

MINUTES

**Board of Architecture and Interior Design
Hampton Inn & Suites
80 Beach Drive NE
St. Petersburg, Florida 33701
727.892.9900**

**May 6, 2008
9:00 a.m.**

General Business Meeting

Call to Order

Roll Call – identify excused absences

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

Mr. Kuritzky welcomed the new board members Lourdes Solera, Wendell Hall, and John Ehrig.

Board Members Present:

Garrick Gustafson
Lourdes Solera
John Ehrig
Roymi Membiela
E. Wendell Hall
Eric Kuritzky
Wanda Gozdz
Joyce Shore

Board Members Absent:

Rosanna Dolan, excused
Mary Jane Grigsby, excused

Others Present:

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

Court Reporter: V. Liz Nieves, Argus Reporting, 4010 W. State Street, Tampa, FL 33609,
Telephone 813.490.0003

Election of Officers

Motion: Mr. Gustafson nominated Mr. Kuritzky for Chair.

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

Motion: Ms. Solera nominated Ms. Shore as Vice-Chair.

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

Disciplinary Cases

Mr. Minacci requested that the board approve the following cases on a consent agenda based on the settlement stipulations and voluntary relinquishments reflecting the probable cause panel's recommendations.

Settlement Stipulation

Licensed

DBPR vs. Olatubosun Giwa
Case Number 2007-041896
PCP: Rodriguez, Wirtz and Hall

DBPR vs. Dennis Mitchell
Case Number 2005-007781
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Gerard J. Oakley and Florida Design Architects, PA
Case Number 2007-011118
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Timothy J. Russell
Case Number 2006-068761
PCP: Rodriguez, Wirtz, and Del Bianco

DBPR vs. Gerard J. Vermey
Case Number 2007-043710
PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Harlan Edward Woodward and KDI Architecture, Inc.
Case Number 2005-059380
PCP: Rodriguez, Wirtz, and Del Bianco

Unlicensed

DBPR vs. All Architecture Professional Services, Inc. and Majid M. Hawari

Case Number 2007-037536

PCP: Rodriguez, Wirtz, and Hall

DBPR vs. Hilda Flack and Hilda Flack Interiors

Case Number 2007-026383

PCP: Rodriguez, Wirtz and Hall

DBPR vs. Jamal S. Nagamia

Case Number 2007-047142

PCP: Rodriguez, Wirtz, and Hall

Voluntary Relinquishment

DBPR vs. G&B Architectural Services and Bob Barnhart

Case Number 2007-045639

DBPR vs. Tony Marsh

Case Number 2005-021169

DBPR vs. David M. Oakland

Case Number 2005-015548

DBPR vs. Ralph Warburton

Case Number 2005-019958

Motion: Mr. Gustafson moved that the board approve the settlement stipulations and voluntary relinquishments as presented.

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

DBPR vs. ID Group, LLC and Chris Thompson

Case Number 2007-007771

PCP: Rodriguez, Wirtz, and Hall

Mr. Minacci pulled this case from the agenda.

Settlement Stipulation

Unlicensed

DBPR vs. Natasha Younts and Gables Interiors, Inc.

Case Number 2006-028883

PCP: Rodriguez, Wirtz, and Hall

Ms. Younts was present, sworn in by the court reporter and represented by Bill Reeves.

Mr. Reeves commented that he met with Mr. Minacci and Ms. Younts and agreed on a

settlement stipulation imposing a \$2,500 fine plus costs. He commented that Ms. Younts had been before the board previously, however, the circumstances regarding this case were out of her control. He commented that she performed some work on a large project and a magazine wrote a story about her but they used the wrong title when describing her professionally. He commented that Ms. Younts does not reside in Florida and there was no public harm.

Mr. Minacci requested that the board approve the settlement stipulation based on the fact that she no longer resides in Florida and recently filed bankruptcy.

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

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

DBPR vs. ID Group, LLC and Chris Thompson

Case Number 2007-007771

PCP: Rodriguez, Wirtz, and Hall

Anne Taylor and Terri Johnson were present as well as represented by Kathleen O'Dowd. Mr. Minacci presented the case stating that the unlicensed respondent contracted to offer architectural services on a commercial project. Probable cause was found to file a three count administrative complaint for practicing architecture without a license, using the title architect without a license, and offering architectural services through a business entity without a certificate of authorization. The panel recommended a \$15,000 fine plus costs and the settlement stipulation reflects a \$5,000 fine plus costs.

Mr. Minacci requested that the board approve the settlement stipulation because this was a first time offense and the respondent agreed to comply. They agreed to appear before the board and apply for licensure.

Ms. O'Dowd commented that this was an isolated incident and they had initiated the application for licensure process. Mr. Minacci commented that ID Group worked with a Florida licensed architect on the project in question.

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

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

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

Unlicensed

DBPR vs. Williams Myers Design, Inc. and William Myers

Case Number 2007-048917

PCP: Rodriguez, Wirtz, and Hall

Mr. Myers was present and sworn in by the court reporter. Mr. Minacci presented the case stating that the unlicensed respondent offered architectural services on a web site listing two commercial projects. Probable cause was found to file a three count administrative

complaint for practicing architecture without a license, using the title architect without a license, and offering architectural services through a business entity without a certificate of authorization. On February 15, 2008 the respondent filed an election of rights form indicating that he did not dispute the facts alleged in the administrative complaint. The panel recommended a \$15,000 fine plus costs.

Mr. Myers commented that he was not aware that he could not use the word architecture. He corrected and updated the web site as well as changed the company name. He commented that he worked with a Florida licensed architect on the commercial projects that were listed on the web page. He commented that he was a draftsman and thought he could list his name along with the architect on the plans.

Ms. Clark provided a brief synopsis on how the probable cause panel handled unlicensed activity cases. She commented that when an individual does not appear at the panel meeting the panel recommends that maximum penalty. She commented that the board should look at the facts of the case, consider testimony and make the determination regarding the penalty.

Mr. Myers provided information on how he now offers services and refers clients to license professionals as needed. He primarily offers residential services.

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

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

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

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

Motion for Order Waiving Formal Hearing

Licensed

DBPR vs. Joseph Dowd

Case Number 2005-018341

PCP: Rodriguez, Wirtz, and Hall

Mr. Minacci requested that this case be pulled from the agenda.

Unlicensed

DBPR vs. Bob Coward and CADS, Inc.

Case Number 2007-012855

PCP: Rodriguez, Wirtz, and Hall

Mr. Minacci requested that this case be pulled from the agenda.

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

Case Number 2007-024203

PCP: Rodriguez, Wirtz, and Hall

The respondent was not present or represented by counsel. Mr. Minacci presented the case stating that the respondent was not licensed and offered interior design services in a magazine through a business entity. Probable cause was found to file a three count administrative complaint for practicing interior design without a license, using the title interior designer without a license, and offering interior design service through a business entity without a certificate of authorization. The administrative complaint was hand served on November 1, 2007 and the respondent failed to respond.

Mr. Minacci commented that the respondent requested a continuance from the last board meeting and he has not heard from the respondent.

Motion: Mr. Gustafson moved that the board find that the administrative complaint was properly served on the respondent and the respondent waived the right to be heard for failure to respond in a timely manner.

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

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

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

Motion: Mr. Hall moved that that board adopt the conclusions of law as set forth in the administrative complaint.

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

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

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

DBPR vs. Jennifer Michelle Irizarry

Case Number 2007-027189

PCP: Rodriguez, Wirtz, and Hall

The respondent was not present or represented by counsel. Mr. Minacci presented the case stating that the unlicensed respondent contracted to provide interior design services on a commercial project. Probable cause was found to file a three count administrative complaint for practicing interior design without a license, practicing architecture without a license, and offering interior design services through a business entity without a certificate of authorization. This was a second offense. The administrative complaint was hand served on December 14, 2007 and the respondent failed to respond.

Mr. Minacci advised that Ms. Irizarry appeared before the panel and was apologetic. The panel recommended a fine of \$1,250 fine plus costs. He commented that Ms. Irizarry has not signed the settlement stipulation or responded to the administrative complaint.

Ms. Estes requested that the board table this case until later in the day because Ms. Irizarry indicated that she planned to attend the meeting.

DBPR vs. Michael A. McEachron
Case Number 2007-041855
PCP: Rodriguez, Wirtz, and Hall

The respondent was not present or represented by counsel. Mr. Minacci presented the case stating that the unlicensed respondent contracted to provide signed and sealed drawing for a residential project. Probable cause was found to file a one count administrative complaint for practicing architecture without a license. The administrative complaint was hand served on January 29, 2008 and the respondent failed to respond. The panel recommended a \$5,000 fine plus costs.

Mr. Kuritzky asked if Mr. McEachron worked with a licensed architect on the project. Mr. Minacci replied in the positive.

Motion: Ms. Solera moved that the board find that the administrative complaint was properly served upon the respondent, failed to timely respond and therefore waived the right to be heard on the matter.

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

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

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

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

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

DBPR vs. Mounir Consul & Associates, Inc. and Mounir Consul
Case Number 2007-042435
PCP: Rodriguez, Wirtz, and Hall

Mr. Minacci requested that this case be pulled from the agenda.

DBPR vs. Earl G. Nelson
Case Number 2007-044565
PCP: Rodriguez, Wirtz, and Hall

The respondent was not present or represented by counsel. Mr. Minacci presented the case stating that the respondent was previously licensed however the license lapsed delinquent March 1, 1993 then null and void March 1, 1995. He commented that the complaint was based on a case where the respondent held himself out as an architect, practiced architecture and used his null and void license number. Probable cause was found to file a three count administrative complaint for practicing architecture without a license, using the title architect without a license, and attempting to use a license while null and void. The administrative complaint was hand served on January 14, 2008 and the respondent failed to respond.

The panel recommended a \$15,000 fine plus costs. Mr. Minacci commented that he filed a motion for default and actions in Circuit Court for prior cases. He commented that Mr.

Nelson agreed to return his seal but had not. He commented that Mr. Nelson is not in the best of health.

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

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

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

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

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

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

DBPR vs. Panache Interior Design, Inc. and Caroline B. Rogow

Case Number 2007-025613

PCP: Rodriguez, Wirtz, and Hall

The respondent provided a letter and Mr. Minacci requested that the case be pulled from the agenda.

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

Licensed

DBPR vs. Alan D. Cohen

Case Number 2007-056104

PCP: Rodriguez, Wirtz, and Hall

Mr. Cohen was not present or represented by counsel. Mr. Minacci presented the case stating the respondent was a licensed interior designer but failed to comply with a final order dated July 3, 2007. The final order required payment of a \$15,000 fine plus costs. An administrative complaint was February 13, 2008 for violating a lawful order of the board. The respondent filed an election of rights on March 18, 2008 and did not dispute the facts. The panel recommended suspension until compliance.

Mr. Minacci commented that the Mr. Cohen was a licensed interior designer with a previous case where the panel recommended a fine. The administrative complaint was served and he failed to respond therefore the case came before the board as a waiver and the board did not impose the panel recommendation but imposed the maximum fine. Mr. Minacci commented that Mr. Cohen thought he did not have to respond to the administrative complaint and that the board would impose the panel's recommendation. Mr. Minacci commented that the administrative complaint reflects that he had to respond.

Mr. Minacci commented that he understood Mr. Cohen was going to appear at the meeting today. Mr. Kuritzky asked why his license was previously suspended. Mr. Minacci replied

that his license was suspended briefly based on failure to take the Florida Building Code course.

The panel recommended suspension of the license until compliance with the previous final order.

Mr. Minacci commented that he was surprised that Mr. Cohen was not at the meeting. Ms. Clark commented the address on the meeting notice was incorrect and that the board should consider postponing the case.

Motion: Mr. Ehrig moved that the board postpone the case.

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

Unlicensed

DBPR vs. DeHaas Consulting and Design and David DeHaas

Case Number 2007-049161

PCP: Rodriguez, Wirtz, and Hall

Mr. DeHaas was not present or represented counsel. Mr. Minacci commented that he understood Mr. DeHaas would be present at the meeting. He presented the case stating that this was a permit facilitator offering signed and sealed documents without the permission of an architect. An administrative complaint was filed for unlicensed practice of architecture. On February 27, 2008 the respondent filed an election of rights and did not dispute the facts. The complaint was filed by the building department.

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

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

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

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

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

Settlement Stipulation

Licensed

DBPR vs. T-Matrix Group, Inc. and Lazaro Fernandez

Case Number 2006-067936

PCP: Rodriguez, Wirtz, and Hall

The respondent was not present or represented by counsel. Mr. Minacci presented the case stating that the business had a certificate of authorization but no longer employed a licensed architect. The panel recommended a voluntary relinquishment. The settlement stipulation reflects a voluntary relinquishment.

Motion: Mr. Hall moved that the board approve the settlement stipulation as presented.

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

Unlicensed

DBPR vs. Builders Design Studio and Dora Duke

Case Number 2007-037838

PCP: Rodriguez, Wirtz, and Hall

The respondent was not present or represented by counsel. Mr. Minacci presented the case stating that the respondent was unlicensed and offered interior design services in a magazine advertisement, on their web site, and they through a business entity. Probable cause was found to file a three count administrative complaint for practicing interior design without a license, using the title interior designer without a license, and offering services through a business entity without a certificate of authorization.

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

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

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

DBPR vs. Byatt Designs and William A. Byatt

Case Number 2007-043606

PCP: Rodriguez, Wirtz, and Hall

The respondent was not present or represented by counsel. Mr. Minacci presented the case stating that the respondent was unlicensed and contracted to offer architectural services on a commercial project. Probable cause was found to file a one count administrative complaint for practicing architecture without a license.

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

Motion: Mr. Ehrig moved that the board approve the settlement stipulation as presented.

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

DBPR vs. Virginia Dell Karp

Case Numbers 2007-048622

PCP: Rodriguez, Wirtz and Hall

Mr. Minacci commented that the settlement stipulation required Ms. Karp to appear before the board however he received an e-mail that her mother was in the hospital. He requested that the board continue the case.

Motion: Mr. Hall moved that the case be continued.

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

DBPR vs. Fanitsa Meehan and Fanitsa, Inc.

Case Number 2007-029196

PCP: Rodriguez, Wirtz, and Hall

Mr. Minacci commented that he was going to pull the case from the agenda and withdraw the stipulation agreement.

DBPR vs. Nerie Annett Pagan and TDI Architectural Design

Case Number 2006-057672

PCP: Rodriguez, Wirtz and Hall

The respondent was not present or represented by counsel. Mr. Minacci presented the case stating that the respondent was unlicensed and contracted to offer architectural services for a residential project through a business entity. Probable cause was found to file a three count administrative complaint for practicing architecture without a license, using the title architect without a license, and offering architectural services through a business entity without a certificate of authorization.

The panel recommended a \$15,000 fine plus costs. The settlement stipulation reflected a \$3,500 fine plus costs. The fine was reduced because it was a first time offense, the respondent agreed to return the fee to the client, and the respondent agreed to comply.

Motion: Mr. Ehrig moved that the board approve the settlement stipulation as presented.

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

DBPR vs. Quantified Marketing Group, LLC

Case Number 2007-030214

PCP: Rodriguez, Wirtz, and Hall

The respondent was not present or represented by counsel. Mr. Minacci presented the case stating that the respondent was not licensed and offered interior design services on their web site through a business entity. Probable cause was found to file an eight count administrative complaint for six counts of practicing interior design without a license, using the title interior designer without a license, and offering interior design services through a business entity without a certificate of authorization.

The panel recommended a \$40,000 fine plus costs. The settlement stipulation reflects a \$10,000 fine plus costs. The fine was reduced because it was a first time offense, they respondent agreed to comply and have applied for licensure.

Motion: Mr. Hall moved that the board approve the settlement stipulation as presented.

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

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

Case Number 2007-023223

PCP: Rodriguez, Wirtz and Hall

The respondent was not present or represented by counsel. Mr. Minacci presented the case stating that the respondent was not licensed but was a licensed general contractor. He commented that the respondent contracted to provide drawings for a commercial

project through a business entity. Probable cause was found to file a two count administrative complaint for practicing architecture without a license and offering architectural services through a business entity without a certificate of authorization.

The panel recommended a \$10,000 fine plus costs. The settlement stipulation reflects a \$2,500 fine plus costs. The fine was reduced because it was a first time offense and the respondent agreed to comply.

Mr. Minacci provided a brief description of design build contracts. He commented that the company tried to do the right thing and had a license architect involved in the project but the agreement was worded improperly.

Motion: Ms. Solera moved that the board approve the settlement stipulation as presented.

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

Application Review

Quantified Marketing Group, LLC

Motion: Ms. Membiela moved that the board approve the application subject to compliance of the final order.

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

Vermey Architect Chartered

Motion: Ms. Membiela moved that the board approve the application subject to compliance of the final order.

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

Addendum

Motion to Vacate Final Order and a Settlement Stipulation

DBPR vs. Destry Darr Pethtel and Destry Darr Designs, Inc.

Case Number 2006-004400

PCP: Rodriguez, Wirtz, and Hall

The respondent was not present or represented by counsel. Mr. Minacci presented the case stating that this case was originally presented to the board as a motion to waive formal hearing because Ms. Pethtel did not respond to the administrative complaint. He commented that a final order was entered March 30, 2007 imposing a \$15,000 fine plus costs. He commented that Ms. Pethtel did not pay the final order and he filed an action in Circuit Court.

Ms. Pethtel hired an attorney and argued that she did not receive proper notice in the original case. Mr. Minacci commented that it was in the best interest of the board to vacate

the final order and enter into an agreement accepting the settlement stipulation imposing a \$5,000 fine plus costs.

Motion: Mr. Hall moved that the board vacate the final order.

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

Motion: Mr. Hall moved that the board approve the settlement stipulation.

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

Application Review

Destry Darr Designs, Inc.

Motion: Mr. Gustafson moved that the board approve the application subject to compliance with the final order.

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

Settlement Stipulation

Design Schemes of Florida, LLC and Sharon Lawrence

Case Number 2007-050315

PCP: Rodriguez, Wirtz, and Gustafson

The respondent was not present or represented by counsel. Mr. Gustafson was recused from the case. Mr. Minacci presented the case stating that the unlicensed respondent contracted to provide interior design services on a commercial project through a business entity. Probable cause was found to file a three count administrative complaint for practicing interior design, using the title interior designer, and offering interior design services through a business entity without a certificate of authorization.

The panel recommended a \$15,000 fine plus costs. The settlement stipulation reflected a \$2,000 fine plus costs. The fine was reduced because it was a first time offense and they agreed to comply.

Motion: Mr. Hall moved that the board approve the settlement stipulation as presented.

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

Application Review

Design Schemes of Florida, LLC

Motion: Ms. Membiela moved that the board approve the application subject to compliance with the final order.

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

Disciplinary Case

Motion Waiving Formal Hearing

DBPR vs. Jennifer Michelle Irizarry

Case Number 2007-027189

PCP: Rodriguez, Wirtz, and Hall

Ms. Irizarry was not present or represented by counsel. The panel recommended a penalty of \$1,250 fine plus costs. Mr. Minacci commented that she failed to sign the settlement stipulation or respond to the administrative complaint.

Mr. Minacci and Ms. Estes advised the board that she planned to attend the meeting. Mr. Minacci commented that Ms. Irizarry attended his presentation in the Ocala area. He commented that Ms. Irizarry appeared before the panel and they heard her presentation regarding the case.

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

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

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

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

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

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

Ms. Membiela asked what would happen if Ms. Irizarry appeared after the meeting ended since the meeting was recessing early. Ms. Clark replied that if the board has recessed for the day, she has the option to locate someone or appear tomorrow. She commented that the board acted appropriately and if she appeared tomorrow they could reconsider the matter.

New Business

Ms. Chastain requested that Ms. Dolan be excused due to illness. Ms. Clark requested that the board members review information in their manila folders prior to tomorrow's meeting.

Old Business

No old business.

Recess

Motion: Mr. Ehrig moved that the board recess.

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

The meeting recessed at 11:20 a.m.

MINUTES

**Board of Architecture and Interior Design
Hampton Inn & Suites
80 Beach Drive NE
St. Petersburg, Florida 33701
727.892.9900**

**May 7, 2008
9:00 a.m.**

General Business Meeting

Call to Order

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

Roll Call

Board Members Present:

Garrick Gustafson
Lourdes Solera
John Ehrig
Roymi Membiela
E. Wendell Hall
Eric Kuritzky
Wanda Gozdz
Rosanna Dolan
Joyce Shore

Board Members Absent:

Mary Jane Grigsby, excused

Others Present:

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

Court Reporter: V. Liz Nieves, Argus Reporting, 4010 W. State Street, Tampa, FL 33609,
Telephone 813.490.0003

Disciplinary Case

Motion Waiving Formal Hearing

DBPR vs. Jennifer Michelle Irizarry

Case Number 2007-027189

PCP: Rodriguez, Wirtz, and Hall

Ms. Clark commented that Ms. Irizarry arrived after the meeting recessed and provided a letter to Ms. Estes. Ms. Irizarry requested that the board reconsider her case. The board imposed the maximum penalty of a \$15,000 fine plus costs.

Motion: Mr. Gustafson moved that the board reconsider the case.

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

The panel recommended a penalty of a \$1,250 fine plus costs.

Motion: Mr. Gustafson moved that the board impose a \$1,250 fine plus costs.

Second: Mr. Hall seconded the motion, Ms. Solera opposed and the motion passed.

Continuing Education Applications

Gold Coast – Principles of Florida Statutes and Rules (classroom)

Gold Coast – Principles of Florida Statutes and Rules (internet)

Ms. Chastain presented the applications and requested that the board determine if the course was acceptable for 2 hours of credit. She commented that one of the reviewers' felt the course was geared more for contractors.

Ms. Clark reviewed the statutes, rules, and handbook for the board to determine if the course met the requirements for approval. She advised the board that the course only need meet one of the following requirements for approval or meets none of the following requirements for denial: enhances the quality of existing technical knowledge, or fill voids in education or internship training, or provides knowledge in new technical areas, or pursue courses which focus on practical applications that impact the public health, safety and welfare.

Ms. Solera commented that the course focused on Chapter 489, Florida Statutes, which was the Construction Industry Licensing Board. Mr. Kuritzky commented that architects would benefit from the knowledge of other professionals' statutes.

Ms. Shore commented that some providers write courses to cover numerous professions at one time to maximize their investment. She commented that the board could request that they rework or reword the course to include more of the board's requirements.

Ms. Clark commented that the board could deny the application stating the reasons and they could appeal providing that information.

The board discussed the course and whether it was beneficial to the architecture and interior design professions. The board reviewed and determined that the course did not meet the requirements listed in the handbook.

Motion: Mr. Gustafson moved that the board deny the applications based on Chapter 481.215, Florida Statutes and Rule 61G1-24.002, Florida Administrative Code.

Second: Ms. Shore seconded the motion, Mr. Ehrig opposed and the motion passed.

Ratification Lists

Applicants

Ms. Chastain reviewed for the new board members the process of application, licensure and ratification.

Motion: Mr. Ehrig moved that the board approve the applicant ratification list as presented.

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

Application Review

Christopher Hair – architect examination

Mr. Hair was present and sworn in by the court reporter. Ms. Chastain presented the application and requested that the board review the background information. She commented that Mr. Hicks' reviewed the application and he met the examination requirements.

Mr. Hair commented that he brought additional information to confirm that the case was dismissed.

Motion: Ms. Membiela moved that the board approve the examination application as presented.

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

Thomas Van De Kieft – architect endorsement

Mr. Van De Kieft was not present or represented by counsel. Ms. Estes advised the board that Mr. Van De Kieft provided information regarding the affirmative background questions. Mr. Hicks' reviewed the application and he met the endorsement requirements.

Motion: Mr. Ehrig moved that the board approve the endorsement application as presented.

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

Ratification Lists

Continuing Education

Motion: Mr. Gustafson moved that the board ratify the continuing education ratification list as presented.

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

Architecture Discussion

NCARB 2008 Annual Meeting and Conference update

NCARB – NAAB 2008 Accreditation Review

Letter from California Architects' Board

NAAB Student Performance Criteria / Comparison of 1998 and 2004 standards

2008 NAAB Accreditation Review Conference (ARC) Talking Point article

NCARB 2008 Resolutions for the 2008 Annual Meeting and Conference

Letter from Kristine A. Harding, Chair, Alabama Board of Architects

NCARB Board of Directors' Meeting Report January 9-12, 2008

Florida Building Code, Rule 9B-3.0472 Carbon Monoxide Protection

Mr. Kuritzky commented that the NCARB meeting focused on the new 4.0 Architectural Registration Examination (ARE) and changes to the Intern Development Program (IDP). He commented that concern was voiced regarding the proposed language including the word "shall" and the legal implications. He commented that NCARB and other states voiced concerns that Florida does not allow for Broadly Experience Architects (BEA) or reciprocity.

Ms. Chastain commented that the June meeting would be held in Pittsburgh, PA. She commented that NCARB would fund a delegate and a new board member. She commented that historically the department funded two people to attend. However, this year they would approve only one person. Ms. Chastain requested that Mr. Kuritzky determine if he would like her to attend or another board member. Mr. Kuritzky requested Ms. Chastain attend and Mr. Ehrig as the new board member.

Ms. Clark requested that she would like to attend since NCARB has sessions for legal counsels. The board requested that Ms. Chastain and Ms. Clark attend the meeting if the department would approve two attendees.

Ms. Dolan commented that she was employed by the Agency for Health Care Administration (ACHA) and they would cover her attendance to the NCARB meeting.

Ms. Chastain explained to the new board members that NCARB would like Florida to accept their certification without imposing the board's statutory requirements as well as accept continuing education. She commented that Florida had an additional Building Code requirement which caused an issue but other states were imposing similar requirements. She explained that Florida allowed exam candidates to sit for the examination prior to completing the intern development program where NCARB required completion of

internship. NCARB passed a resolution that now allows candidates to sit for the examination prior to completing the internship.

Mr. Kuritzky commented that NCARB discussed if students should be allowed to sit for examination after graduation and not require a minimum completion of internship.

Mr. Manausa commented that NCARB wanted to have one requirement that all states would accept however it would take Legislative change to accomplish that in Florida. Ms. Chastain commented that NCARB's By-Laws and Resolutions impact the applicants of Florida because NCARB administers the examination.

Ms. Clark commented that she works with other professions and there was a concern of standardization and mobility. She commented that if the states did not offer more licensure mobility the Federal Government would implement. She commented that there appeared to be need for licensure on a global level. She commented that she was interested if engineers had licensure standardization with other states.

Mr. Kuritzky commented that large firms had CADD work performed out of the country. He commented that there was a concern of responsible supervision and how technology was advancing electronically. Mr. Manausa commented that the rule addressed responsible supervision for work performed outside of the office.

The board discussed the Legislative Process and how proposed language impacted other professions.

Reports

IDAF Report – Aida Bao-Garciga

Ms. Bao-Garciga commented that IDAF's Legislative focus was on consumer issues and green initiatives together with AIA. However, they refocused their efforts and resources to the department's budgetary item to lower the privatization contract amount. She commented that they worked in conjunction with AIA to maintain the privatization of the investigative and prosecutorial contract. She commented that the budget was reduced by twenty percent which was better than the investigative and prosecutorial contract being returned to the department.

Ms. Bao-Garciga commented that IDAF applied under the glitch amendment to correct the oversight of interior designers not being included in the definition of design professionals in the new Florida Building Code. She commented that IDAF sends a representative to all Florida Building Commission meetings.

Ms. Bao-Garciga commented that she attended the Legislative Day for green initiatives. She provided a brief overview of Student Day. She thanked the Senators and Lobbyists that listened to their testimony regarding the needs for the privatization contract.

AIA Report – Vicki Long

Ms. Long commented that she worked with the profession that Ms. Clark referred to regarding national licensure. She commented that the board should be open to mobility but it should be up to the state to determine licensure eligibility and regulation of the licensees.

Ms. Long commented that the Task Budget Reform Commission was looking at ways to reform the states taxation system. She provided a brief overview of the individuals that were on the commission and how items were put on the ballots for citizens' to vote on Constitutional Amendment Initiatives. She commented that the one AIA was concerned with was CP00002 which was sponsored by Past Senator McKay. She briefly reviewed the language and the impact it would have on small businesses.

Ms. Long briefly reviewed the revised language and the need to tax services that were not being tax currently. She commented that there were too many questions and AIA would not support the Sales Taxes on Services until those questions were answered. She commented that the language passed for it to be on the November ballot as a Constitutional Amendment.

Ms. Long commented that they were going to work with other associations to education the public prior to them voting on the language.

The board discussed that out of state of firms' have an advantage over in state firms and that is seemed to be a pyramid. Mr. Johnson commented that interior design dealt with the issue currently and it was difficult to track.

The board discussed if this could be a regulatory issue.

Ms. Long commented that she was notified at the last minute about a bill to delete paragraph 481.205(3), Florida Statute, which allowed for the privatization of the prosecutorial and investigative functions. She commented that in less than 48 hours the bill was published and heard before the full Council. She commented that AIA Florida immediately sent a call to action. She commented that the architects and interior designers worked together to contact the Council. She commented that because of the joint efforts the sponsor of the bill agreed to compromise.

Ms. Long commented that AIA Florida was not happy with the budget cut but was relieved that the services were not returned to the department. She commented that the program was still in place and Mr. Minacci had a plan in place to work with the budget cut. She commented that AIA Florida would monitor next year.

Ms. Long reported that AIA Florida supported the Green Bill which required building constructed and financed by the state to be designed and constructed in compliance with the Green Building and LEED rated system. She commented that they were reviewing the language so they are more familiar with the implications.

Ms. Long reported that AIA Florida opposed the Hometown Democracy Constitution amendment. She commented that the amendment would require all local land use plans

and require voter approval. She commented that citizens not the elected officials would decide thousands of land use issues and changes. She commented that AIA Florida supported a well considered approach to growth management, livable communities, and environmentally responsible planning. She commented that even though there was revocation of signatures in support of the amendment being on the ballot it would probably be on the ballot in 2010. She reported that they were working with other coalitions to educate the public before voting.

Ms. Long encouraged the board to visit their web site for information regarding the Legislative process and video clips of testimony.

Ms. Chastain reported that the effort to return the prosecutorial and investigative services back to the department was not a department initiative but a Legislative one. She commented that her understanding was Governors' Budget Office was charged with reviewing every line item appropriation to determine where money could be saved. The department took a neutral position and would take Legislative direction. She commented that department was charged with identifying items that could be reduced and the contract was a line item identified.

Mr. Kuritzky asked if the department was informed that the contract was a money maker. Ms. Long replied in the positive.

Interior Design Discussion

Review/Approval of Brevard Community College, Interior Design Technology curriculum

Motion: Mr. Ehrig moved that the board approve the program as presented.
Second: Ms. Shore seconded the motion and it passed unanimously.

Mr. Manausa commented that he did not agree with the board approving two year programs if the board wanted to increase the educational requirements. Ms. Shore commented that the statute allowed for two year programs. Mr. Johnson commented that he opposed the two year programs but he was proud to see the Community Colleges increasing their credit hours to the point of being a four year program.

The board discussed the language and the Legislative process to change the requirements. The board discussed the previous language presented for the Legislative change that the Community Colleges agreed and helped craft. The board discussed the possibility of the profession being deregulated if they pressed the educational issue.

Article on National Kitchen and Bath Association (NKBA) – The NKBA funds opposition to the Title and Practice Acts

Mr. Johnson commented that they are looking at making adjustments to the practice act for interior designers. He commented the NKBA would address the Legislative Session this year. He commented that NKBA and National AIA opposed any Legislative language affecting interior design.

Mr. Kuritzky commented that NCARB and others opposed licensing and the practice act of interior designers.

Article in The Wall Street Journal – Watch Out for That Pillow
NCIDQ Board of Directors' Meeting minutes for December 2007
NCIDQ Board of Directors' Meeting minutes for January 2008
This was for information purposes and the board did not discuss further.

NCARB 2008 Resolutions for the 2008 Annual Meeting and Conference

Ms. Dolan requested that the board discuss the resolutions and provide input for voting. She reported that she was honored to serve on the NCARB Educational Committee and they issued a draft educational paper. She reviewed the primary issues; professional knowledge and practice, integration of education, internship and leadership, sustainability, globalization, accreditation and registration.

Ms. Dolan summarized the white paper which reflected a concern that other building professionals would take responsibilities of architects since they were unable or unwilling to assume. She commented that architects were the point person in charge of a building and/or the process and they have taken a back seat and let other professions manage the project. She commented that NAAB needed to integrate more of the primary issues into the educational program.

Ms. Dolan reported that there was a concern that professors educating the students were not licensed or practicing professionals.

The board discussed that they had not received the final draft of resolutions or election of officers.

Motion: Mr. Ehrig moved that the board allow the Mr. Kuritzky the ability to vote on the NCARB resolutions and election of officers.

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

Motion: Ms. Solera moved that the board allow the Mr. Kuritzky the ability to vote on the NCARB election of officers.

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

Rules Report and Discussion

Rule Tracking

Ms. Clark reviewed the report. She commented Rule 61G1-12.001, disciplinary grounds proceeding, was initiated when the board denied an application based on the company name. She commented that she responded to the Joint Administrative Procedure

Committee based case law. She commented that she was not recommending any changes to the rule.

Ms. Clark commented that JACP objected to the reference of “Continuing Education Task Force” in handbooks. She reviewed the handbook language, how the board currently reviews courses and that the board could have a committee but it should be board members.

Ms. Clark commented that the board could hire experts to advise the board or the board could review each application for provider and course approval. The board discussed the actual review process and how the rule reads.

Ms. Clark advised that the department could hire and pay individuals to review and make recommendations to the board or the full board could review the provider and course application. She commented that the board could not delegate authority to individuals unless they are hired and paid by the board. She commented that there is no Task Force and individuals cannot be on a Committee unless they are board members.

Mr. Manausa provided a brief background on the Task Forces’ and Committees’.

Ms. Clark commented that other professions she worked with that the application review process was not a worked load issue. She suggested that the full board review all provider and course applications.

Ms. Chastain commented that Task Force members receive applications regularly and the board ratifies the applications. She commented that the full board reviewed the applications when the reviewers could not agree.

Ms. Clark commented that the full board should review all applications and not have a “Task Force”. She recommended that the board appoint a committee and meet on telephone conference call and make recommendations to the board to ratify.

The board discussed the possibilities of the full board reviewing the courses as opposed to “Task Force” review to a full board review and the concern with approving the application within the appropriate time. The board determined that they should review a process for future discussions.

General Discussion / For Information Disciplinary Services for the Board – Legislative/Budget

Letter from Cathy Svercl – Florida Medwaiver program

Ms. Svercl was present and requested to make a presentation to the board in addition to the letter addressed the board. Mr. Kurtizky summarized by stating that Ms. Svercl did not feel a bathroom was properly designed for a residential applications and the board was not responsible for review of plans by non-professionals.

Ms. Svercl commented that a design professional should be involved with ADA compliant bathrooms. She commented that there was a concern with the fact that the individuals receiving health assistance financial compensation were not receiving architectural assistance with residential applications and it was becoming a problem. She commented that there was a problem with families receiving assistance through contractors that did not design the home according to ADA standards and the architect was involved late in the process which cost additional monies to correct plans in addition to plan stamping issues.

Ms. Solera asked what was Florida Med-Waiver. Ms. Svercl replied that if an individual was a Medi-Cade program recipient and they needed home modifications then an individual would apply for assistance for home modification according to ADA requirements.

Ms. Svercl commented that in the particular case represented before the board it was a case where the client was unable to get a wheel chair into the bathroom and house. She commented that ADA was not required for this particular situation however she wanted the board to be aware of the fact that this program was state funded. She commented that she was not aware if the plans were reviewed through the program or not.

Ms. Svercl commented that the public was not being served by this program based on lack of review of the program through contractors. She commented that when individuals receive the grant they have to have an architect or engineer create the drawings which is required for the funds provided. She commented that the program really needed an additional review.

The board discussed the fact of the client being involved or not. Ms. Svercl commented that they may not necessarily know what was needed based on maneuvers used to deal with the situation over many years. She commented that is where a design professional was needed.

Mr. Kuritzky voiced a concern regarding the local municipalities or jurisdictions. Ms. Solera commented that she would like to see the board send a letter to Med-Waiver regarding their concerns. Ms. Svercl and Mr. Manausa commented that they would like to see a letter go to the Med-Waiver since they were the funding agency of the program and it was a concern for the health, safety, and welfare of the public.

Ms. Solera commented that she would work with Ms. Svercl to create a letter for the board to approve at the next meeting.

Reports

Chair's Report

Appoint board representatives – NCARB, NCIDQ, PCP

Mr. Kuritzky commented that the appointments were made previously. He commented that he did not want to make changes.

Executive Director's Report – Juanita Chastain
Financial Report – December 31, 2007

Ms. Chastain reviewed the financial statements. She explained how Mr. Minacci billed the department based on licensed and unlicensed billing. She reviewed for the board Mr. Minacci's contract which was a specific line item as well as the travel budget. She reviewed how monies were spent for out of state and in state travel.

Mr. Gustafson asked how the department or Legislature determined how to cut Mr. Minacci's contract by \$100,000. Ms. Chastain replied that the department identified specified line items based on private contracts through the department. She provided for Mr. Gustafson different scenarios about FEMC and the other professions. She commented that FEMC handled all aspects of the profession for engineers including licensure, investigation, and prosecution.

Mr. Johnson commented that the last proposed language removed the Legislative language capping the unlicensed activity line item at \$150,000. He commented that the appropriation language allowed for the unlicensed activity fee to pay for the contract which would provide additional funds to pay for the contract through the unlicensed activity fund.

The board discussed the differences between the board and the FEMC model. They discussed the efforts of the board and Florida AIA to privatize all functions of the board.

Mr. Johnson commented that Legislative language changed for engineers through House Bill 5047. He commented that the board could move forward with privatization through the board, however, surveyors and mappers' provided all the documentation as requested through the bill and was denied. He commented that it was a lengthy process.

Ms. Chastain provided the board with the changes to the Legislative language requiring Mr. Minacci to provide reports to the Legislature. She commented that he has provided the reports to the board since the inception of the contract.

Prosecuting Attorney's Report – David K. Minacci
Licensed Interior Designers Legal Cases
Licensed Architecture Legal Cases
Unlicensed Interior Designers Legal Cases
Unlicensed Architecture Legal Cases
Licensed/Unlicensed Investigative Cases
Fines Chart
Billable Hours January 2008
Billable Hours February 2008
Billable Hours March 2008
Results of January 2008 Probable Cause Panel Meeting
Results of January 2008 Board Meeting
Results of March 2008 Probable Cause Panel Meeting
Press Releases/Speaking Engagements/Other Correspondence

Mr. Minacci reported that the case against Mr. Braren was resolved and the District Court of Appeals upheld the board's decision.

Mr. Minacci reported that he had his first motion for attorneys' fees and that hearing would be in June. He commented that he would report to the board the outcome.

Mr. Minacci reported that he was issuing citations to licensees for failing to respond to the continuing education audit. He reported that his financial audit report would be provided at the July meeting. He reported to the board that over the past three years he has, on average, collected over \$400,000 per year.

Mr. Minacci thanked Florida AIA, IDAF, all associations and the licensees for supporting the privatization contract at the Legislative level. He commented that he was flattered that so many mobilized to testify at the Legislature.

Mr. Minacci reported that the \$100,000 cut was approximately 20% of his budget. He provided the board a report on how he was going to cut costs. Mr. Kuritzky commented that he was concerned that the cut backs would jeopardize public safety. Mr. Minacci commented that he had to cut costs.

The board discussed the report and different ways to proceed with certain practices. The board discussed the projected case load, use of experts, issuance of notice of cease and desists as well as recovering actual costs. The board discussed the fact that the contract is for a specific amount for all services.

The board discussed that contract amount had been reduced but the services were not expected to be reduced. Mr. Kuritzky commented that the board was paying for a service and did not expect the services to reduce. He commented that the board did not direct Mr. Minacci how to use those funds. He asked Mr. Minacci what the board could do to assist him with the reduction. Mr. Manausa replied that the board could write a letter to the department to allocate the original contract amount in next year's budget. He commented that the board should be able to direct the department on how to utilize their funds.

Motion: Mr. Ehrig moved that the board direct Mr. Kuritzky to write a letter to the department requesting that next year's budget increase to the original contract amount of \$525,000.

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

Mr. Minacci commented that he was going to incorporate some of all the proposed reductions. The board requested that he provide a report of the items that he would reduce at the next meeting. Mr. Minacci reported that a majority of his work was on the privatization contract and he was going to reduce costs by \$50,000. He reported that he was going to develop a bankruptcy practice to make up the loss to the law firm.

New Business

The board set a telephone conference call June 16, 2008 at 2:00 p.m. Mr. Hall advised that he would not be available.

Old Business

No old business.

Adjourn

Motion: Mr. Ehrig moved that the board adjourn.

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

The meeting adjourned at 1:20 p.m.