

MINUTES

**Board of Architecture and Interior Design
Doubletree Hotel Tampa – Westshore
4500 West Cypress Street
Tampa, Florida 33607
813.879.4800**

**May 2, 2006
General Business
9:00 a.m.**

Call to Order

Mr. Gonzalez, Chair, called the meeting to order at 9:05 a.m. Ms. Chastain advised Mr. Gonzalez that Mr. Gustafson was ill and unable to attend the meeting. Mr. Gonzalez excused Mr. Gustafson's absence.

Roll Call

Board Members Present:

Rossana Dolan
Roymi Membiela
Lourdes Solera
Kenneth Horstmyer
Stephen Schreiber
Neil Hall
Mary Jane Grigsby
Rick Gonzalez
Sharon Del Bianco
Joyce Shore

Board Member Absent:

Garrick Gustafson, excused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Juanita Chastain, Executive Director
Terri Estes, Government Analyst
Jerry Hicks
Michael Wirtz, FASID, FIDA
Steven M. Hefner, ASID, IIDA
Lorraine M. Bragg, IIDA
Alia Qureshi, AIA
Mickey Jacobs, AIA

Vicki Long, Executive Vice President AIA Florida
Aida Bao-Garciga, IIDA
Sandra Dryden, CKD, CBD, ASID
Andrew Hayes, AIA
Steve Jernigan, AIA
Susette Crosby, IDAF, ASID
Vivian Salaga, AIA
Dean Yates, AIA

Court Reporter: Patricia K. Gough, Bay Park Reporting, 3410 Henderson Blvd, Suite 100,
Tampa, FL 33609-3975, 813.490.0003.

Request for Hearing pursuant to Chapter 120

Richard Krent

Ms. Clark advised that the request was for reconsideration not a hearing. She advised that Mr. Krent applied for continuing education credit and that matter was reviewed at the January 17, 2006 board meeting. She advised that the board voted to deny Mr. Krent's application for continuing education self directed study credit. She advised that the board denied based on Chapter 481.215(3), Florida Statutes and Rule 61G1-24.002, Florida Administrative Code.

Ms. Clark advised that Mr. Krent's request for hearing was not timely received but the board could reconsider the matter based on the additional information provided.

Ms. Del Bianco commented that the materials and self directed study was performed during Mr. Krent's regular course of work.

The board did not reconsider the matter.

Application Review

Architect Certificate of Authorization

Alayo Consulting Architect, P.C.

No one present. Mr. Hicks presented the application and commented that there was a discrepancy regarding the usage of "Architects" plural in the title of the business. Ms. Estes advised the board that the title of the business was corrected to singular "Architect" and that the business had paid a \$500 citation.

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

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

Architect Endorsement

Dwight Gilliland – NCARB

Mr. Gilliland was present and sworn in. Ms. Clark advised that the Mr. Gilliland applied pursuant to Chapter 481. 213(3)(c) and 481.209, Florida Statutes. She advised that Mr. Gilliland was licensed after June 30, 1984 which requires a NAAB accredited degree. She

advised that Mr. Gilliland held a 4 year Bachelor of Science in Architecture which was not NAAB accredited therefore he did not meet the educational standards for licensure in Florida.

Mr. Gilliland commented that he took and passed the required examination, was NCARB certified and licensed in another state. Ms. Clark reviewed the statute that required the NAAB accredited degree. Mr. Schreiber provided Mr. Gilliland with school names that offer online accredited Master degrees.

Mr. Gilliland requested to withdraw his application.

Charles Scott Hughes – State

Mr. Hughes was present, sworn in and represented by Edwin Bayo. Mr. Minacci commented that the reason that application was before the board was that Mr. Hughes had a prior disciplinary case that the board reviewed and entered a settlement stipulation agreement with which Mr. Hughes had complied with. He commented that there was a California disciplinary matter that had been resolved as well.

Ms. Clark commented that Mr. Hughes met the licensure requirements but was before the board based on his background answers. Mr. Bayo commented that Mr. Hughes was initially licensed in California in 1990. He commented that the California board filed a complaint against Mr. Hughes in 1992 regarding issues that occurred in the 1980's. He commented that Mr. Hughes disclosed the matters on his application to the California board and was licensed. He commented that the California board took disciplinary action on the same matters but not for lying on his application because he disclosed all matters. He commented that the California board revoked Mr. Hughes license. He commented that Mr. Hughes appealed the revocation and it was upheld.

Mr. Bayo commented that Mr. Hughes decided to start over by going back to school and obtained a Masters degree. He commented that he applied for licensure in Virginia which was the state where the activities took place. He commented that Virginia admitted Mr. Hughes conditionally in 2001 and 2004 he met all obligations and received his unconditional license.

Mr. Bayo commented that Mr. Hughes appeared before the probable cause panel where mitigating factors were discovered. He commented that Mr. Hughes associated with a licensed architect in Florida and in error sent our invoices under his personal name without a Florida license. He commented that they appeared before the California board and they reinstated his California license.

Mr. Hall commended Mr. Hughes for starting over and continuing with the commitment to the profession.

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

Second: Ms. Grigsby seconded the motion.

Mr. Bayo provided some background information regarding the Virginia issue which Mr. Hughes successfully addressed and was never convicted on any wrong doing. He commented that Mr. Hughes was never charged for any financial improprieties, design negligence, or harm to the public. He commented that Mr. Hughes pumped his credentials early in his career and he started over.

Ms. Del Bianco commented that the agenda reflected an issue of plan stamping which was a serious issue. Ms. Solera asked Mr. Hughes what types of projects he received Florida awards for. Mr. Hughes responded residential.

The question was called and it passed unanimously.

Interior Design Endorsement

Teri Moore

No one was present. Ms. Clark advised the application was made pursuant to Chapter 481.213(3)(a) and 481.209(2), Florida Statutes. She commented that the education consultant performed an evaluation of Ms. Moore's education and determined that it did not meet the educational requirements as set forth in the Florida Statutes. She commented that the education submitted was a 2 year degree in applied science in architectural drafting. Mr. Johnson presented the application and commented that the applicant did not have the required education for interior design licensure which was determined not to be a program in interior design.

Motion: Ms. Grigsby moved to deny based on the fact the Ms. Moore's education does not meet the educational requirements pursuant to Chapter 481.213(3)(a) or 481.209(2), Florida Statutes.

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

Jorge Rosso-Ubarri

No one was present but a letter requesting a continuance and waiving the application processing timeframe was submitted for the board to consider.

Motion: Mr. Schreiber moved to continue the application.

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

Ratification Lists

Applicants (handout)

Interior Design Applicants by Endorsement

Items 1-17

Interior Design Business

Items 18-28

Architecture Applicants by Passage of Examination

Items 29-34

Architecture Endorsement
Items 35-87

Architecture Business
Items 88-103

Architecture Business Name Change Applications
Item 104

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

Continuing Education (handout)

Motion: Ms. Del Bianco moved to approve the continuing education ratification list as presented for the architecture and interior design professions.
Second: Mr. Schreiber seconded the motion and it passed unanimously.

Architecture Discussion

Texas Joint Advisory Committee Interpretation and Disagreement

Ms. Clark advised that this was an opinion from the Texas Attorney General that the practice of architecture and engineering are separate and distinct professions under Texas law with a limited overlap between the two professions. She commented that the opinion reflected that architecture was not completely within the realm of engineering and the opinion served as vindication for the Texas Board of Architectural Examiners because they have long held and endorsed that opinion. She commented that unfortunately the Texas Board of Professional Engineers felt that they could design an entire building without an architect.

Southern Conference minutes March 3-5, 2006

Mr. Schreiber commented that at the Southern Conference meeting there was much discussion regarding candidates being able to take the ARE prior to completing IDP. He commented that in order to achieve this requirement they would have to update the model law through a resolution. He commented that Mr. Huberman was trying to gain support for a counter resolution because he does not feel that a candidate should sit for the examination until they have completed the IDP. He commented that NCARB was discussing holding a candidates NCARB certification for 3 years if a candidate took the examination out of sequence.

Ms. Chastain commented that there was a survey provided to the board members on the last telephone conference call and the responses to that survey were in the board agenda materials for the board's review. She commented that she responded in support of allowing a candidate to sit for the examination prior to IDP completion but responded in non support of holding up a NCARB certification for 3 years if a candidate took the examination out of

sequence. She commented that Florida's statute allows for examination out of sequence but not licensure.

Mr. Schreiber commented that there was data indicating that since the examination was supposed to be a practiced based examination the pass rate is lower when a candidate begins testing prior to completing the 3 year internship. He commented that there was a concern that because there was a shortened time frame for licensure because candidates can begin testing sooner that they may be more harmful to the public because they took the test out of sequence.

Mr. Schreiber commented that there was a concern that it takes so long to gain architecture licensure by completing school, then the internship, then the test that due to financial obligations candidates begin offering architecture services prior to gaining licensure which results unlicensed activity disciplinary cases.

NCARB Board of Directors Meeting Minutes January 18-21, 2006
For the board's information and there was no discussion.

Interior Design Discussion

FIDER name change to CIDA – Michael Wirtz

Mr. Wirtz advised that he had received no new information regarding the name change. He commented that FIDER was considering a new classification for programs waiting for accreditation.

IDCEC meeting update – Mary Jane Grigsby

Ms. Grigsby commented that she attended the Spring IDCEC board meeting. She advised that NKBA was no longer a core member of IDCEC because they do not actively support the career path or mission of IDCEC. She commented that IDCEC had a new method for determining the health, safety, and welfare designations. She commented that welfare was separated from the health and safety designation to accommodate some states that require separate hours in certain areas.

Ms. Grigsby commented that it was brought to her attention that a 50 year old woman was denied continuing education credit for taking an AutoCadd course. She commented that AutoCadd would not have been taught when she went to school therefore it would be considered continuing education. Ms. Del Bianco commented that the board determined previously that AutoCadd was a basic course and knowledge. Ms. Grigsby commented that the board should look at the course credit on an individual basis.

Mr. Schreiber commented that AutoCadd was a basic knowledge in practice. Ms. Del Bianco commented AutoCadd was used daily and had been for some time. Mr. Wirtz commented that AutoCadd education standard where not implemented into the school curriculum until 1995. He commented that at that time it was an optional course and was elevated to a mandated course curriculum. He commented that it was disappointing that a 50 year old plus not to obtain credit for enhancing their education and bettering their presentation skills in the health, safety, and welfare arena. Mr. Wirtz requested that the

board reconsider their position on granting continuing education credit for AutoCadd courses.

Ms. Dolan commented that the New York board allowed for AutoCadd continuing education credit. She commented that there were certain individuals that did not have AutoCadd education when they were in school and thought it was beneficial that those individuals receive credit for continuing education. Ms. Del Bianco commented that computers were not used that much when she was in school and she would not expect to receive continuing education credit for learning Microsoft Word, Excel, etc.

Ms. Shore commented that the basic AutoCadd courses were not approved. Mr. Manausa commented that the board had approved basic AutoCadd courses but those courses were being weeded out. He commented that the board could approve courses and individual could apply to the board for individual credit. Ms. Chastain advised that there were some AutoCadd courses that were approved years past and the board directed the reviewers not to approve basic or elementary AutoCadd courses. She commented that the board's direction was to eventually weed those basic courses out.

Mr. Manausa commented that for 14 plus years his firm was basically AutoCadd and they moved to another platform which required training. He commented that the training was health, safety, and welfare in nature. He commented that it was a fine line to say an elementary course should not be counted and why would an individual take an elementary course if they did not need it.

Mr. Schreiber commented that the board wanted to encourage individuals to enhance their skills but not confuse basic knowledge with continuing education. He commented that individuals should take the course to learn how to utilize the program but not expect to receive continuing education. Mr. Manausa commented that an individual should receive credit for continuing their education and bringing themselves up to current knowledge or standards. Mr. Schreiber commented that he did not feel elementary programs were appropriate.

Mr. Wirtz commented that the board had lofty goals and they would better serve the public by encouraging licensees of all ages to produce a better product or plans that did not have the opportunity or ability to take the courses previously. He commented that continuing education was building on a life long experience of education and this was an educational tool that could help the older licensee group.

Mr. Jacobs commented that it was important to look at what was the intent of continuing education. He commented that if an individual was enhancing their ability to perform a better service to the public then they should consider how they would categorize that as health, safety, and welfare. He commented that it was important to received continuing education credit for any kind of education that improves an individual as a professional.

Ms. Del Bianco requested that the department look at the statutory language regarding FIDER being referenced as the educational entity or standard.

Memorandum from Steve Hefner dated March 24, 2006 – Rick Gonzalez

Mr. Hefner commented that the memorandum regarded the clean up language for space planning. He commented that the board requested the language be submitted for legislative change and that language was withdrawn because the Retail Federation Association did not want the language submitted and they would oppose the language. He commented that they were not prepared for the language to be objected to so they would try another approach in the future. He commented that the language was a clean up issue and requested that the department take a look at the language and possibly submit and support.

Mr. Gonzalez commented that retailers were performing space planning and practicing interior design. Mr. Hefner commented that it was an issue with the probable cause panel and the prosecuting attorney. He commented that the language was for clean up and clarification purposes. Ms. Chastain advised that IDAF would have to present and/or pursue the legislative change.

NCIDQ Board of Directors' Meeting Minutes December 2005

NCIDQ Board of Directors' Meeting Minutes January 2006

For the board's information and there was no discussion.

Rules Report and Discussion

Rule Tracking (handout)

JAPC letter regarding Rule 61G1-23, F.A.C.

Ms. Clark commented that rule 61G1-16.005, Electronic Signing and Sealing was adopted April 23, 2006. Ms. Chastain advised that the Department of Transportation provided information on how to access a free download.

Ms. Clark commented that Rule 61G1-17.001(13), Special Fees and Penalties for Architects was submitted for rule development to implement a procedure and fee for null and void licenses. She commented that until the department creates a uniform application the board could not move forward on the rule.

Ms. Clark commented that Rule 61G1-21.003, Interior Design Continuing Education Handbook was noticed to update the handbook and advised that they may need more time to finalize the changes and requested that the board re-notice the rule for development.

Motion: Mr. Hall moved to re-notice the rule for development.

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

Ms. Clark commented that Rule 61G1-23.010 and 23.015 regarding Responsible Supervisory Control would need to be revisited. She recapped for the board the reason the rule was being reviewed was because an attorney questioned the statutory authority of the rule after appearing before the probable cause panel. Ms. Clark commented that Ms. Priny with the Joint Administrative Procedure Commission expressed concerns with rule

and appropriate statutory authority. She commented that the board had continued to work to reach an acceptable outcome.

Ms. Clark commented that the board had stopped work on the rule regarding supervisory control outside of an office and tried to incorporate the critical elements of that rule into the rule regarding supervisory control inside an office. She commented that the board tried to eliminate the distinction between documenting practice inside or outside of an office. She commented that Ms. Printy objected to everything the board was trying to incorporate into one rule and the use of the word "personal".

Ms. Clark commented that the board should look at the legislative language submitted and make a determination on how to proceed. Mr. Manausa requested that a letter be sent to Ms. Printy that legislative language was submitted to grant the board statutory authority and the outcome of the session appeared to be positive and that she grant additional time to remedy the issue. The board determined that the session would end May 5, 2006.

Ms. Long advised the board that the legislative language Senate Bill 2060 was in the House today and that the language would be presented to the Governor with an effective date of July 1, 2006. She commented that the language defined responsible supervisory control which should grant the board rule making authority.

Ms. Clark requested that the issue be schedule for a June telephone conference call.

Ms. Clark commented that Rule 61G1-24.002, Architecture Continuing Education Handbook was noticed to update the handbook and advised that they may need more time to finalize the changes and requested that the board re-notice the rule for development.

Motion: Ms. Membiela moved to re-notice the rule for development.

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

General Discussion / For Information

ITN Published September 2002

ITN Schedule of Events from 2002 for reference

Ms. Chastain advised the old ITN was before the board to review for updates or changes. She commented that she met with the department's Purchasing Director and advised that the format of the ITN would change. She commented that process would be handled through the Purchasing Department.

Ms. Chastain requested that the board modify the contract so that it is on an annual fiscal basis with the department's budget. She commented that the contract renewal years were 2 and 2. She advised that she should be able to bring back a final document for the June telephone conference call for review and approval by the board.

Mr. Gonzalez asked if the board had lost board members that were assigned to the ITN Committee. Ms. Chastain replied in the positive but it should not be an issue and the committee could be appointed by the board.

Ms. Del Bianco requested that the evaluation criteria be changed to reflect that the experience in providing similar services be 25 points and approach to providing services be 20 points. She commented that staff review the terminology should be consistent throughout the document regarding the usage of prosecuting, investigatory, or enforcement.

Letter to Ron Dirsmith

Ms. Chastain advised that Mr. Dirsmith appeared before the last board meeting and he sent a letter to board members and the Governor which was sent to Mr. Minacci for response. She commented that the correspondence was on the agenda for information. Mr. Minacci commented that Mr. Dirsmith wrote an additional letter after this letter to which he responded. He advised that Chapter 455, Florida Statutes allowed for minor disciplinary actions to be expunged after 2 years from a licensee's record which he provided to Mr. Dirsmith.

Mr. Gonzalez commented that Mr. Dirsmith had spent a tremendous effort to debate the board instead spending the minimal time to comply with the requirement like other licensees had done. Mr. Hall asked if that information had been provided to other licensees in Mr. Dirsmith's situation. Ms. Clark responded that the reference was Chapter 455.2255, Florida Statutes and that a licensee could pursue which allows for the licensee to petition the department. She commented that the provision was available to every licensee.

Ms. Clark commented that the board was not involved in the decision because of the way the matter was classified and publicized to the public. She read the entire statute for the board. Ms. Solera asked when an individual was disciplined was that statute provided to the individual. Ms. Clark replied that the department notified individuals of their appellate rights as required. She commented that the licensee must take responsibility to pursue further. Ms. Solera commented that she felt the department should notify the individuals of the right to have the disciplinary action expunged. Ms. Clark commented that it was not a requirement by law.

Mr. Hall commented that Mr. Dirsmith's case was before the board and he chose to leave the meeting after hearing his case because he felt very strongly about the case. He apologized to the board for leaving the meeting without verifying that there was a quorum. He commented that he was pleased to see there was an option to Mr. Dirsmith regarding the issue and his previous unblemished record.

Ms. Salaga commented that regardless of whether it was the state's responsibility to inform individuals of the law she felt individuals should be informed by the board of the law. Mr. Johnson commented that he appreciated all of the comments but it was the licensed professional's responsibility to know the law that they are licensed under.

Ms. Del Bianco commented that the statute allowed the department to determine if the violation was minor or not and she was not sure she was comfortable with the department

making that decision. Mr. Gonzalez commented that Ms. Chastain was going to following up with the department's counsel.

Ms. Schreiber commented that the issue was blown out of proportion. He commented that if a consumer was performing a search on Mr. Dirsmith as to whether to hire him they would see with the disciplinary action was for. He commented that a savvy consumer could put the issue into context as to whether or not that makes him a good architect.

Reports

AIA Report – Vicki Long

Ms. Long was present and introduced Ms. Vivian Salaga the 2006 AIA Florida President, Mr. Micky Jacobs 2005 AIA Florida President, and Mr. Steve Jernigan AIA Florida Legislative Affairs. Ms. Long provided a copy of Senate Bill 2060 language.

Ms. Long commented that House Bill 1089 passed both houses regarding the reduction the statute of repose from 15 years to 10 years. She commented that another legislative item they were pursuing was joint and several liability to be replaced with proportionate liability. Mr. Jernigan commented that they were hoping they could limit increases in professional liability insurance and lower premiums. He commented that the problem with joint and several liability was that individuals look for the deep pockets therefore proportionate liability would be a positive aspect.

Ms. Long commented that AIA Florida was on track with the on line Florida Building Code Advance course. She commented that they offered a 4 hour course in Tallahassee and they video taped the entire course which would be offered in 4 part modules that an individual could download from their computer with a test and completion certificate. Mr. Gonzalez asked if the course would be available by June so they could report to NCARB on the progress of the issue. Ms. Long replied that their goal was that it be available by June.

Ms. Long advised that they were working on a DVD regarding "Design Matters" Ms. Salaga commented that an issue that was brought up consistently was why the public did not have an appreciation for the work that architects perform or the awareness of their contribution. She commented that they were going to address the issue why design was important in the everyday lives of the public. She commented that the DVD was approximately 9-11 minutes in length and would only utilize the testimony from the public and not architects. She commented that the public would provide testimonies as to what their architect did for them and how they appreciated it.

Ms. Salaga commented that they were looking for the DVD to become a signature piece for their association. She commented that they were extremely successful with their lobby and legislature efforts but would like to engage more recognition from the public for the architect's contribution to the public through their profession. She commented that they would provide every AIA member a copy of video. She commented that they were trying to generate a stronger level awareness on the part of the public that they desire good design

in their environment but demand it. She commented that she hoped that the video would elevate the awareness of the profession to the public.

Mr. Jacobs commented that he was now involved on a national level and he was the Chair of the National Architects Political Action Committee. He commented that there was a bill that would affect architects and interior designers that passed the United States House and was now in the United States Senate regarding small business health plans. He commented that it was an association based health plan bill and it would allow associations for professionals could provide health care plans for their members. He commented that he felt it would be an incredible benefit to their members and small businesses. He commented that he was the AIA 150 State Representative. He commented that AIA National in 2007 will celebrate its 150 year anniversary.

Mr. Jacobs commented that AIA Florida would offer a Leadership Network and they would look at how to promote architects that would like to become leaders in their communities or in politics.

Ms. Long commented that the AIA Florida's Convention would hold their Executive Committee Meeting July 26, 2006 between 1:00 p.m. and 4:00 p.m. She requested that the board send a representative to the meeting if they had issues they would like to share.

Ms. Long commented that she was on the Disaster Preparedness Panel with AIA National and they were working on a generic preparedness plan that could be used all over the country. She commented that they were hoping to achieve a less than 96 hours response from a National level after any type of disaster.

Ms. Long commented that the Mold and Remediation Assessment Bill was amended and was included in the language as a registration or certification for building inspectors. She commented that it was opposed by the industry. She commented that the building inspectors did not want the low level of registration after 80 hours of education and felt the criteria was too low for the certification or registration. She commented that the bill was still moving through the process and architects and engineers were excluded from needing additional education or certification.

Mr. Jernigan commented that the mandatory construction administration language was adamantly opposed. He commented that they did not have the ability to mandate or pass the language and was not sure if they would try again in the future.

Mr. Gonzalez commented that the mandatory construction administration issue was very important to him and referred Mr. Jernigan to an article in the Palm Beach Post regarding poor finishes of construction for condominium projects. He commented that the article interviewed individuals that purchased the unit preconstruction and would never do that again because of the poor construction. Mr. Jernigan thanked Mr. Gonzalez and commented that that was the type of information they needed. He commented that they had the support of the building officials behind the scenes. Mr. Hall suggested that they

insert this component into the "Design Matters" DVD and have an individual provide a testimonial regarding the issue of mandatory construction administration.

Mr. Gonzalez thanked all of the local architect's participation at the meeting.

Ms. Salaga introduced Mr. Dean Yates as the new NCARB IDP coordinator.

IDAF Report – Steve Hefner

Mr. Hefner commented that House Bill 1611 and Senate Bill 2060 pertaining to the profession of interior design would define responsible supervisory control for interior designers, provide rule making authority for further defining responsible supervisory control, and provide a retired status.

Mr. Hefner commented that there were 25 states that require interior design licensure and 5 states that proposed legislation for interior design licensure. He commented that Oregon was the newest state to pass a title act for interior designers.

Mr. Gonzalez congratulated Mr. Hefner and IDAF for the American Lung Association House which was in South Florida and was a green building theme. He commented that it was in numerous articles regarding the event and encouraged the public to hire licensed interior designers and what the educational requirements were to be licensed as an interior designer.

Chair's Report – Rick Gonzalez

Mr. Gonzalez commented that he was pleased that AIA Florida continued to recognize and emphasize that design matters. He commented that he felt that construction administration was an important issue and would like to continue to work towards that requirement. He commented that the design guidelines were changed in the West Palm Beach area and it was direct relation to design matters.

Mr. Gonzalez welcomed Ms. Solera and Ms. Dolan. All board members and staff introduced themselves and provided brief bios. Mr. Gonzalez commented that he would miss the Mr. Bullock and Mr. Rodriguez.

Ms. Chastain explained how travel to NCARB and how the board is represented for the new board members.

Executive Director's Report – Juanita Chastain

Financial Report December 31, 2005

Ms. Chastain asked the board if they would like business cards. The board members advised that they had business cards but never used them.

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

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

Licensed/Administrative Hours

January 2006

February 2006

Unlicensed Billable Hours

January 2006

February 2006

Results of February 22, 2006 PCP Meeting

Results of February 24, 2006 Board Meeting

Press Releases/Speaking Engagements/Other Correspondence

Mr. Minacci introduced himself to the board and explained how the board works regarding the privatization of the prosecutorial, investigative, and enforcement of disciplinary matters. He introduced Mr. Johnson and Mr. Manausa and their history with the board.

Mr. Minacci reviewed the fines tracking chart and commented that he was collecting approximately 74% of the fines imposed. He advised that he was hiring another full time investigator to work on the increasing number of cases. He commented that when the department provided disciplinary services in the 3 years prior to him taking over they imposed approximately \$300,000 in fines which does not include the amount actually collected. He commented that since he was hired within the first year they imposed fines of \$1.4 million. He commented that they were tripling the output of DBPR and he was proud of their accomplishments.

Ms. Chastain asked Mr. Gonzalez if Mr. Rodriguez could continue to service on the Florida Building Commission Outreach Council. Mr. Gonzalez replied in the positive if he wanted to continue to serve.

Continuing Education Handbooks – Architecture and Interior Design (handout)

Ms. Estes commented that the board requested that licensees that attend the Department of Community Affairs Commission or TAC meetings receive continuing education credit for such attendance and it was discovered tracking their attendance would be problematic.

Ms. Estes asked the board if they would consider lowering the fee for interior designers requesting individual credit. The board agreed.

Future Board Meeting and Conference Dates

June 5, 2006 2:00 p.m. telephone conference call

July 24-26, 2006 Boca Raton, FL

NCIDQ Annual Meeting November 10-12, 2006, Louisville, Kentucky

IDCEC will meet in conjunction with NCIDQ November 8-9, 2006

Review and Approval of the February 23-24, 2006 Fernandina Beach meeting minutes

The minutes were provided in draft format and would be placed on the June 2006 telephone conference call for approval.

The recessed at 12:20 p.m.

MINUTES

**Board of Architecture and Interior Design
Doubletree Hotel Tampa – Westshore
4500 West Cypress Street
Tampa, Florida 33607
813.879.4800**

**May 3, 2006
9:00 a.m.**

General Business Meeting

Call to Order

Mr. Gonzalez, Chair, called the meeting to order at 9:00 a.m. Ms. Chastain advised Mr. Gonzalez that Mr. Gustafson was ill and unable to attend the meeting. Mr. Gonzalez excused Mr. Gustafson's absence.

Roll Call

Board Members Present:

Rossana Dolan
Roymi Membiela
Lourdes Solera
Kenneth Horstmyer
Stephen Schreiber
Neil Hall
Mary Jane Grigsby
Rick Gonzalez
Sharon Del Bianco
Joyce Shore

Board Member Absent:

Garrick Gustafson, Excused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Juanita Chastain, Executive Director
Terri Estes, Government Analyst
Trent Manausa
Emory Johnson
Lowell Dewhirst
Robert Steuber
Charles Deane

Joseph Pozzuoli
Vernon Thompson
Robert Gray
Paul Akin

Court Reporter: Patricia K. Gough, Bay Park Reporting, 3410 Henderson Blvd, Suite 100,
Tampa, FL 33609-3975, 813.490.0003.

Disciplinary Cases

Mr. Minacci requested that the board consider the following cases on a consent agenda. He advised that the following were settlement stipulations that were consistent with the probable cause panel's penalty recommendation.

Settlement Stipulation

Licensed
DBPR vs. Eric David Baker
Case Number 2005-056977
PCP: Rodriguez, Wirtz, and Schreiber

DBPR vs. Jose E. Barbosa
Case Number 2005-046703
PCP: Rodriguez, Wirtz, and Schreiber

DBPR vs. William E. Graves
Case Number 2005-056896
PCP: Rodriguez, Wirtz, and Schreiber

DBPR vs. Nicholas Hados
Case Number 2005-050441
PCP: Rodriguez, Wirtz, and Schreiber

DBPR vs. Donald Lang
Case Number 2005-059914
PCP: Rodriguez, Wirtz, and Schreiber

DBPR vs. Dov Liven
Case Number 2005-015996
PCP: Rodriguez, Wirtz, and Schreiber

DBPR vs. Marshall Novak
Case Number 2005-061938
PCP: Rodriguez, Wirtz, and Bullock

DBPR vs. Joseph Dominick Pozzuoli
Case Number 2005-024936

PCP: Rodriguez, Wirtz, and Schreiber

DBPR vs. Irwin J. Stein
Case Number 2005-017074
PCP: Rodriguez, Wirtz, and Schreiber

DBPR vs. Julio Sanchez and JSA Group
Case Number 2005-027046
PCP: Rodriguez, Wirtz, and Bullock

Unlicensed
DBPR vs. Patrick Knowles and Patrick Knowles Designs
Case Number 2004-043534
PCP: Rodriguez, Wirtz, and Schreiber

Motion: Ms. Membiela moved to accept the settlement stipulations as presented.
Second: Mr. Hall seconded the motion and it passed unanimously.

Motion for Order Waiving Formal Hearing

Licensed
DBPR vs. Lowell Dewhirst
Case Numbers 2005-035513 and 2005-035504
PCP: Rodriguez, Wirtz and Schreiber

Mr. Schreiber was recused from the proceedings. Mr. Dewhirst was present and sworn in. Mr. Minacci presented the case and commented that the respondent entered a contract to perform a condominium project and residential project both of which he was paid and abandoned. He commented that respondent did not complete the projects nor returned any of the fees paid. He commented that probable cause was found to file a 4 count administrative complaint which was served via certified mail February 9, 2006 and the respondent did not reply.

Mr. Minacci commented that the probable cause panel recommended 1 year suspension, \$12,000 fine plus costs.

Ms. Clark asked Mr. Dewhirst if he understood that he was supposed to respond to the administrative complaint within 21 days of receipt. Mr. Dewhirst replied in the negative.

Mr. Dewhirst requested that he be granted additional time to respond to the matter. Mr. Gonzalez asked why he was requesting additional time. Mr. Dewhirst replied that he did not realize the seriousness of the matter and wanted to contact an attorney.

Mr. Hall commented that the matter was serious and wanted to hear from Mr. Dewhirst. Mr. Dewhirst commented that he was a registered architect and practiced for 30 years and opened his own firm in 1993 of which he closed in 2005. He commented that he had

lengthy complicated divorce of which the complainants were victims of. He commented that he was now employed as a Senior Designer in the Panhandle area.

Mr. Dewhirst commented that Mr. Tricker approached him 2005 to design 2 single family houses. He commented that Mr. Tricker paid a retaining fee and provided some drawings that he obtained and wanted to utilize from a drafting service. He commented that he worked and performed services for the funds paid.

Mr. Hall asked Mr. Dewhirst what his understanding was of a retainer. Mr. Dewhirst replied that funds placed in account by the client against which the hours worked. Mr. Hall commented that a retainer was monies given to the architect in good faith to start a project which was a commitment to do the work and finish the project. He commented that because he expended some time does not mean that was what the retainer was for.

Mr. Dewhirst commented that he had trouble collecting bills and he would refer to the monies received as a deposit. Mr. Gonzalez asked Mr. Dewhirst if he submitted drawings for the time spent. Mr. Dewhirst replied in the positive.

Mr. Dewhirst commented that Mr. Tricker was a representative for 2 clients. He commented that there was an issue of the property ownership. Mr. Gonzalez asked Mr. Dewhirst if he advised the clients that he was going to his office and would not complete the project. Mr. Dewhirst replied in the negative. He commented that he had monthly meetings with the clients and they did not show up for the last meeting.

Mr. Dewhirst advised the condominium project was a 1600 square foot addition for multi-purpose space. He commented that in both cases he did not take funds not performed.

Mr. Dewhirst commented that all the bills were paid and there were no other outstanding issues. Ms. Del Bianco asked if he officially notified clients that he was closing his office. Mr. Dewhirst replied in the negative because of his personal situation.

Mr. Dewhirst commented that there were lawsuits brought against the president of the owners association by the owners against the size of the project. He commented that the project was ready to begin and he did not want to get between the owners and the association.

Mr. Gonzalez asked Mr. Dewhirst what his responsibilities were with his new employer. Mr. Dewhirst replied that he was a designer.

Ms. Clark asked Mr. Minacci if Mr. Dewhirst appeared at the probable cause panel hearing. Mr. Minacci replied in the negative.

Ms. Solera asked Mr. Dewhirst when and if he received the notices regarding the disciplinary matter. Mr. Dewhirst replied in the positive but did not realize the gravity of the matter. The board discussed the process of how disciplinary cases were handled.

Ms. Membiela asked Mr. Dewhirst why the board should grant him additional time to respond to the complaint and what steps he was going to take to handle. Mr. Dewhirst replied that he wanted to gather funds to hire an attorney to respond to the board.

Ms. Clark commented that Mr. Dewhirst was present had not disputed the facts of the case and offered mitigating evidence. She advised the board that they could proceed with the matter today or grant him additional time to respond. She advised that the panel's recommendation was a recommendation and the board could accept that recommendation or deviate if they felt there were mitigating factors as a reason. She commented that the panel's recommendation was based on the fact that Mr. Dewhirst was not present at their meeting.

Mr. Minacci advised that for 2 counts the minimum penalty was a reprimand, 2 years probation, \$1,000 fine plus cost and the maximum was \$5,000 fine and revocation. He advised that for 2 counts the minimum penalty was a reprimand, \$2,000 up to \$5,000 fine plus costs, 1 year suspension, and 2 years probation.

Mr. Gonzalez suggested 3 years probation, 2 letters of release and apology to the clients, \$4,000 to \$5,000 fine. Mr. Hall disagreed and commented that Mr. Dewhirst had not remorse for his actions or understanding of the severity of his actions regarding his clients or with the board.

Motion: Mr. Hall moved to accept the panel's recommendation of 1 year suspension, a \$12,000 fine plus costs.

The motion failed for lack of a second.

Motion: Ms. Membiela moved to impose 3 years probation, 2 letters of release, and \$5,000 fine plus costs.

Second: Ms. Del Bianco seconded the motion.

Ms. Clark advised that because Mr. Dewhirst was present the case was no longer a waiver case and he did not dispute the material facts and offered mitigating facts.

Ms. Clark advised the board that they had no authority to impose the 2 letter of release and apology but Mr. Minacci could negotiate that with Mr. Dewhirst in a settlement stipulation. Mr. Dewhirst commented that he would agree to the letters and that the matters of the case had no public health, safety, or welfare issues. Mr. Hall commented that it did and that he had no comprehension of that fact.

Mr. Manausa suggested that the board impose continuing education.

Ms. Membiela agreed to amend her motion to include continuing education on the practice of architecture. The board discussed how probation was handled by the attorney and the panel. The board determined that since he was working with a firm as a designer he would

not have projects for review. Mr. Manausa suggested having Mr. Dewhirst appear before the probable cause panel annually and no project review.

Motion: Ms. Membiela amended her motion to impose 3 years of probation with annual appearances before the probable cause panel, \$5,000 fine plus cost, and 10 hours of continuing education per year in addition to the required number for licensure renewal, and 2 letters of release.

Second: Ms. Del Bianco seconded the motion.

Ms. Clark offered Mr. Dewhirst an opportunity to request a payment plan for the fine. The board granted a payment plan of \$1,000 per month. Ms. Clark advised the board to grant Mr. Minacci 15 days to finalize the settlement stipulation with Mr. Dewhirst and then a final order would be entered to close the case.

Mr. Hall commented that Mr. Dewhirst does not understand the practice as an architect. Mr. Dewhirst commented that he successfully practiced for 12 years with hundreds of satisfied clients without incident.

The question was called, it passed with Mr. Hall opposed.

DBPR vs. Robert G. Steuber

Case Number 2004-061288

PCP: Rodriguez, Wirtz, and Bullock

Mr. Steuber was present and sworn in. Mr. Minacci presented the case and commented that Mr. Steuber had failed to satisfy the terms of a final order entered into in 2004 which imposed a \$5,000 fine plus \$213 costs therefore an administrative complaint was filed. He commented that the administrative complaint was served via hand delivery February 9, 2006. He commented that the respondent replied but did not dispute the facts.

Mr. Minacci commented that the panel recommended suspension of licensure until compliance then revocation within 60 days for non-compliance plus costs.

Mr. Steuber commented that he understood the gravity of the matter and intended to comply with issue. He commented that he objected to some issues in the past and responded. He commented that he had contested the issue in the past but intended to comply with what the board imposed. He commented that he originally requested that the fine be reduced due to the financial impact.

Mr. Steuber provided documents where he had sent the fines and costs to the department. He commented that he had a business name in another state and filed it as a fictitious name registration in Florida with no intent to harm the public due to the oversight for the need of a certificate of authorization.

Mr. Minacci commented that the case began some time ago and originally a notice of cease and desist was issued which he did not comply with. He commented that the issue was referred to the probable cause panel and an administrative complaint was filed. He

commented that the case was referred to the board and Mr. Steuber did not appear at either the panel or board meeting. He commented that a final order was entered at which time he contacted Mr. Steuber numerous times upon which he would promise to pay the penalty imposed. He commented that because he did not pay the penalty another case was opened and referred to the probable panel at which Mr. Steuber did not appear and an administrative complaint was filed. He commented that the Mr. Steuber responded requesting a reduction in fine.

Mr. Minacci requested that the board accept the panel's recommendation. Mr. Steuber commented that he borrowed the monies to pay the fine and he disputed Mr. Minacci's presentation of the history of the case. Mr. Steuber commented that he responded but verbally and he did not realize the gravity of the issue and that was why he did not appear before now.

Motion: Mr. Hall moved to accept the panel's recommendation.
Second: Ms. Solera seconded the motion and it passed unanimously.

Mr. Steuber commented that he signed the cease and desist notice and faxed it back but understood that was not acceptable. Ms. Clark commented that a fax was a legally acceptable response.

Mr. Manausa commented that the board had reviewed cases where licensees or respondents chose to ignore an order of the board. Mr. Gonzalez requested that Mr. Manausa write a newsletter article regarding the need or importance to respond to board issues or create a dialogue with the board regarding disciplinary matters.

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

Licensed

DBPR vs. Charles L. Deane

Case Number 2005-046712

PCP: Rodriguez, Wirtz, and Schreiber

Mr. Schreiber was recused from the proceedings. Mr. Deane was present and sworn in. Mr. Minacci presented the case and commented that Mr. Deane was audited for continuing education credit and was found deficient 18 hours. He commented that the probable cause panel recommended a 1 count administrative complaint be filed and the respondent file an election of rights form and did not dispute the facts. He commented that the panel recommended a \$1,000 fine and 38 hours of continuing education.

Mr. Deane commented the he regretted not completing the required hours and returning the renewal form prior to completing the hours. He commented that the complication of moving kept him from completing the hours and he had since completed 44 hours of continuing education. He requested that the fine be reduced and the board levy more continuing education hours. Ms. Clark advised the board that they could deviate from the guidelines if they found mitigating evidence.

Motion: Ms. Del Bianco moved to adopt the findings of fact and conclusions of law as found in the administrative complaint.

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

Motion: Ms. Del Bianco moved to impose a \$500 fine and accept the 44 hours of completed continuing education which could not be used for the next renewal cycle.

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

Motion to Set Aside Final Order

Licensed

DBPR vs. Robert Gray

Case Number 2004-029156

PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the proceedings. Ms. Clark advised that the respondent had withdrawn the motion to set aside the final order. She advised that they board would consider the information handed out yesterday and not the materials in the agenda. Mr. Gray was present, sworn in, and represented by Paul Akin.

Mr. Minacci commented that the case before the board was a petition to board to lift a suspension and probation. He commented that Mr. Gray was served with an administrative complaint on December 13, 2004 in which he never responded. He commented that the case was presented to the board and a final order was entered which suspended Mr. Gray's license for 1 year and 2 years probation, \$6,000 fine and \$486 costs. He commented that the final order was entered but never appealed.

Mr. Minacci commented that Mr. Gray filed a petition to lift the suspension and probation based on the fact that his attorney was negligent. Ms. Clark referred the board to the final order and administrative complaint that was entered that suspended Mr. Gray's license.

Mr. Akin commented that Mr. Gray was in a bad situation based on his previous attorney's actions or lack there of. He commented that Mr. Gray was contacted regarding the case of which he responded to the investigative notice. He commented that Mr. Gray contact Michael Berry an attorney in his area. He commented that Mr. Berry represented Mr. Gray throughout the case.

Mr. Akin commented that the administrative complaint was served on Mr. Berry of which he never responded for his client. He commented that Mr. Minacci, the probable cause panel, and the board proceeded as they should have. He commented that Mr. Berry responded to the administrative complaint requesting additional time to answer. Mr. Minacci granted the extension of time and never received an additional response. He commented that a notice was sent to Mr. Berry which was signed for by Mr. Berry's staff regarding the date the case was heard before the board in 2005.

Mr. Akin commented that Mr. Berry never notified Mr. Gray of the board meeting nor attending any hearings on his behalf. He commented that Mr. Gray received a copy of the final order and went directly to Mr. Berry's office because of concern for the action. He commented that the board imposed the maximum fine for a first time offender and no one appeared for the hearing. He commented that a licensed practitioner in law not showing up for a hearing was an offense under their code of ethics.

Mr. Akin commented that Mr. Gray was a first time offender with mitigating circumstances of which neither the probable cause panel nor the board ever heard. He commented that Mr. Gray confronted Mr. Berry and he promised that he would appeal the final order of which he did not do. He commented that upon learning that no appeal was filed Mr. Gray contacted him for legal counsel. He commented that he cooperated with Mr. Minacci, Ms. Clark, and the Florida Bar.

Mr. Akin commented that there was an investigation in progress against Mr. Berry.

Mr. Akin requested that the board lift the suspension and probation of the order. He commented that the case resulted from an unlicensed architect in D.C. contracting to perform services for a developer of a condominium project. He commented that Mr. Gray was hired by the developer to oversee the unlicensed architect's work and make changes to the plans for permitting. He commented that the plans were reviewed and stamped by Mr. Gray and he was in violation of not documenting his supervision, drawings and work on the project. He commented that the case was not a public case of harm or negligence. He commented that there were no problems with the project its been build and there have been no issues.

Mr. Akin commented that Mr. Gray was involved in the architecture practice of the drawings including the review and overseeing Mr. Cote's work. Mr. Akin provided an affidavit to the affect.

Mr. Gray commented that he was involved throughout the project. He commented that one issue that he was unaware of was that the drawings should have been submitted under his title block. He commented that the building department was not aware of that requirement either. He apologized for not being aware of the requirement and it would not happen again. He commented that he used AutoCadd and he did not maintain a proper paper trail. He apologized for not maintaining better documentation of the work and he was aware of what was required for future projects. He commented that the project was built and units were occupied.

Mr. Minacci commented that there were violations in the underlying case. He commented that the plans Mr. Gray signed and sealed were based on a contract that an unlicensed architect entered into. He commented that if Mr. Gray had responded to the administrative complaint and appeared at the probable cause panel meeting he did not feel suspension would have been imposed but probation would have been imposed.

Mr. Minacci commented that the board may be faced with additional cases in the future because he was not aware that his license was suspended. Mr. Akin commented that he practiced upon the advice of his previous counsel. Ms. Clark advised that they should not discuss the possibility of future disciplinary cases. Mr. Minacci commented that he felt probation should remain in place.

Mr. Minacci commented that there were clear violations and if they find additional issues while he was on probation then he could face suspension then revocation.

Mr. Gonzalez asked Mr. Gray if he was the builder of the project. Mr. Gray replied in the positive and that he was a licensed building contractor.

Motion: Ms. Del Bianco moved to lift the suspension and impose 1 ½ years of probation.
Second: Ms. Solera seconded the motion.

Mr. Minacci commented that he had not served any time on probation.

Motion: Ms. Del Bianco amended her motion to lift the suspension and impose 2 years probation.
Second: Ms. Solera seconded the motion and it passed unanimously.

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

Unlicensed

DBPR vs. John Franklin

Case Number 2005-035542

PCP: Rodriguez, Wirtz, and Bullock

Mr. Franklin was present and sworn in. Mr. Minacci presented the case and commented that Mr. Franklin was unlicensed and contracted to provide services on a commercial project. He commented that the probable cause panel found probable cause to file a 2 count administrative complaint. He commented that on March 21, 2006 the respondent filed an election of rights form stating that he did not dispute the facts alleged in the administrative complaint. He commented that the probable cause panel recommended a \$10,000 fine plus costs.

Mr. Franklin commented that he was not an architect but a draftsman. He commented that he had performed 15 other jobs that were similar because it was a build out. He commented that he worked under a licensed professional either an architect or engineer. He commented that every county was different as far as whether they require an architect or engineer to sign and seal plans.

Mr. Franklin commented that he never stated to his customers that he was as an architect or that his company was licensed. He commented that he was referred by previous customers for the project and he was aware what was required to obtain permits. He commented that he was unaware that he needed a seal to be able to perform the services. He commented that the company that owned the building had a specific architect they

wanted to work with. He commented that he was aware that an architect could sign and seal his plans with a certain amount of knowledge and oversight of his drawings. He commented that the architect marked his plans and made changes. He commented that the architect he normally worked with was out of town and he was looking out for the customer's best interest.

Mr. Hall commented that he did not have customers because he was not an architect. Mr. Minacci reminded Mr. Franklin of a conversation they had where he advised that he could not enter into contracts for commercial work or projects. Mr. Gonzalez requested that Mr. Minacci look into the architect that has been signing and sealing Mr. Franklin's plans because that was a violation. He commented that he could not work directly with client.

Mr. Franklin requested clarification that with his education and certification that he could only provide residential services. He commented that he had been in business 5 years and this was the first that he had heard of this requirement. Mr. Franklin commented that he had not graduated with a degree and only needed 60 hours to complete his degree. He commented that he wanted to return to school to become a licensed engineer.

Mr. Gonzalez commented that Mr. Franklin needed to go to work with a licensed company that had a licensed architect or engineer. Mr. Franklin commented that he was not aware that he could not use the root word "architect" or "architecture". He commented that he changed his company name to use the words "design" and "drafting".

Mr. Franklin commented that he felt terrible about the misunderstanding.

Motion: Ms. Del Bianco moved to 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 to impose a \$2,000 fine plus costs.

Second: Ms. Membiela seconded the motion.

Mr. Gonzalez commented that he was fortunate that the fine was reduced. Ms. Clark advised that he needed additional time to pay the fine now would be the time to request that. Mr. Franklin requested additional time.

The board granted 2 months to pay the fine.

Ms. Dolan commented that Mr. Franklin's business was to serve as a draftsman and he could not contract directly with clients but could work or contract with an architect. She commented that he could provide freelance drafting services to an architect. She commented that she understood he was contracting with the clients then looking for an architect to sign and seal the drawings which was incorrect. Mr. Gonzalez commented that he needed to reverse his business plan and contact or contract with the architect or engineer. Ms. Clark commented that Mr. Franklin should understand that he could not

directly contract to offer the services with the client and that the contract should be between him and the architect and the architect and the client not between him and the client.

The question was called and the motion passed unanimously.

Motion for Order Waiving Formal Hearing

Unlicensed

DBPR vs. Vernon Thompson

Case Number 2004-059549

PCP: Rodriguez, Wirtz, and Bullock

Mr. Thompson was present and sworn in. Mr. Minacci presented the case and commented that the respondent was unlicensed and held himself out as an architect to perform services for a church. He commented that the probable cause panel found probable cause to file a 3 count administrative complaint and service was achieved by hand delivery. He commented that the respondent provided a response to the administrative complaint but did not dispute the facts. Mr. Minacci commented that the panel recommended a \$15,000 fine plus costs.

Mr. Thompson commented that he had an application in with the department to be licensed as an architect. He commented that he was licensed in another state and was licensed in Florida as a certified general contractor. He commented that he did not agree with all items in the administrative complaint and that he did not present himself as an architect. He commented that he offered design build services which were allowed pursuant to Chapter 481.229(3), Florida Statutes.

Ms. Clark reviewed the administrative complaint to determine if Mr. Thompson was disputing any of the facts alleged. Mr. Thompson commented that the project in question happened prior to complying with Mr. Minacci's notification and request. He commented that the project was old and happened prior to him having knowledge that he could not offer architectural services based on his interpretation of the statutes. He commented that he responded to Mr. Minacci that under Chapter 481.213(1), Florida Statutes which defined an architect as a licensed profession passing the examination or a certified general contractor.

Ms. Clark reviewed the allegations in the administrative complaint to determine if Mr. Thompson was disputing any of the facts and not whether he determined by the statutes that he had the authority to provide the services. She asked Mr. Thompson if he entered into a contract with the church to provide architectural services and that he held himself out as an architect. Mr. Thompson replied in the positive and that was a fact. Ms. Clark asked Mr. Thompson if he received fees for his services. Mr. Thompson replied in the positive.

Ms. Clark commented that if Mr. Thompson did not dispute the facts alleged in the administrative complaint then the board could proceed with Mr. Thompson's legal argument as to why he felt his actions were not a violation of the law. Mr. Thompson commented that he was confused because he reviewed Chapter 481.229(3), Florida Statutes which states a general contractor who is certified or registered pursuant to the provisions of Chapter 489 is

not required to be licensed as an architect when negotiating or performing services under a design-build contract as long as the architectural services offered or rendered in connection with the contract. The board advised Mr. Thompson to finish reading the statute which continued as, by an architect licensed in accordance with this chapter. Mr. Thompson commented that he hired an architect and he worked together with a licensed architect to do the drawings. He commented that they had a partnership.

Ms. Solera commented that the agenda materials reflected that his contractors licensed was inactive. Mr. Thompson commented that was correct. Ms. Solera commented that at the time he entered into the contract he did not have a valid architect or contractor license.

Mr. Thompson commented that he was before the board for clarification and wanted to be in compliance with the laws but requested that the fine be reduced because \$15,000 seemed excessive.

Mr. Gonzalez asked what state Mr. Thompson was licensed in. Mr. Thompson replied D.C. and that his application was made through NCARB. Mr. Minacci commented that because he was licensed in another state and had made application with Florida this case would not stop him from being licensed but would be on his record.

The board discussed all of the chapters and provisions that Mr. Thompson reviewed to determine that he could offer architectural services for design build projects. They determined that he did not completely read the provisions and worded his contracts incorrectly. Mr. Thompson had a better understanding of laws.

Mr. Gonzalez asked if the church was satisfied with the work. Mr. Minacci replied that he had received no complaints. Mr. Thompson commented that he was in compliance with law since Mr. Minacci had contacted him and the project was done prior to Mr. Minacci contacting him.

Motion: Ms. Membiela moved to adopt the findings of facts and the conclusions of law as found in the administrative complaint.

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

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

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

Licensed

DBPR vs. Kimberly A. Marks

Case Number 2005-018687

PCP: Rodriguez, Wirtz, and Bullock

No one was present but Mr. Minacci requested that the board continue the case until the July meeting so he could verify service.

Motion: Ms. Membiela moved to continue the case.

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

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

Licensed

DBPR vs. Fred Baruchman

Case Number 2005-0571725

PCP: Rodriguez, Wirtz, and Schreiber

Mr. Schreiber was recused from the proceedings. No one was present. Mr. Minacci presented that case and commented that the case was initiated based on an audit for continuing education compliance for renewal of his license. He commented that the subject affirmed at renewal that he completed the required hours however the audit revealed a deficiency of 5 hours. He commented that the probable cause panel found to file a 1 count administrative complaint and on March 8, 2006 the respondent filed an election of rights form indicating that he waived his rights to object or be heard. He commented that the panel's recommendation was \$500 fine plus 15 hours of additional continuing education within 120 days of the final order.

Motion: Ms. Del Bianco moved to accept the findings of fact and conclusions of law as alleged in the administrative complaint and impose the panel's recommendation.

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

Unlicensed

DBPR vs. Michael Philpot and ArchCadd Design

Case Number 2004-044051

PCP: Rodriguez, Wirtz, and Schreiber

Mr. Schreiber was recused from the proceedings. No one was present. Mr. Minacci presented the case and commented that the respondent entered into a contract for a residential project offering architectural drafting and signed and sealed drawings. He commented that the probable cause panel found to file a 2 count administrative complaint. He commented that on November 26, 2005 the Division of Administrative Hearings entered an order finding there were no disputed issues of material fact and relinquished jurisdiction to the board.

Mr. Minacci commented that the respondent failed to respond for admissions or appear for formal hearing. He commented that the panel recommended a \$10,000 fine plus costs.

Motion: Mr. Hall moved to accept the panel's recommendation of a \$10,000 fine plus costs.

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

Mr. Gonzalez recognized Mr. Lopez-Isa the board's former chair. Mr. Schreiber commented that there was another former chair that was present at yesterday's board meeting Mr. James J. Jennewein was Chairman in 1972.

Settlement Stipulation

Licensed

DBPR vs. Timothy Maloney

Case Number 2004-028205

PCP: Rodriguez, Wirtz, and Schreiber

Mr. Schreiber was recused from the proceedings. No one was present. Mr. Minacci presented the case and commented that Mr. Maloney was a licensed interior designer and entered a contract to remodel and repair a single family residence and the letterhead used for the contract offered architecture and construction services. He commented that the contract states that the respondent would provide drawings prepared by an architect and provide contracting services and he did not obtain a building permit for the work.

Mr. Minacci commented that the probable cause panel found to file a 6 count administrative complaint and recommended a \$30,000 fine plus cost. He commented that the settlement stipulation reflected a \$15,000 fine plus costs. He commented that he talked with Mr. Maloney and his attorney to point out all of the violations. He commented that he now understands the issues and had come into compliance.

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

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

DBPR vs. Misty Kay McPherson and Interior Motives Design Group

Case Numbers 2005-025607 and 2005-025084

PCP: Rodriguez, Wirtz, and Schreiber

Mr. Schreiber was recused from the proceedings. No one was present. Mr. Minacci presented the case and commented that the respondent was a licensed interior designer but was offering services as an interior architectural designer on a business card without a license number. He commented that the probable cause panel found to file a 3 count administrative complaint and recommended a \$2,750 fine plus costs. He commented that the settlement stipulation presented imposed a \$1,500 fine plus costs.

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

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

Ms. Grigsby commented that there should be an article informing interior designers that they can not use the word architecture in their advertisements or title. Mr. Gonzalez requested that she write an article for the upcoming newsletter. The board discussed the issue regarding the colleges and institution granting degrees titled interior architecture. Mr. Schreiber commented that the accrediting entities like NAAB and FIDER designate the title of degree. The board would like to bring this issue up with the educators to possibly inform the graduates.

Unlicensed

DBPR vs. Johanna Afanador

Case Number 2005-037381

PCP: Rodriguez, Wirtz, and Bullock

No one was present. Mr. Minacci presented the case and commented that the respondent was not licensed and held herself out as an interior designer in a letter to a client. He commented that the probable cause panel found to file a 1 count administrative complaint and recommended a \$5,000 fine plus costs. He commented that the settlement stipulation presented imposed a \$2,500 fine plus costs.

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

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

DBPR vs. Christie R. DeHerrera and Castle Works Drafting

Case Numbers 2005-003062 and 2005-003060

PCP: Rodriguez, Wirtz, and Schreiber

Mr. Schreiber was recused from the proceedings. No one was present. Mr. Minacci presented the case and commented that the respondent was unlicensed and contracted to provide architectural services on a commercial project. He commented that the probable cause panel found to file a 2 count administrative complaint and recommended a \$10,000 fine plus costs. He commented that the settlement stipulation imposed a \$5,000 fine plus costs.

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

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

DBPR vs. Hilda Flack and Hilda Flack Interiors

Case Number 2005-007440

PCP: Rodriguez, Wirtz, and Schreiber

Mr. Schreiber was recused from the proceedings. No one was present. Mr. Minacci presented the case and commented that the respondent was unlicensed and offered interior design services on the web. He commented that the probable cause panel found to file a 1 count administrative complaint and recommended a \$5,000 fine plus costs. He commented that the settlement stipulation imposed a \$2,500 fine plus costs.

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

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

DBPR vs. Judy Graham

Case Number 2005-021645

PCP: Rodriguez, Wirtz, and Schreiber

Mr. Schreiber was recused from the proceedings. No one was present. Mr. Minacci presented the case and commented that the respondent was unlicensed and offered commercial design service on a null and void license. He commented that the probable cause panel found to file a 3 count administrative complaint and recommended a \$15,000 fine plus costs. He commented that the settlement stipulation imposed a \$4,000 fine plus costs.

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

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

DBPR vs. The Home of Fine Decorators, LLC
Case Numbers 2005-046714 and 2005-046725

PCP: Rodriguez, Wirtz, and Bullock

No one was present. Mr. Minacci presented the case and commented that the respondent Ted Fine recently voluntarily relinquished his license in lieu of disciplinary proceedings. He commented that on September 16, 2005 Mr. Fine was the President of the Home of Fine Decorators, LLC which was offering architecture and interior design services without a certificate of authorization and on the web. He commented that the firm employed licensed interior designers but does not employ an architect. He commented that the probable cause panel found to file a 6 count administrative complaint and recommended a \$30,000 fine plus costs. He commented that the settlement stipulation imposed a \$10,000 fine plus costs which was only against the company not Mr. Fine. He commented that he had different proceedings against Mr. Fine. He advised that the funds were being held in trust and the company sold its assets to Robb & Stuckey.

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

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

DBPR vs. John Marquette and John Marquette Design

Case Number 2005-037359

PCP: Rodriguez, Wirtz, and Bullock

No one was present. Mr. Minacci presented the case and commented that the respondent was unlicensed and contracted to provide interior designer services on a residential project as well as held himself out as an architect and interior designer. He commented that the probable cause panel found to file a 4 count administrative complaint and recommended a \$20,000 fine plus costs. He commented that the settlement stipulation imposed a \$5,000 fine plus costs. He commented that the fine was reduced because it was a residential project and usage of the titles architect or interior designer were verbal not written. He commented that they did not understand that they were doing anything wrong but understood now.

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

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

DBPR vs. Dana Micallef and Dana Micallef Design Development

Case Number 2004-045539

PCP: Rodriguez, Wirtz, and Schreiber

Mr. Schreiber was recused from the proceedings. No one was present. Mr. Minacci presented the case and commented that the respondent was unlicensed and contracted to offer architectural services on 2 condominium projects. He commented that the probable cause panel found to file a 4 count administrative complaint and recommended a \$20,000 fine plus costs. He commented that the settlement stipulation imposed a \$12,000 fine plus costs. The board voiced a concern regarding the type of work that the respondent was performing.

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

DBPR vs. Jorge Salazar

Case Number 2005-028631

PCP: Rodriguez, Wirtz, and Bullock

No one was present. Mr. Minacci presented the case and commented that the respondent was unlicensed and was served with a notice to cease and desist which was signed and returned. He commented that after that case was closed the respondent entered into a different contract to provide architectural services and architectural construction documents for a residential project. He commented that the probable cause panel found to file a 2 count administrative complaint and recommended a \$10,000 fine plus costs. He commented that the settlement stipulation imposed a \$5,000 fine plus costs. He commented that he deposed Mr. Salazar through his attorney that translated for them and felt Mr. Salazar had a better understanding of what he could or could not do regarding Chapter 481, Florida Statutes. He commented that he did not feel that the board would see Mr. Salazar again. He commented that what Mr. Salazar was trying to offer was a permitting service. He commented that all he needed to do was clean up the language of his contract.

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

Voluntary Relinquishment

1. DBPR vs. Brian Bunce
Case Number 2005-014745
2. DBPR vs. H.L. Drake
Case Number 2005-046050
3. DBPR vs. Norman A. Homsy
Case Number 2005-019539
4. DBPR vs. Steven L. Kunin
Case Number 2005-020892

Motion: Mr. Hall moved to accept the items 1-4 for voluntary relinquishments as presented and corrections as necessary for item 2.
Second: Ms. Grigsby seconded the motion and it passed unanimously.

Ms. Solera requested that Mr. Minacci verify the license numbers regarding Mr. Drake. Mr. Minacci advised that he would amend the settlement stipulation for Mr. Drake to reflect the correct license number.

Motion to Approve Mediation Agreement

Unlicensed

DBPR vs. Helmuth Geiser

Case Number 2002-012622

PCP: Rodriguez, Wirtz, and Hall

Mr. Hall was recused from the proceedings. No one was present. Mr. Minacci presented the case and commented that Mr. Geiser was originally charged with a 4 count administrative complaint. He commented that Mr. Geiser requested a formal hearing and the Administrative Law Judge recommended a fine of \$2,000 without costs. He commented that the matter was brought before the board, he filed exceptions to the recommended order, and the board entered a final order increasing the fine to \$10,000 plus \$4,361.97 costs.

Mr. Minacci commented that Mr. Geiser did not pay the amount imposed within 30 days of the final order so an action was filed in Circuit Court. Mr. Geiser responded to the complaint and alleged that the board improperly increased the fines. Mr. Minacci commented that he immediately filed a Motion for Summary Judgment asking the Judge to impose the fines and costs based on the final order because there was not evidence that the board acted improperly.

Mr. Minacci commented that the Circuit Court Judge declined his motion and set the matter for trial. He commented that he went for mediation and the best that settlement agreement was that Mr. Geiser would pay the costs. He commented that those funds were being held in a trust account. Ms. Clark explained to the board how the process worked and why they were in the position they were in now. She commented that Mr. Minacci was in a difficult position but had done the best job he could do for the board regarding the case.

Mr. Minacci requested that the board accept the mediation agreement.

Motion: Ms. Membiela moved to accept the mediation agreement as presented.

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

Motion for Order Waiving Formal Hearing

Unlicensed

DBPR vs. Roland Patterson

Case Number 2005-046468

PCP: Rodriguez, Wirtz, and Bullock

No one was present. Mr. Minacci presented the case and commented that the respondent was unlicensed but the respondent's father was a licensed general contractor. He commented that the respondent took his father's former general contractor's license and obtained an architectural seal. He commented that the respondent signed and sealed architectural plans with a fraudulent license number. He commented that the licensed architect with the number used by the respondent had no knowledge of the matter or project. He commented that the respondent was offering services through an unlicensed entity.

Mr. Minacci commented that the probable cause panel found to file a 4 count administrative complaint which was served via hand delivery on February 18, 2006 and the respondent had not replied. He commented that the panel recommended a \$20,000 fine plus costs. He commented that once a final order was entered he was going to forward the case information to the State Attorney's Office for criminal investigation.

Motion: Ms. Del Bianco moved that the administrative complaint was properly served on the respondent and that the respondent waived his right to dispute the material facts by failure to timely respond. She moved to adopt the findings of fact and conclusions of law as found in the administrative complaint. She moved that the board impose the panel's recommendation of a \$20,000 fine plus \$316 costs.-
Second: Ms. Grigsby seconded the motion and it passed unanimously.

Ms. Solera commented that when she was licensed she received a letter from the department granting authority to obtain the seal and it included a list of approved seal makers. She commented that now you can order a seal from anywhere and a letter is not required from the department to obtain the seal. Mr. Minacci commented that an office supply company making and providing a seal to an individual without an authorization letter from the department was not a violation of Chapter 481, Florida Statutes.

Ms. Solera commented that she was not saying it was illegal but it was scary.

Application Review

The Home of Fine Decorators, LLC

No one was present. Mr. Minacci advised that the applicant provided a letter requesting that the application be withdrawn.

Request for hearing pursuant to Chapter 120

Patrick Knowles

Mr. Knowles was present for the disciplinary case but not the application review. Ms. Clark commented that Mr. Knowles' application was reviewed November 29, 2005 and the board voted to deny based on an open disciplinary matter. She commented that Mr. Knowles timely responded to the notice of intent to deny.

Motion: Ms. Del Bianco moved to vacate the notice of intent to deny and approve the licensure application.

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

New Business

Mr. Johnson requested that press releases and newsletters be sent to the rural building officials. Ms. Solera suggested that the same newsletters be placed on the AIA Florida Friday Facts.

Old Business

No old business.

Adjourn

The meeting adjourned at 12:10 p.m.