

## **MINUTES**

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

**Marco Island Marriott  
400 S Collier Boulevard  
Marco Island, FL 34145  
239.394.2511**

**July 26, 2005**

**General Business  
9:00 a.m.**

#### **Call to Order**

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

#### Members in Attendance:

Kenneth Horstmyer  
Garrick Gustafson  
Sharon Del Bianco  
Stephen Schreiber  
Mary Jane Grigsby  
Miguel Rodriguez  
Ellis Bullock  
Rick Gonzalez, Chair  
Neil Hall

#### Members Absent:

Roymi Membiela  
Joyce Shore

#### Others Present:

Mary Ellen Clark, Board Counsel  
David Minacci, Prosecuting Attorney  
Juanita Chastain, Executive Director  
Terri Estes, board staff  
Trent Manausa  
Emory Johnson  
Moidrag Janjic  
Joyce Butts  
Jill Smith  
Nicholas Markovich  
Micky Jacobs  
Nancy Bredemeyer

Joyce Butts  
And other interested parties

Court Reporter:

Kim Votta, Martin Reporting Services, 2069 First Street, Suite 201, Fort Myers, FL 33901, 239.334.6545 telephone, 239.332.2913 fax.

### **Hearing not Involving Disputed Issues of Material Fact**

Paul Spung

Mr. Spung was not present or represented by counsel. This was a Chapter 120.57(2), F.S. hearing.

Ms. Clark advised the board that there were additional materials for review and that because Mr. Spung requested the hearing needed to take place whether he was present or not. She commented that the hearing was based on Mr. Spung's notice of intent to deny his endorsement application that the board reviewed November 22, 2004. She commented that the board denied the application based on the fact that Mr. Spung did not complete his application by not providing his social security number as required by Chapter 455.213(1), F. S. and the criteria for issuance of his 1994 Ohio license was not substantially equivalent to the requirements that existed in Florida.

Ms. Clark commented that the Ohio law allowed for experience substitution with his 4 year degree and Florida's law required a 5 year degree or a NAAB accredited degree.

Ms. Clark commented that the board's notice of intent to deny was filed on December 7, 2004 and Mr. Spung timely requested an extension of time within 21 days. She commented that the board considered his request for an extension of time and it was granted until February 28, 2005 to allow him to request an informal hearing.

Ms. Clark commented that Mr. Spung timely requested the informal hearing pursuant to Chapter 120.57(2), F.S. which he did not dispute material facts alleged in the notice of intent to deny.

Ms. Clark commented that the hearing was previously set for review at the March 2005 St. Augustine but requested Mr. Spung and his attorney requested a continuance and it was granted.

Ms. Clark commented that Mr. Spung's attorney withdrew from this case and Mr. Spung was notified of today's hearing. She commented that since the initial hearing he was also notified that there were additional grounds for denial based on the fact that he made a material misrepresentation on his application by not revealing a criminal conviction, which is a question on the application. She commented that he was convicted with adjudication withheld for operating a vessel with an expired tag which is a criminal offense occurred on September 10, 1992.

Ms. Clark advised that the board of their options as far as adding the additional reasons for denial which would allow additional hearing rights. She commented that they were not required to add the additional charge but they were required to grant his request for a hearing on the notice of intent to deny.

Ms. Clark commented that since the initial review of Mr. Spung's application she received an Ohio verification that the licensure criteria had changed from his original date of licensure and he would not be eligible for licensure in Ohio today.

Ms. Clark commented that the board could proceed with the hearing today and issue a final order affirming the notice of intent to deny which would allow Mr. Spung 30 days to file a notice of appeal.

Mr. Bullock commented that he would not like to delay the issue any longer by adding the additional charge.

Motion: Mr. Garrick moved to deny.

Second: Mr. Rodriguez seconded and it passed unanimously.

### **Application Review**

#### Architecture Endorsement

Michael Polka

Mr. Polka was not present. Mr. Manausa presented the application. Ms. Clark commented that Mr. Polka was applying under Chapter 481.213(3)(a), F.S. including Chapter 481.209, F.S. and he did not meet the requirement for the internship. Due to processing requirements that board had to act upon the application at today's meeting.

Motion: Mr. Rodriguez moved to deny for failure to provide proof of IDP completion.

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

Ralph Windle

Mr. Windle was not present. Mr. Manausa presented the application. Ms. Clark commented that Mr. Windle was applying under Chapter 481.213(3)(c), F.S. and he did not have the required degree.

Motion: Mr. Bullock moved to deny.

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

Peter Lizon

Mr. Manausa referred the board to a letter submitted by Mr. Lizon advising that he was out of the country and he could attend the meeting. Mr. Lizon requested to have his application reviewed by the board at today's meeting but was not able to attend. Staff requested that his application be reviewed at a later date when he could attend the meeting. Ms. Clark commented that the application was incomplete but the applicant requested that the application be reviewed by the full board.

Motion: Mr. Rodriguez moved to continue.

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

#### Moidrag Janjic

Mr. Janjic was present and sworn. Mr. Janjic advised the board regarding his education. Ms. Estes informed the board that the board reviewed the entire application on the June 28<sup>th</sup> telephone conference call and the board requested that the examination Mr. Janjic took be verified as equivalent to the ARE based on the rules regarding foreign examinations. She commented that the equivalency review may not be an issue because since that conference call the rule regarding the examination and the 75 % or better for foreign exams was repealed. Ms. Clark refused to advise the board on the matter because she felt the entire application needed to be on the agenda. Ms. Estes advised that she had the original application with her for the board to review.

The board advised Mr. Janjic that he would still need to have a foreign education review.

Mr. Janjic commented that he was licensed in Quebec and met theirs and NCARB's educational requirements. He commented that he did not understand why the Florida board would not accept those requirements because of the Canadian and NCARB education agreement. He commented that he had over 30 years of experience and could not understand why he was not eligible for licensure in Florida. He commented that going back to school was not an option.

Mr. Rodriguez advised Mr. Janjic that he could file for a petition of waiver and if he could get a letter from the CACB regarding his education being equivalent. CACB should be able to certify that his degree was equivalent to a NAAB accredited degree.

The board advised that the examination requirement was satisfied.

#### Architecture Certificate of Authorization

##### Design 2 Form

Zamarr Brown was present and sworn. The board asked Mr. Brown if he had been offering services under the business name. Mr. Brown replied in the positive.

Motion: Mr. Rodriguez moved to approve the application with a \$500 fine.

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

#### Interior Design Certificate of Authorization

##### Commercial Furnishings

Mr. Minacci requested that the board review this application on July 26, 2005 because the board was going to consider a disciplinary case which included a settlement stipulation.

#### **Architecture Discussion**

##### NCARB – Conference Update

Mr. Rodriguez commented that NCARB provided the Florida board with a thank you certificate for being the hosting state and they retired a paddle that had been around since 1980.

Mr. Schreiber commented that there were a number of resolutions that passed including one on broadly experienced architects.

There was a discussion regarding continuing education impediments and the Florida building code requirements. The board discussed the need to have the Executive Directors at the NCARB meetings. All of the regions agreed to sign a petition and send to the Florida Building Commission regarding the issue and the impediment. Mr. Gonzalez commented that they expressed to NCARB that the Florida board was aware of the regional concern regarding the impediment.

The board confirmed that Mr. Bullock was the NCARB delegate.

Mr. Bullock provided information regarding the workshop on construction administration. He asked Ms. Clark if the definition "architecture" in the statute included construction administration if non licensed individuals were providing that service if they would be practicing architecture. She replied that it could be argued both ways.

Mr. Bullock commented that he was a supporter of mandatory construction administration. Ms. Clark requested that Mr. Minacci comment on the issue. Mr. Minacci commented that the only other profession that could offer construction administration would be engineers. He commented that he would agree that it would be a violation of the statute for someone that was not license to contract of construction administration because of the definition in the statute, however, he would look at the case and the issues surrounding the case. Mr. Manuasa commented that it includes construction administration but did not preclude someone else from performing those duties at a certain point in the project.

Mr. Bullock commented that there were 22 states that mandate construction administration. Mr. Manuasa commented that they would be putting forth legislative language regarding the construction administration. Mr. Minacci commented that there was not a statute that says the architect has to perform the construction administration.

ARE Examination Number and Percentage Passing Report  
For the board's information.

### **Interior Design Discussion**

NCIDQ 2005 Annual Council of Delegates Meeting – Resolutions

Mr. Wirtz commented that he would not be offering resolutions unless the board had some issues.

Ms. Del Bianco commented that she talked with staff about notifying applicants of the different methods regarding NCIDQ state licensure and being an NCIDQ certificate holder.

Mr. Wirtz commented that NCIDQ had a statement regarding that. Ms. Del Bianco commented that it should come from both NCIDQ and the state.

Ms. Grigsby commented that NCIDQ should issue Florida approved candidates as certificate holders because Florida requirements were more stringent. She requested that Mr. Wirtz take that request to NCIDQ at the meeting.

Mr. Gonzalez commented that there were two wonderful lectures regarding hospital designs eco friendly products both interior and exterior for buildings and the responsibility of the architects and interior designers in the near future. Mr. Schreiber commented that they discussed that buildings were responsible for a lot of CO2 emissions because of the materials used for building.

The next meeting for NCIDQ will be November 4-7, 2005 Denver, Colorado. Mr. Wirtz commented that he was the Chairman of the event and requested that a staff member attend the meeting.

NCIDQ 2005 Minutes from Board of Directors' Meeting March 2005

NCIDQ 2005 Minutes from Board of Directors' Meeting April 2005

NCIDQ appoints New Board Member

NCIDQ April 2005 Examination Statistics

For the board's information.

## **Rules Report and Discussion**

Rule Tracking

Proposed Text language

Rule 61G1-11.012, Educational Advisory Committee

Rule 61G1-13.001, Experience Requirements

Rule 61G1-14.001, Examination Designated, General Requirements

Rule 61G1-14.002, Content of Examination (repealed)

Rule 61G1-14.003, Grading Criteria (repealed)

Rule 61G1-14.004, Passing Grades (repealed)

Rule 61G1-14.005, Grade Review Procedure (repealed)

Rule 61G1-14.0051, Transfer Credits from Previous Professional Examinations (repealed)

Rule 61G1-14.006, Reexamination (repealed)

Rule 61G1-14.007, Foreign Licensure Examinations (repealed)

Rule 61G1-14.008, Security of Examinations (repealed)

Rule 61G1-20.001, Examination Designated

Letter from Mary Ellen Clark

Letter from Suzanne Printy

Rule 61G1-20.002, Content of Examination (repealed)

Rule 61G1-20.003, Grading Criteria (repealed)

Rule 61G1-20.004, Passing Grades (repealed)

Rule 61G1-20.005, Grade Review Procedure (repealed)

Rule 61G1-20.006, Transfer Credit (repealed)

Rule 61G1-20.007, Reexamination (repealed)

Rule 61G1-21.001, Continuing Education for Interior Design  
Letter from Suzanne Printy  
Rule 61G1-23, Responsible Supervisory Control  
Rule 61G1 – 24.001, Continuing Education for Architects

Ms. Clark provided an additional handout regarding the rules and commented that most of the rules were completed and effective.

Ms. Clark commented that the board should review the letter from Suzanne Printy regarding Rule 61G1-23.015. The board discussed her concern. She commented that she met with Mr. Manausa and Mr. Minacci and determined that Ms. Printy was challenging on certain portions of the rule and provided the board with some proposed changes. She referred the board to a response letter to Ms. Printy and asked for some direction from the board.

The board addressed the first item which was a concern regarding a colon which appeared to limit the architect to those specific activities listed. Ms. Clark recommended that the board eliminate the colon and add the words “to include”. The board discussed the possible language of to “including but not limited to”. They decided to eliminate the colon and add the words “to include”.

Ms. Clark requested they review Ms. Printy’s comments on paragraph sub 2, the need for the language “a written agreement”. Ms. Clark commented that she did not see the need for the word “written” and recommended that the language reflect “an agreement”. Ms. Clark commented that the paragraph before that where the term “personally” was vague and recommended they remove that word. The board determined that they would delete the word “personally” and “written” and add the word and.

Mr. Clark commented that Ms. Printy’s concern with sub 3 was the requirement of “maintaining a written log”. She recommended taking that language out.

The board discussed the need for “personally supervise” and full time responsible supervisory control.

Ms. Clark commented that Ms. Printy challenged paragraph sub 4 and she cited a case to explain why the board did not have authority. She commented that she and Mr. Minacci reviewed the case provided and they agree they do not have authority to require paragraph sub 4. She recommended the deletion of paragraph sub 4. Mr. Manausa provided language as a substitution for paragraph sub 4 and they brought the language for the board to consider for submission to JAPC. Ms. Clark commented that she felt the language could succeed and wanted the board to review. Mr. Manausa commented that the language was taken from the NCARB model law. Mr. Gonzalez asked what “others” meant and asked what about independent spec writers and draftsmen. Mr. Manausa commented that the work was to be under the architect’s supervisory control.

Ms. Del Bianco recommended changing the word “personally” to “directly”. Mr. Rodriguez commented that there were two uses of the word personally and only one was deleted. He commented that he liked the use of the word “directly”. Ms. Clark commented that she would try the word “directly”.

Motion: Mr. Rodriguez moved to amend the rule as discussed.

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

Ms. Clark commented that Ms. Printy was challenging the site logs and site visits outside of the office. She commented that she, Mr. Manausa, and Mr. Minacci discussed the requirement and felt it was beneficial for the board to try and keep that language. She commented that Ms. Printy wanted to know the rationale for the site visit logs and site visits. Mr. Bullock commented that it was an historical document reflecting items that were or were not acceptable during the project and it was a very important tool. Mr. Manausa commented that it was used to verify that the architect is not plan stamping and that the architect researched the codes and requirements for zones. Ms. Clark asked the board if they would consider the logs equivalent to a medical record or log. The board replied in the positive.

Ms. Clark commented that Ms. Printy requested a rationale basis of 61G1-23.015(3), the requirement for an architect providing supervisory control over the preparation of documents to be present for the submission of such documents. Mr. Rodriguez commented that the rule requires that the architect is available to respond to the client and it ensures that the person with the professional knowledge is present to respond to the client’s concerns and questions during critical planning. The board discussed the relationship between a doctor delegating responsibilities to nurses. Mr. Manausa commented that they allowed for an architect to practice outside of his office.

The board discussed the use of draftsman and the need for necessary teeth in the rule for the prosecuting attorney.

#### Discussion for Electronic Signing and Sealing

Rule 61G1-16.005, Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, reports or Other Documents drafted by Board and challenged by JAPC in 2000

House Bill 699

Engineers’ Rule 61G15-23.003, Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents

Ms. Clark recommended that the board put together a committee to assist her with the language. She commented that this was technical in nature and should not draft the language without some assistance from an architect or interior designer. Mr. Gonzalez commented that he had not heard from any other professional that this was a good idea.

Motion: Mr. Schreiber moved that Mr. Rodriguez and Mr. Manausa assist Ms. Clark with the drafting of the electronic signing and sealing rule language.

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

## **Ratification Lists**

Applications (handout)

Ms. Chastain requested to add Ilija Moss crop and Charles Savage.

Motion: Ms. Del Bianco moved to approve the ratification list as presented with the additions of Ilija Moss crop and Charles Savage.

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

## **Continuing Education**

Mr. Rodriguez commented that the Florida Building Commission, Electrical Contractors' Licensing Board, Professional Engineers receiving credit allowed continuing education credit for attending meetings and he would like the board to allow for credit for attending meetings as well. Ms. Clark commented that the Electrical Contractors Licensing Board allowed credit for attending the entire meeting during the disciplinary proceedings of the board meetings. Ms. Chastain commented that the Funeral Board allowed for 5 hours of credit one time per biennium and the board members were allowed the credit as well. She commented that they require them to sign in and board staff issued a completion certificate.

Ms. Clark commented that this would need to be addressed in the handbook. Mr. Manausa cautioned the board regarding attendance and the need for larger facilities.

Motion: Mr. Bullock moved to approve the continuing education ratification list.

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

Mr. Rodriguez commented that the advanced courses for the Florida Building Code must be approved by board. He commented that the course must be approved through an accreditor. He commented that a board member could be an accreditor on behalf of the board to speed the process. He presented the process to the board.

## **Reports**

Chair's Report – Rick Gonzalez

Mr. Gonzalez read the resolution regarding Mr. Abbott into the record.

### ***RESOLUTION ACKNOWLEDGING THE PAST SERVICE AND VALUE OF MR. FRANK BEALL ABBOTT TO THE ARCHITECTS OF THE STATE OF FLORIDA THROUGH HIS SERVICE AS AN EXPERT CONSULTANT FOR THE FLORIDA BOARD OF ARCHITECTURE AND INTERIOR DESIGN.***

**WHEREAS,** Mr. Abbott received a Bachelor of Science Degree in Architectural Engineering from the University of Miami in 1957; and

**WHEREAS,** Mr. Abbott became a Registered Architect and a Certified State General Contractor in the State of Florida; and

- WHEREAS,** Mr. Abbott became an expert witness for the State of Florida Department of Business and Professional Regulation in 1986 providing services for the Florida Board of Architecture and Interior Design and the Florida Construction Industry Licensing Board; and
- WHEREAS,** Mr. Abbott continued to provide services to the Florida Board of Architecture and Interior Design after privatization commenced in 2002; and
- WHEREAS,** Mr. Abbott has reviewed hundreds of cases over the years providing his expertise to protect the health, safety, and welfare of the citizens of Florida; and
- WHEREAS,** Mr. Abbott provided such services based on his love for his profession and sought little monetary compensation for his time and effort; and
- WHEREAS,** Mr. Abbott has saved the State of Florida money throughout his years based on his ability to crumble defense attorneys in deposition causing a majority of his cases to settle shortly thereafter; and
- WHEREAS,** Mr. Abbott passed away on February 3, 2005, shortly after reviewing his final case for the Florida Board of Architecture and Interior Design.

***THEREFORE BE IT RESOLVED,*** that the Board hereby takes this opportunity to confirm in writing to the family of Frank Beall Abbott, his outstanding service to the Florida Board of Architecture and Interior Design, and requests

- 1) *that this resolution be spread upon the minutes of the meeting of the Board for the meeting on this equal date; and*
- 2) *that a copy of this Resolution be furnished to the Secretary of the Department of Business and Professional Regulation so that she will be knowledgeable of the action and appreciation of this Board; and*
- 3) *That an official copy of this Resolution be presented to the family of Frank Beall Abbott as a token of his service.*

*Considered and Passed unanimously by the Board in Marco Island, Florida this 26<sup>th</sup> day of July of the year 2005.*

---

*Rick Gonzalez, Jr.  
Chair*

---

*Mary Jane Grigsby  
Vice-Chair*

Mr. Hefner presented Mr. Manausa as the winner of the IDAF legislative award.

The meeting recessed at 11:54 a.m.

The meeting reconvened at 1:30 p.m.

**Educators' Task Force – Begins at 1:00 p.m.**

Proposed Invitational Accreditation/Validation Round Table Conference & Protocol

Draft Protocol for a Mutual Recognition Agreement between Architectural

Accreditation/Validation Agencies

NAAB International Policy – Draft #1

Summary of significant changes in the 2005 Procedures for Accreditation, effective June 16, 2005

NAAB Procedures for Accreditation – 2005 Edition

Summary of significant changes in the 2004 Conditions for Accreditation, taking with APRs due September 7, 2005

Jill Smith and Nicholas Markovich were present from the Educators' Task Force.

Mr. Schreiber commented that there were 4 architects and 4 interior designers on the Task Force including both the universities and community colleges. He commented that there was a proposal between the 5 Collatorals (AIA, NCARB, NAAB, AIES, and ASCA) and to help facilitate the portability of credentials both education and regulatory. He commented that they were trying to determine if there should be a mutual recognition between accrediting agencies of different countries. He commented that they were going to get together in Washington May 2006.

Portions of the tape were inaudible.

Mr. Schreiber commented that the UIA wanted to set up its own accrediting board to help facilitate foreign degrees. Mr. Rodriguez commented that he would not want to see politics of the UIA because there were over 100 different counties. He commented that reciprocity between the foreign education and the United States would be a benefit. He commented that they were also working to have reciprocity and an accrediting body for continuing education.

Portions of the tape were inaudible.

Mr. Johnson commented that legislators did not want the statutes to have accreditation language. He commented that there was a burden for accreditation because of the requirement for examination.

Mr. Rodriguez commented that the ARE did not test education competency but practical competency.

Mr. Markovich commented that they probably need to educate the legislature. He questioned how you could monitor the existing education goals without accreditation.

Mr. Rodriguez provided some background regarding the Mexican requirements and licensure. Portions of the tape were inaudible.

The board discussed the different education levels throughout the country and how the United States particularly Florida protected the title of architect and interior design.

Mr. Hall arrived at 1:53 p.m.

Mr. Schreiber commented that a survey of the ASCA and CACB schools for mutual recognition was performed. Portions of the tape were inaudible.

Mr. Schreiber commented that the NAAB accreditation procedures had changed and the highlights were included in the agenda packet. The change in the NAAB conditions would affect the schools this year.

Mr. Markovich commented that the competition to get into the schools of architecture was greater than it use to be. He commented that the availability for Florida Community College students to transfer to Florida Universities was becoming more difficult. He commented that NAAB did not want schools teaching Auto Cad in the first two years. He commented that the state dictated the programs that were taught.

Ms. Smith commented that there was the same problem with interior design students even with articulation agreements between community colleges and universities.

Mr. Bullock commented that what they were saying was not unique to Florida and that it was everywhere. He commented that Florida was raising the bar. Ms. Bredemeyer with Indian River Community College, commented that they had the 2 plus 2 program with FAU.

Ms. Del Bianco asked if there were any strides made with online programs. Ms. Bredemeyer and Ms. Smith replied that they were offering some online courses for the beginning courses.

Mr. Johnson commented that rule 61G1-22.003(2), F.A.C., does not allow for online degrees it requires that it be obtained in residents.

Ms. Del Bianco commented that the Art Institute of Pittsburgh was offering a bachelor's program for interior design.

An unidentified person commented that 60 -70% that graduate do not obtain licensure. He commented that it was difficult to get drafting people. Mr. Markovich commented that they have Auto Cad courses but only for draftsman.

An unidentified person commented that individuals that do not have the degree but have the experience are being kept from the field. Mr. Bullock commented that there were means for individuals to enter the profession via NCARB and the broadly experienced

architect. He commented that he would like to see that cease and the only acceptable method of licensure would be through a NAAB accredited degree.

Mr. Jacobs commented that the National AIA was looking at the issue of work that was being shipped offshore. He commented that they needed to find a way to circumvent that issue. He commented that they would have to address the issue strongly in the next few years.

Ms. Del Bianco asked the Educators' if preference was given to Florida residents when applying for entrance into programs. Mr. Markovich replied in the negative.

The board discussed that ABET accredited four year degrees. Mr. Gonzalez commented that there was a problem with educated architects not pursuing licensure.

Mr. Rodriguez commented that AIA was looking at what was called integrated practice. He commented that it was an experience learned data set not obtained in schools. He commented that it was going to be a large issue regarding the education side of practice. The board discussed the building of 3-D models. Mr. Gonzalez commented that some schools offered Cad tools and prototyping labs.

Ms. Bredemeyer commented that the state of Florida had spent millions of dollars for technology and Indian River Community College had the technology. She offered a tour to the board.

Ms. Del Bianco asked the Educators' when was the best time to meet with them during the year or if a telephone conference call would be a better method. No response, it was determined that staff should contact the schools for feedback.

### **General Discussion**

#### Condition of License Fine for Certificates of Authorization

The board agreed that they would fine \$500 as the fine in lieu of a citation for practicing prior to licensure.

#### Continuing Education for Out-of-state registrants

Mr. Gonzalez commented that the Florida board representative heard loud and clear from Alabama, Georgia, etc that they would not recognize Florida's continuing education. Mr. Rodriguez commented that the renewal applications affirms that you have met the continuing education requirements. He explained that Florida licensees would have to submit the completion certificates and make sure that they have taken the courses in the proper year. He commented that it would only be an issue if you are audited.

The board discussed that the licensees would have to make a chart to make sure they are taking the proper number of hours for each state they are licensed.

The board discussed that zero was a number and tried to approve that as the number as required for advanced courses.

Executive Director's Report – Juanita Chastain  
Financial Report March 31, 2005

Ms. Chastain reviewed the financial statement including income and expenditures. As an example she advised the board what they were paying for and used the Customer Contact Center expenditures as an example.

Ms. Chastain commented that the PSA's were not ready but the scripts were in the handouts.

Ms. Chastain reviewed the statutory language that passed and the need for the board to promulgate null and void language. Ms. Del Bianco commented that she thought they needed to write the rules. Mr. Gonzalez commented that they were not baby sitting licensees and they should know when their license expires. Ms. Clark advised that if they wanted to do this they must promulgate rules. Mr. Rodriguez gave some scenarios regarding the need for the language.

Motion: Mr. Rodriguez moved that the board take the appropriate steps to write rules for reinstatement of null and void licenses.

Second: Mr. Bullock seconded the motion and it passed with Mr. Gonzalez opposed.

Mr. Johnson commented that all of the PSA's are generic with the exception of the interior designers which used a name. Ms. Chastain commented that she would take the comments back to the department.

IDAF Report – Steve Hefner

Presentation for Trent Manausa took place earlier during the meeting.

AIA Report – Vicki Long and Micky Jacobs

Mr. Jacobs apologized that Ms. Long was not able to attend due to family matters. Mr. Jacobs commented that since January there were 2,500 bills filed and approximately 394 bills passed. He commented that House Bill 699/Senate Bill 1608 became law June 1, 2005 thanks to Representative Altman and Senator Clary which assisted in getting the language passed.

Mr. Jacobs commented that getting the language passed this year should be helpful in enabling them to get more language passed in the future and they looked forward to that. He commented that it was helpful developing a relationship with the legislature as well as familiarizing themselves with the legislative process.

Mr. Jacobs commented that the CCNA provisions language passed.

Mr. Jacobs commented that they had some task force committees together and one of those was looking into the need of ownership of architectural businesses.

Mr. Jacobs commented that they had a task force looking at mandatory construction administration and they were reviewing, accessing and proposing statutory changes. He commented that it would be a controversial issue. He commented that they would like to work with other interested parties i.e. engineers, construction, insurance companies, etc.

Mr. Jacobs commented that they had a Building Code task force and design standards within communities.

Mr. Bullock asked what their position was of the continued efforts of complete privatization of the board. Mr. Jacobs commented that they had not looked at that this last session but were willing to work with the board to move towards that goal of the board. He commented that they would revisit the issue at the Executive Committee meeting.

Portions of the tape were inaudible.

Board Counsel Report – Mary Ellen Clark  
No report

Prosecuting Attorney's Report – David K. Minacci

Mr. Minacci reported to the board that the 4<sup>th</sup> District Court of Appeals upheld the board's order on the Juan Gomez case.

Mr. Minacci commented that he and Mr. Manausa have been compiling a presentation for different chapters throughout the state. He commented that it was informative to the attendees regarding the workings of the board and the complaint process.

Mr. Minacci commented that they met with the Florida Board of Professional Engineers regarding construction administration and they were very supportive. Mr. Schreiber asked about the incidental practice issue. Mr. Minacci commented that they did not push the issue.

Annual Report

Mr. Minacci commented that he was proud of his numbers and they had issued 1,280 citations for violations of the Florida Building Code.

Status Report of Core Curriculum Courses

- 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

- March 2005
- April 2005
- May 2005

Unlicensed Billable Hours

- March 2005
- April 2005
- May 2005

Results of March 29, 2005 PCP Meeting

Results of March 30, 2005 Board Meeting

Press Releases/Speaking Engagements/Other Correspondence

The meeting recessed at 3:53 p.m.

## **MINUTES**

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

**Marco Island Marriott  
400 S Collier Boulevard  
Marco Island, FL 34145  
239.394.2511**

**July 27, 2005  
9:00 a.m.**

### **General Business Meeting**

#### **Call to Order**

Mr. Gonzalez, Chair called the meeting reconvened at 9:07 a.m.

#### Roll Call

#### Members in Attendance:

Kenneth Horstmyer  
Garrick Gustafson  
Sharon Del Bianco  
Stephen Schreiber  
Mary Jane Grigsby  
Miguel Rodriguez  
Ellis Bullock  
Rick Gonzalez, Chair  
Neil Hall

#### Members Absent:

Roymi Membiela  
Joyce Shore

#### Others Present:

Mary Ellen Clark, Board Counsel  
David Minacci, Prosecuting Attorney  
Juanita Chastain, Executive Director  
Terri Estes, board staff  
Trent Manausa  
Emory Johnson  
Craig Johnson  
Mike Huey  
And other interested parties

Court Reporter:

Kim Votta, Martin Reporting Services, 2069 First Street, Suite 201, Fort Myers, FL 33901, 239.334.6545 telephone, 239.332.2913 fax.

Future Board Meetings

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

October 24-26, 2005 Location suggestions were Apalachicola, Fernandina Beach, or Tallahassee

November 10, 2005, 10:00 a.m. telephone conference call

February 22-24, 2006 Location suggestions were Tampa or Tallahassee

Portions of the tape were inaudible

### **Disciplinary Cases**

Mr. Rodriguez was recused from the disciplinary proceedings.

Settlement Stipulation

Licensed

DBPR vs. Craig Johnson and Commercial Furnishings

Case Number 2003-077459

(PCP: Rodriguez, Wirtz, and Bullock)

Mr. Johnson was present and represented by Mike Huey. Mr. Minacci presented the case and commented that the probable cause panel recommended a 4 count administrative complaint be filed and a \$20,000 fine plus cost be imposed.

The settlement stipulation presented was for \$7,500 fine plus \$432.00 costs. Mr. Minacci requested that the board approve the settlement stipulation.

The board asked about the business that was open in Destin. Mr. Johnson confirmed that the office was closed. Mr. Minacci commented that the fine and costs were held in trust.

Motion: Mr. Gustafson moved to approve the stipulation as presented.

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

Commercial Furnishings Certificate of Authorization application

Motion: Ms. Grigsby moved to approve the certificate of authorization.

Second: Ms. Del Bianco seconded the motion.

Mr. Emory Johnson commented that the application reflected a Tallahassee and a Destin office. Mr. Craig Johnson advised the board that the Destin office was closed.

Motion: Ms. Grisby moved to approve the certificate of authorization with proof of corrected letterhead and the qualifiers seal within 30 days.

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

## Settlement Stipulation and Voluntary Relinquishment Consent Agenda

### Licensed

DBPR vs. Theodore Fine, Arnold Schulman and Fine Decorators, Inc.  
Case Numbers 2004-019715, 2004-014068 and 2004-014062  
(PCP: Rodriguez, Wirtz, and Schreiber)

DBPR vs. Thomas Tedrow and International Banking Technology  
Case Numbers: 2004-057440 and 2004-057482  
(PCP: Rodriguez, Wirtz, and Schreiber)

DBPR vs. Robert Greenbaum  
Case Number 2004-037307  
(PCP: Rodriguez and Schreiber)

DBPR vs. David Jass  
Case Number 2004-043282  
(PCP: Rodriguez, Wirtz, Hall, and Schreiber)

### Unlicensed

DBPR vs. Rick Campbell  
Case Number 2004-002071  
(PCP: Rodriguez, Wirtz, and Hall)

DBPR vs. Davanti Architecture, Inc.  
Case Number 2004-058467  
(PCP: Rodriguez, Wirtz, and Schreiber)

DBPR vs. Edward Deleon and KWQ Architecture  
Case Numbers 2004-034780 and 2004-034744  
(PCP: Rodriguez, Wirtz, and Schreiber)

DBPR vs. Roger J. Kress and Design Corp of Southwest Florida  
Case Number 2004-026328  
(PCP: Rodriguez, Wirtz, Bullock and Hall)

DBPR vs. Joseph Marcial  
Case Number 2004-057909  
(PCP: Rodriguez and Schreiber)

## Voluntary Relinquishment

1. DBPR vs. Sanders Ackerberg  
Case Number 2005-020631
2. DBPR vs. Jimmy Barfield  
Case Number 2005-018003
3. DBPR vs. Irving Beck  
Case Number 2005-017066
4. DBPR vs. Anthony Belluschi  
Case Number 2005-014518
5. DBPR vs. David Brotman  
Case Number 2005-015510
6. DBPR vs. Carl Clark  
Case Number 2005-014816
7. DBPR vs. Kappy Cole  
Case Number 2005-018542
8. DBPR vs. Duke Davies  
Case Number 2005-016001
9. DBPR vs. John Dennis, Jr.  
Case Number 2005-018074
10. DBPR vs. Dan De Pol  
Case Number 2005-015312
11. DBPR vs. Joel Easom  
Case Number 2005-018044
12. DBPR vs. James Estes  
Case Number 2005-017505
13. DBPR vs. Emilio Fernandez  
Case Number 2005-016150
14. DBPR vs. Harold Foshee  
Case Number 2005-016786

15. DBPR vs. Augusto Gautier  
Case Number 2005-0014635
16. DBPR vs. Kenneth Grabow  
Case Number 2005-018625
17. DBPR vs. Carlos Guzman  
Case Number 2005-014917
18. DBPR vs. George Heery  
Case Number 2005-016575
19. DBPR vs. Marlin Huisinga  
Case Number 2005-019008
20. DBPR vs. Bernard Kellenyi  
Case Number 2005-014659
21. DBPR vs. Leevi Kill  
Case Number 2005-0018776
22. DBPR vs. David Klages  
Case Number 2005-015516
23. DBPR vs. Hal Kovert  
Case Number 2005-016767
24. DBPR vs. Gary Lahey  
Case Number 2005-016503
25. DBPR vs. Gloria Lang  
Case Number 2005-016623
26. DBPR vs. Alfred Lyons  
Case Number 2005-014317
27. DBPR vs. Alan Meyers  
Case Number 2005-014245
28. DBPR vs. Bernice Moed  
Case Number 2005-014672
29. DBPR vs. Dorothy Mossman  
Case Number 2005-015981
30. DBPR vs. Hoorivash Mozayeny

- Case Number 2005-0176949
31. DBPR vs. Derek Parker  
Case Number 2005-015663
  32. DBPR vs. John Rademacher  
Case Number 2005-018215
  33. DBPR vs. Francis Ralls  
Case Number 2005-016304
  34. DBPR vs. James Reddick  
Case Number 2005-017629
  35. DBPR vs. Lawrence Rubenstein  
Case Number 2005-018709
  36. DBPR vs. Gerald Schiff  
Case Number 2005-016588
  37. DBPR vs. Gerhard Selzer  
Case Number 2005-016603
  38. DBPR vs. Dilip Shah  
Case Number 2005-05741
  39. DBPR vs. Dix Shevalier, Jr.  
Case Number 2005-015748
  40. DBPR vs. Henry Sherowski  
Case Number 2005-016923
  41. DBPR vs. John Shores  
Case Number 2005-018242
  42. DBPR vs. Louis Skidmore  
Case Number 2005-018840
  43. DBPR vs. Cecil Smith  
Case Number 2005-015039
  44. DBPR vs. Julius Tareshawty  
Case Number 2005-018533
  45. DBPR vs. Eric Townson  
Case Number 2005-016192

46. DBPR vs. Diane Vandenberg  
Case Number 2005-015736

47. DBPR vs. Donald Wamp  
Case Number 2005-015814

48. DBPR vs. James Whitt  
Case Number 2005-017191

Mr. Minacci commented that all of the settlement stipulations were in line with the probable cause panel's recommendations and the board determined at a previous meeting that they would accept voluntary relinquishment in lieu of compliance with Florida Building Code Core Course requirement. He commented that the voluntary relinquishments were for individuals that financially felt it was a better choice to give up the license or they no longer practiced the profession. He recommended that the board implement a retired status.

Mr. Manausa recommended that the board lobby Florida AIA because they are not supporting a retired status. The board requested that Mr. Bullock follow-up with Florida AIA.

Motion: Mr. Gustafson moved to approve the stipulations as presented.  
Second: Ms. Grigsby seconded and it passed unanimously.

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

Unlicensed  
DBPR vs. Andy Beselica and AB & Associates  
Case Number 2003-092472  
(PCP: Rodriguez, Wirtz, and Hall)

No one was present. Mr. Minacci presented the case and commented that the probable cause panel recommended that a 3 count administrative complaint be filed. The administrative complaint was served October 7, 2004 and a motion for final order was filed on December 27, 2004.

Mr. Minacci commented that Mr. Beselica appeared at the March 31, 2005 meeting and disputed the facts. The case was referred to the Division of Administrative Hearings and they relinquished jurisdiction back to the board. Ms. Clark advised that there were no legal disputed facts.

Mr. Minacci requested that the board enter a final order imposing \$15,000 fine plus costs.

Motion: Mr. Gustafson moved to accept the findings of fact and conclusion of law as found in the administrative complaint.  
Second: Ms. Del Bianco seconded and it passed unanimously.

Motion: Mr. Gustafson moved to accept the panel's recommendation.

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

DBPR vs. Juan Carlos Garrido

Case Number 2004-054890

(PCP: Rodriguez, Wirtz, and Schreiber)

No one was present. Mr. Minacci presented the case and commented that the panel recommended that a 2 count administrative complaint be filed. The panel recommended a penalty of \$10,000 fine plus cost. He commented that the administrative complaint was filed on February 24, 2005 and the respondent requested a hearing with the Division of Administrative Hearings. He commented that discovery was filed on the case April 22, 2005, the respondent failed to respond to the discovery and a motion to compel the discovery was filed on June 13, 2005. DOAH entered an order requiring the respondent to reply to the discovery which the respondent failed to do. The Division of Administrative Hearings entered an order relinquishing jurisdiction back to the board. Mr. Minacci requested that the board impose an order approving the panel's recommendation penalty.

Mr. Minacci commented that there was no response to his request for admissions. Ms. Clark commented that the board should determine that there were no facts in dispute and therefore it is deemed as admitted.

Motion: Ms. Del Bianco moved that there were no facts in dispute by virtue that there was no response to the request for admissions and are deemed admitted and the Division of Administrative Hearing relinquished jurisdiction back to the board.

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

Motion: Mr. Gustafson moved to accept the findings of fact and conclusion of law as found in the administrative complaint.

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

Motion: Mr. Gustafson moved to accept the panel's recommendation.

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

Ms. Del Bianco asked Mr. Minacci if they would be able to collect the fines. Mr. Minacci replied in the negative. Mr. Gonzalez requested that Mr. Minacci do a press release in all of the Miami papers as well as Spanish speaking papers.

DBPR vs. Joel Johnson and J. W. Johnson Design Consultants

Case Number 2004-041400

(PCP: Rodriguez, Wirtz, and Hall)

No one was present. Mr. Minacci presented the case and commented that the probable cause panel recommended that a 4 count administrative complaint be filed. He commented that the respondent returned an election of rights not disputing the facts and waiving a formal hearing. He commented that the panel recommended that a \$20,000 fine plus costs be imposed.

Motion: Mr. Gustafson moved to accept the findings of fact and conclusions of law as found in the administrative complaint.

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

Motion: Mr. Gustafson moved to accept the panel's recommendation.

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

Mr. Gonzalez requested that a press release be provided to both counties involved and the religious press. Mr. Gonzalez commented that churches have limited funds.

Motion for Order by Waiver

Ms. Clark advised the board on how to proceed with the following cases.

Licensed

DBPR vs. Robert Gray

Case Number 2004-029156

(PCP: Rodriguez, Wirtz, and Hall)

No one was present. Mr. Minacci presented the case and commented the probable cause panel recommended that a 2 count administrative complaint be filed. The administrative complaint was served by certified mail as verified by documents in the agenda. The respondent's attorney, Michael Barry replied and requested an extension to reply to the administrative complaint which Mr. Minacci allowed. However, there has been no response since.

Mr. Minacci requested that the board enter a final order imposing the panel's recommendation of a 1 year suspension, 2 years probation, \$6,000 fine plus costs.

Mr. Bullock asked Mr. Minacci if he tried to reach Mr. Barry regarding the response to the admissions. Mr. Minacci replied that he had conversations with Mr. Barry but could not recall the details. Mr. Minacci commented that he had received no written response to the request. Mr. Minacci confirmed for the board that the respondent was notified of the meeting today.

Motion: Mr. Gustafson moved that the respondent was properly served and waived his rights by not responding to the administrative complaint within 21 days.

Second: Mr. Schreiber seconded and it passed unanimously.

Motion: Mr. Gustafson moved to accept the findings of fact and conclusions of law as found in the administrative complaint.

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

Motion: Ms. Del Bianco moved to accept the panel's recommendation.

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

Mr. Minacci explained that the next 2 cases were advertising cases and as a first course of action the panel sends a notice of cease and desist and if it is not returned then an administrative complaint is filed.

Unlicensed

DBPR vs. Curl Interiors and Witness Designs

Case Number 2003-092720

(PCP: Rodriguez, Wirtz, and Hall)

No one was present. Mr. Minacci presented the case and commented that the probable cause panel recommended a 2 count administrative complaint be filed. Mr. Minacci commented that the administrative complaint was hand served on March 10, 2005 as presented in the agenda materials. He requested that the board impose the panel's recommendation of a \$10,000 fine plus costs.

Motion: Mr. Gustafson moved that the administrative complaint was served, the respondent waived their right to a hearing by not responding within 21 days.

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

Motion: Mr. Gustafson moved to accept the finding of fact and conclusion of laws as found in the administrative complaint.

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

Motion: Ms. Del Bianco moved to accept the panel's recommendation.

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

DBPR vs. Fabric Zoo

Case Number 2003-084820

(PCP: Rodriguez, Wirtz, Bullock, and Hall)

No one was present. Mr. Minacci presented the case and commented that the probable cause panel recommended that a 2 count administrative complaint be filed. He commented that service was achieved by hand deliver on March 2, 2005 as presented in the agenda materials. He requested that the board impose the panel's recommendation of a \$10,000 fine plus costs.

Motion: Mr. Gustafson moved that the administrative complaint was served and the respondent was their right to a hearing by not responding within 21 days.

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

Motion: Mr. Gustafson moved to accept the findings of fact and conclusions of laws as found in the administrative complaint.

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

Motion: Ms. Del Bianco moved to accept the panel's recommendation.

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

DBPR vs. Robert S. Thomas  
Case Number 2004-016482  
(PCP: Rodriguez, Wirtz, and Hall)

Mr. Minacci requested to pull this case because he discovered a problem with service and would like to bring back at the next meeting. The board agreed.

Motion to Set Aside Final Order

Unlicensed

DBPR vs. James Taylor and Design West Associates  
Case Numbers 2003-065572 and 2003-065576  
(PCP: Rodriguez, Wirtz, and Hall)

No one was present. Mr. Minacci commented that the case was originally presented as a default and they published for service and a final order was entered imposing a \$15,000 fine plus costs. He commented that Mr. Taylor did not pay the fine or costs. He commented that they filed an action in Circuit Court to enforce the final order but it was discovered that they published for service in the newspaper it was published in the wrong county and made a mistake.

Mr. Minacci requested the board to set aside the final order and give Mr. Taylor 21 days from the date of the order to respond to the administrative complaint. He commented that Mr. Taylor was never given proper notice of the administrative complaint and the board should give him the opportunity to respond. He commented that Mr. Taylor had an attorney now and they could serve the attorney and they will respond within 21 days.

Ms. Clark advised that newspaper publications were used when hand service or certified mail can not be achieved.

Motion: Mr. Bullock moved to set aside the final order and allow the respondent 21 days from the date of the order to respond in which to make an election of rights on the administrative complaint.

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

Settlement Stipulation

Licensed

DBPR vs. Clyde Wallace Hinkle  
Case Number 2004-059240  
(PCP: Rodriguez, Wirtz, and Schreiber)

No one was present. Mr. Minacci presented the case and commented that the probable cause panel recommended that a 1 count administrative complaint be filed. The panel recommended that a \$5,000 fine plus cost be imposed. Mr. Minacci commented that the settlement stipulation was for \$2,500 fine plus costs which was currently held in trust.

Mr. Minacci referred the board to a companion case where the fine was a \$10,000 fine plus costs.

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

Unlicensed

DBPR vs. John Bodensiek

Case Number 2004-029505

(PCP: Rodriguez, Wirtz, and Hall)

No one was present. Mr. Minacci presented the case and commented that the probable cause panel recommended that a 1 count administrative count be filed. The panel recommended that a \$5,000 fine plus costs be imposed. The stipulation presented was for a \$4,000 fine plus costs.

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

DBPR vs. Mark Martin and Envirosapes, Inc.

Case Number 2004-038848

(PCP: Rodriguez, Wirtz, and Hall)

No one was present. Mr. Minacci presented the case and commented that the probable cause panel recommended that a 2 count administrative complaint be filed. The panel recommended that a \$10,000 fine plus costs be imposed. He commented that stipulation presented was for \$3,000 fine plus costs. He commented that this was an advertising case, a licensed interior designer was always involved with the firm and the respondent agreed to come into compliance.

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

DBPR vs. Dana Micallef and Dana Micallef Design Development

Case Number 2004-045539

(Rodriguez, Wirtz, and Schreiber)

No one was present. Mr. Minacci presented the case and commented that the probable cause panel recommended a 4 count administrative complaint be filed. He commented that the stipulation presented was for a \$7,500 fine plus costs and the respondent had agreed to come into compliance within 30 days of the final order. He requested that the board approve the stipulation as presented.

Ms. Grigsby asked why they should agree to accept the stipulation. Mr. Minacci commented that it would be difficult to get a larger fine imposed. He commented that he felt the board got Mr. Micallef's attention.

Mr. Gonzalez stated we should be trying to put him out of business. He commented that the penalty should be the cost of doing business. Mr. Minacci stated there was eventually a licensed architect involved in the case.

Motion: Mr. Gustafson moved to accept stipulation as presented.  
Second: Mr. Schreiber seconded the motion.

Ms. Grigsby stated that they had fined for advertising cases higher than this case and felt this was very serious. Mr. Minacci stated that in the advertising cases the folks do not respond. He commented that this individual hired an attorney and the board was stopping the behavior.

Ms. Clark stated Mr. Schreiber was recused.

Second: Mr. Hall seconded the motion and it failed.

Motion: Ms. Del Bianco moved to reject stipulation, recommended a \$20,000 fine plus costs and they have 30 days to accept the counter-stipulation.  
Second: Ms. Grigsby seconded the motion and it passed unanimously.

Mr. Minacci advised the board that they were imposing the maximum penalty and it was possible that they were going to force him to go to the Division of Administrative Hearings which would be costly.

DBPR vs. James Moncada and CMJ Architectural Designs & Reprographics, Inc.  
Case Number 2004-026260  
(PCP: Rodriguez, Wirtz, Hall, and Schreiber)

No one was present. Mr. Minacci presented the case, it was originally a cease and desist, it went back to the panel and the probable cause panel recommended that a 2 count administrative complaint. The panel recommended that a \$10,000 fine plus costs be imposed. The stipulation presented was for a \$2,500 fine plus costs. Mr. Minacci explained that this was an advertising case.

Ms. Del Bianco asked if the word architectural would be removed from the title of the firm. Mr. Minacci replied in the positive. Mr. Gonzalez asked about the letter of the complainant in the file. Mr. Minacci replied that it was for residential work and the board had no jurisdiction over that aspect. Mr. Manausa commented that they found no evidence of commercial work.

Ms. Del Bianco suggested that they look at the Secretary of States record to find out when they registered the corporation. Mr. Minacci commented that they had record of that and they filed in 2003.

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

DBPR vs. Myler Church Building Systems  
Case Number 2004-029718  
(PCP: Rodriguez, Wirtz, and Hall)

No one was present. Mr. Minacci presented the case and commented that the probable cause panel recommended that a 4 count administrative complaint be filed. The panel recommended that a \$20,000 fine plus costs be imposed. The stipulation was for a \$10,000 fine plus costs which were being held in trust and the respondent agreed to come into compliance.

The board discussed the firm's marketing products. Mr. Minacci commented that they are in the process of obtaining a certificate of authorization.

Ms. Del Bianco commented that the fine was too low. Mr. Minacci commented that they had a licensed individual with the firm and they needed to get a certificate of authorization. He commented that a \$10,000 fine was more than fair. He commented that they had a licensed architect in their out of state office but not in their Florida state firm and as soon as they realized they were in error they closed the Florida office. He commented that this was not uncommon with large architectural and construction firms.

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

Second: Ms. Grigsby seconded the motion, the motion passed with Mr. Bullock opposed.

DBPR vs. William McQuillan and Treasure Coast Drafting  
Case Number 2004-051653  
(PCP: Rodriguez and Schreiber)

No one was present. Mr. Minacci presented the case and the probable cause panel recommended that a 1 count administrative complaint be filed. The panel recommended a \$5,000 fine plus costs be imposed. The stipulation presented was for a \$3,000 fine plus costs. Mr. Minacci commented that this was an advertising case and they were working with a licensed architect. He commented that they had a case against the licensed architect.

Motion: Mr. Hall moved to reject the stipulation as presented.

Second: Mr. Gustafson seconded the motion.

Mr. Minacci commented that the drafting company was involved with residential projects. He commented that the respondent agreed to come into compliance.

Motion failed.

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

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

### **Discussion**

No additional discussion.

**New Business**

No new business.

**Old Business**

No old business.

**Adjourn**

Motion: Ms. Del Bianco moved to adjourn at 11:00 a.m.

Second: Ms. Grigsby seconded the motion.