did not have the right to come directly to the board and circumvent the disciplinary process. She advised that he had the right to respond to the citation and she was treating the letter as a dispute to the citation.

Ms. Clark commented that the board could let the disciplinary matter continue and deny the application based on the open disciplinary matter or they may choose to license with conditions and address the open disciplinary matter at the same time.

Mr. Miller commented that the citation allowed 30 days to respond and that he was not disputing the citation. He commented that he understood that there was a telephone conference call reviewing his application and that he was still within the 30 days. He commented that he submitted a letter to try and resolve the questions regarding his application and he never intended that it be a dispute to the citation. He commented that he was disputing the citation, he had never been in trouble with the board, and he was submitting the application to come into compliance. He commented that his firm contained his full name, he was trying to come into compliance and requested that the board review his application and he would comply with whatever they imposed.

Ms. Clark advised Mr. Miller that procedurally he could pay the citation or dispute it. She commented that the letter petitioning the board to reduce the fine is considered a dispute. She advised the board that the proposed fine was \$500.

Ms. Del Bianco asked Mr. Miller if he was an engineer. Mr. Miller replied in the negative. Ms. Del Bianco commented that his stationery reflected engineering services. The board advised Mr. Miller that he was not able to offer engineering services unless he was so licensed or had an engineer in the firm.

Mr. Miller advised the board that he had not advertised for any services or used the stationery. He commented that the stationery was required as a submittal for the application.

Motion: Mr. Bullock moved to approve the application with a \$500 fine and receipt of corrected stationery without engineering services listed.

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

### **Ratification Lists**

Licensure list (faxed/e-mailed)

Interior Design Applicants by Passage of Examination

Item 1

Motion: Mr. Rodriguez moved to approve item 1.

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

Interior Design Applicants by Endorsement

Items 2-7

Motion: Mr. Rodriguez moved to approve items 2-7.

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

Interior Design Businesses and Business Name Change

## Items 8-13

Motion: Mr. Rodriguez moved to approve items 8-13.  
Second: Ms. Grigsby seconded the motion and it passed unanimously.

## Architecture Applicants by Passage of Examination Items 14-23

Motion: Mr. Rodriguez moved to approve items 14-23.  
Second: Ms. Grigsby seconded the motion and it passed unanimously.

## Architecture by Endorsement Items 24 – 101

Motion: Mr. Rodriguez moved to approve items 24-101.  
Second: Ms. Grigsby seconded the motion and it passed unanimously.

## Architecture Business Items 102-115

Motion: Mr. Rodriguez moved to approve items 102-115.  
Second: Ms. Grigsby seconded the motion and it passed unanimously.

## Threshold Building Inspectors Item 116

Motion: Mr. Rodriguez moved to approve item 116.  
Second: Ms. Grigsby seconded the motion and it passed unanimously.

## Architecture Business Name Change Items 117-120

Motion: Mr. Rodriguez moved to approve items 117-120.  
Second: Ms. Grigsby seconded the motion and it passed unanimously.

## **For Information/Discussion**

### Laws and Rules Examination

Mr. Ashoo and Mr. Bosque were present from the Bureau of Education and Testing. Ms. Chastain commented that at the March board meeting she provided an overview and cost analysis for an on line examination and offered to have representatives available for questions at this meeting.

Ms. Chastain commented that the board had concern as to whether they would be involved in the development of the examination questions. Mr. Ashoo commented that when the Bureau of Education and Testing develops an exam they utilize consultants also known as subject matter

experts or licensed individuals in that specific profession. He commented that they usually request the participation from at least one board member to review exam content.

Ms. Del Bianco asked Mr. Ashoo how they found licensed individuals that were as knowledgeable about the laws and rules as board members were. Mr. Ashoo replied that staff would research the laws and rules to obtain the most current information and assure that the question formats were in line with the laws and rules.

Ms. Del Bianco commented that the board understood that the Bureau of Education and Testing would need to be involved from a psychometric stand point and was concerned that someone other than licensed individuals would develop the questions. She commented that the board wanted specific questions pertinent to the most offenses occurring for lack of knowledge of the laws and rules. Mr. Ashoo commented that the Bureau had developed other laws and rules questions and examinations for other professions.

Mr. Bosque commented that he understood that the board was expressing a concern that the psychometricians have an accurate content outline from the board. He advised that they could utilize more than one board member to identify areas of the laws and rules that they felt were applicable. He commented that the board could appoint individuals they felt were subject matter experts to assist in the writing of the examination. He commented that the normal practices were to involve the board but to a limited extent because of potential conflicts or examination challenges for future licensure applicants.

Ms. Del Bianco asked if the examination would be legally defensible and could the board set a pass rate. Mr. Bosque replied that the board could advise and set the pass rate.

Ms. Del Bianco asked how many questions other professions had on their laws and rules examination. Mr. Bosque replied anywhere from 25 to 50.

Mr. Del Bianco asked Mr. Bosque if they had developed a multi-professional examination. Ms. Chastain advised that they developed one examination for the funeral profession. Mr. Bosque commented that they could develop an examination to encompass both professions with the assistance of the experts.

Mr. Rodriguez commented that he was troubled by the term of pre-licensure examination. He commented that the initiative was to create a vehicle to ensure that applicants were in fact reading the laws and rules examination by means of a simple questionnaire. He commented that he did not want the questionnaire to be an obstacle for licensure. Ms. Del Bianco agreed with Mr. Rodriguez.

Mr. Bosque commented that the Bureau of Education and Testing was to assist with whatever direction the board wanted. Mr. Rodriguez commented that the board was trying to address the issue of the fact that licensees sign an affidavit stating they are aware of and have read the laws and rules. He commented that issue is that they either did not read them or did not comprehend them and therefore are being disciplined for negligence of the laws and rules. He commented that they wanted to issue questions that would force the applicants to open the laws and rules and be

familiar with them. He commented that they understood that a minimum passing score would need to be set but it was not intended to be a licensing examination.

Ms. Clark urged the board not to be distracted from the department's language for describing the examination and process because utilizing their state of the art service does not move the board away from its goal. She commented that they were proposing a test offered on line that would be psychometrically sound which would hold up against a legal challenge and it did not mean it is more complicated than what the board wanted. She commented that doing it through the Bureau of Education and Testing does not necessarily mean it is more complicated than what they were asking for which the goal of having applicants open the laws and rules booklet.

### **Review and Approval of Minutes**

January 11-12, 2005 General Business Meeting

Motion: Mr. Schreiber moved to approve as presented.

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

### **For Information/Discussion**

Senate Bill 1012

NCIDQ – New Examination Study Guide

NCIDQ – Self-Study Monograph

NCARB – Welcome to Florida

NCARB – Resolution update

NCARB – Resolution correspondence

NCARB – March 16-20, 2005 Southern Conference meeting minutes

Mr. Rodriguez commented that he had wanted to make sure everyone had read the resolution correspondence and there were no objections. There were no objections.

Smith, Thompson, Shaw and Manausa Contract

Ms. Chastain commented that this item was on the agenda for the board's approval to pay the Smith, Thompson, Shaw and Manausa's contract.

Motion: Mr. Bullock moved to pay the contract.

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

### **New Business**

Ms. Chastain requested that a telephone conference call be scheduled for June 1, 2005.

### **Old Business**

No old Business

### **Adjourn**

The meeting was adjourned at 11:35 a.m.