

MINUTES
BOARD OF ARCHITECTURE AND INTERIOR DESIGN

TELEPHONE CONFERENCE CALL

August 9, 2007

10:00 a.m. Eastern Time

Toll Free 888.808.6959 conference code 9218690

Call to Order

Ms. Grigsby, Chair, called the meeting to order at 10:05 a.m.

Roll Call

Board Members Present:

Mary Jane Grigsby, Chair

Neil Hall

Rick Gonzalez

Rosanna Dolan

Eric Kuritzky

Sharon Del Bianco

Joyce Shore

Garrick Gustafson

Roymi Membiela

Wanda Gozdz

Board Members Absent:

None

Others Present:

Mary Ellen Clark, Board Counsel

David Minacci, Prosecuting Attorney

Juanita Chastain, Executive Director

Terri Estes, Government Analyst

Les Smith, Investigator

Dwight Chastain, Investigator

Juan Rodriguez-Tellaheche

Gary Hintermeister

James Estes

Deborah Stevens

Jerry Hicks

Emory Johnson

Barbara Harrison

Daniel Pickett

William Pitts

Ron Jaffe

Application Review

Juan Antonio Rodriguez-Tellaheche

Mr. Rodriguez-Tellaheche was present. Ms. Chastain commented that Mr. Rodriguez-Tellaheche appeared before the board at the July meeting and he had requested a reinstatement of a null and void license. She commented that the board advised him that they would not approve his request and instructed him to apply for licensure by endorsement. She commented that he had previous discipline for the board to consider and that his application was complete for their review.

Motion: Ms. Del Bianco moved to approve the endorsement application.

Ms. Clark commented that although Mr. Rodriguez-Tellaheche met the current requirements for licensure they could consider prior discipline as a reason to deny the application.

The board reviewed the prior discipline. Mr. Rodriguez-Tellaheche provided a brief synopsis regarding his depression, the reason for the prior discipline and for not renewing his license. He read a letter from Mr. Ross, the original complainant for the disciplinary case. The letter was provided in the agenda materials.

Second: Mr. Hall seconded the motion.

Ms. Clark reviewed the disciplinary cases including the licensed and unlicensed cases. She commented that it appears that Mr. Rodriguez-Tellaheche allowed his license to lapse into a null and void status to avoid paying the disciplinary fines. She commented that he was sited twice for unlicensed activity for practicing after his license went null and void.

Mr. Rodriguez-Tellaheche commented that in 1992 he was reprimanded and fined \$250.00. He commented that the order the order signed in 1994 mitigated the fine requirement. He commented that he was fined in the 2002 and he provided schematics for a residential project and the plans were signed and sealed by a professional. He commented that the case was a problem because he used his previous stationery that had his old license number listed. He commented that he went to a Florida AIA course presented by Mr. Minacci and Mr. Manausa called protecting your license. He commented that he is a better and more ethical professional today than he was many years ago. He commented that he was an improved and better person.

Ms. Clark commented that she wanted to point out to the board that his disciplinary history spanned 10 years. She asked Mr. Rodriguez-Tellaheche if his depression was the reason for the discipline. Mr. Rodriguez-Tellaheche replied in the positive and provided a brief synopsis of his rehabilitation.

Mr. Rodriguez-Tellaheche commented that he had complete 75 hours of continuing education. He commented that he was participating on a Sub-Committee with the Florida AIA South Chapter on the 2010 Convention in Miami. He commented that he sits on two boards, the City of Miami Police Department – Do the Right Thing Foundation and the board for Millennium University.

Mr. Rodriguez-Tellaheche commented that it took a long time for him to recover and he did not want to ask the board for his license back until he was ready. He commented that he was a better person now and he was ready to be a good ethical licensed professional.

The question was called and the motion passed unanimously.

Gary Hintermeister

Mr. Hintermeister was present. Mr. Hicks presented the application and commented that Mr. Hintermeister's education did not meet Florida's requirements. He provided a detailed review of Mr. Hintermeister's education and commented that he was deficient some hours of education to meet Florida's requirements. Ms. Clark reviewed Chapter 481.213 and 481.209, Florida Statutes.

Mr. Hintermeister requested that the board explain the provision in Chapter 481.209(1)(b)(2), Florida Statutes, that allows for a degree from a approved architectural curriculum from an unaccredited school or college approved by the board. He commented that he held a NCARB certificate and completed the Broadly Experienced Architect (BEA) requirement. He commented that he felt that his certificate fell under that portion of the statute that allowed for other architectural education. Ms. Clark commented that his education was not approved by the board and his educational institution would have to apply for approval by the board.

Mr. Hintermeister commented that he went through a rigorous process and he thought that Florida would accept the NCARB certificate. He requested that Florida consider accepting the BEA process in the future and look at having the statute changed.

Mr. Hall commented that Mr. Hintermeister could have his institution apply for board approval. Mr. Hicks commented that his education was deficient for the rule that required a certain number of hours in the profession. Ms. Clark commented that he was licensed after June 30, 1984 and he would need to have the required degree. Mr. Hintermeister commented that he felt the statute was open for interpretation and that he felt he met the requirements of the second part of the statutory requirement.

Mr. Hintermeister commented that NCARB allowed his 10 years of practice to count towards the five year education requirements. He commented that he did not understand why Florida had such a hard line on the education for individuals that had so many years of practice. He asked if there was a chance that the statute would change to allow individuals with NCARB certificates to be granted licensure. Ms. Clark commented that the board could not change the statutory language only the Legislature could. She recommended that he could contact a Florida Legislator.

Motion: Mr. Hall moved to deny.

Ms. Chastain requested that the board allow Mr. Hintermeister the opportunity to withdraw his application in lieu of a denial.

Mr. Hintermeister requested that his application be withdrawn.

James Estes

Mr. Estes was present. Ms. Chastain commented that Mr. Estes had an architecture license that he voluntarily relinquished for failure to take the Florida Building Code core course. She commented that Mr. Estes paid the fine that was imposed by the citation but he could not take the required course because he does not have a valid license number.

Mr. Estes is requesting that the board approve his endorsement application, issue a new license number so he can take the required core course.

Motion: Mr. Gonzalez moved that the board approve the endorsement application for licensure contingent upon Mr. Estes taking the core course within 30 days of licensure.

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

Deborah Stevens

Ms. Stevens was present. Ms. Chastain commented that the application was for licensure by endorsement and it was held due to a disciplinary case. She commented that the board accepted the settlement stipulation at the July board meeting. However, Ms. Stevens had not received the final order to return the fine amount. Mr. Minacci recommended that the board approve the application pending receipt of the fine. Ms. Stevens commented that her attorney had the fines in trust but had not sent the fine to the attorneys because they had not received the final order.

Motion: Ms. Shore moved to approve the application contingent upon receipt of the fine imposed by the settlement stipulation.

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

WG Pitts Company

Mr. Picket and Mr. Pitts were present. Mr. Hicks commented that he reviewed the file and there was no detailed narrative provided with the application. He commented that he referred the application because it appeared that services had been offered prior to licensure. Ms. Chastain commented that the company had provided a detailed narrative that was in the agenda materials and they had civil litigation pending.

Mr. Pitts commented that since 1996 the company practiced as a building and general contractor. He commented that they recently decided to include or offer architectural services. Mr. Pitts confirmed for the board that he was a general contractor but not a licensed architect. He commented that the company was a full service general contracting firm, real estate developer, and offered construction management.

Mr. Picket confirmed for the board that he was going to close his personal business to work for WG Pitts Company. He commented that until WG Pitts Company was approved he would continue to serve the contracts under his company and work out of one office. The board discussed the qualifying architect and responsible supervisory control requirements for the company.

The board discussed that WG Pitts, a person, could not be the only name in the company name since he was not a licensed architect. Mr. Pitts commented that the application was for a business name not for him personally and that they had a licensed architect listed as an officer qualifying the firm. Mr. Pitts commented that the business name clearly indicated that the license was for a company not an individual.

Ms. Clark commented that there was an applicant with the same issue at the July board meeting and they were scheduled for an upcoming telephone conference call. She commented that the applicant filed a petition for a waiver of Rule 61G1-12.001(3), which states an architectural firm may not offer services to the public under a firm name which contains only the name of an individual not licensed as a professional engineer or architect in any state.

Ms. Clark commented that they could request and petition the board for a variance from the rule otherwise, they could not practice or offer architectural services under the current name.

The board discussed that the current name gave the public the impression that Mr. Pitts was a licensed architect. Ms. Clark commented that if the company was a fictitious name such as WPG Company it would not be an issue.

Ms. Clark commented that the rule requires that Mr. Pitts be a licensed engineer or architect in any state and he was not. Mr. Pitts asked if the company name was Pitts and Pickett, if that would be acceptable. The board would accept that name.

Ms. Del Bianco commented that the board had not approved a business name that did not include a licensed individual. Ms. Grigsby commented that the company could apply for a fictitious name and practice only in the fictitious name such as WPG Company. Ms. Del Bianco commented that the corporation could not use the license number issued for the fictitious name.

Mr. Pitts commented that he understood the requirements regarding the name. He commented that he would like to waive their application processing rights so they could either change the name of the company or file a petition for variance. He requested that the board review the civil issue and whether they have offered architectural services.

Mr. Pitts commented that the recreational complexes were projects that had a third party architect that worked and contracted directly with the owner. The board determined that there was not an issue regarding the prior practice or the civil matter. The board reminded Mr. Pickett that he could not be the responsible supervisor in control of more than one company unless they were physically located at the same address.

Ms. Clark advised that another applicant with the same situation petitioned the board and that petition would be heard on August 23, 2007. The board advised that he should apply for a dba (doing business as) or file a petition for variance or waiver to the rule.

Application – reinstatement of a void license

Ronn Jaffe

Mr. Jaffe was present. Ms. Chastain commented that Mr. Jaffe was previously licensed and it was null and void for failure to renew. She referred the board to a letter in the agenda materials explaining the hardship. She commented that Mr. Jaffe had not completed the continuing education requirement for a reinstatement because he wanted to discuss that requirement with the board. Mr. Jaffe was requesting that the reinstatement be approved and he would complete the number of continuing education hours that the board imposed upon approval.

Ms. Del Bianco asked when in 2001 his mother-in-law fell ill. Mr. Jaffe replied that he could not remember. Mr. Jaffe's license went delinquent in 2003 and null and void in 2005.

Mr. Kuritzky asked with he did not take the continuing education before applying for reinstatement. Mr. Jaffe commented that taking the continuing education was a personal and financial hardship. Ms. Clark commented that in the past, applicants requesting reinstatement of licensure had completed the required number of continuing education prior to the reinstatement application.

Ms. Del Bianco commented that she had an issue with the illness because it was not his illness but his mother-in-law. Mr. Jaffe replied that he, his wife, and his mother-in-law were in an auto accident. He commented that he was injured in the auto accident and it has been a very emotional situation since he and his wife are the primary care givers for his mother-in-law. He commented that he could not practice at the time, closed his business, and was not sure he wanted practice due to his illness.

Ms. Clark commented that the board had to find that Mr. Jaffe made a good faith effort to comply with the renewal requirement. She commented that his own admission is that he did not comply because he was not sure he wanted to practice. Ms. Estes confirmed for the board that Mr. Jaffe applied for reinstatement of his null and void license because he would not meet current licensure requirements since he was licensed under the grandfathering provision.

Mr. Jaffe commented that he quit practicing based on the hardship. He commented that he was better now and he wanted to begin practicing again. He commented that he had practiced for many years and understood the laws and requirements.

Mr. Kuritzky commented that he did not have an issue with Mr. Jaffe taking the required continuing education as part of the approval of reinstating the license. Ms. Del Bianco commented that he would have to complete 60 hours of continuing education. Mr. Jaffe requested that the continuing education requirements be waived.

Ms. Clark commented that Mr. Jaffe would have to apply for a new license if he did not want to complete the continuing education requirements. She commented that the provision he applied under required him to complete continuing education.

Motion: Ms. Dolan moved to approve reinstatement of the license based on an illness/hardship contingent upon completion of 60 hours of continuing education including the Florida Building Code core course requirement within 6 months.

Second: Mr. Kuritzky seconded the motion.

Mr. Johnson commented that he was against the motion because the applicant had not made a good faith effort to comply with renewal. He commented that the legislative language was passed to protect the consumers not the practitioners. He commented that he did not feel that Mr. Jaffe was qualified to practice by making up 60 hours of continuing education based on his own admission that he did not think he wanted to practice. Mr. Jaffe commented that he agreed the statutes were to protect the consumer. He commented that protecting the practitioners was the education requirement and his hardship was the illness.

Mr. Johnson commented that Mr. Jaffe had not offered proof of a good faith effort to renew the license or meet the reinstatement requirements. Ms. Del Bianco commented that she did not find evidence that he was ill, only his mother-in-law and he just did not pay attention to renew his license. Mr. Jaffe commented that it was easy for the board to say it was not a difficult time or hardship but they did not live in the situation.

Mr. Jaffe commented that the situation was a hardship because he was not thinking about work because he was injured and taking care of his mother-in-law. He commented that he was always active in the interior design profession and it was his life until he was injured. He commented that the situation truly was a hardship.

The question was called and it failed. Ms. Del Bianco commented that the provision was not for people that forget to renew but for individuals that truly had hardships and he did not prove a hardship. Ms. Shore commented that Mr. Jaffe had not completed any continuing education; he had not proved that he personally had an illness and they were setting a precedent. Mr. Gustafson commented that Mr. Jaffe did not prove that a good faith effort was made to renew the license.

Mr. Jaffe commented that he was devastated and depressed watching his mother-in-law die. He commented that he would like to return to the practice. Mr. Jaffe applied under reinstatement because he did not meet the current educational requirements; however, he had studied interior design at Harvard but did not receive a degree.

Motion: Ms. Del Bianco moved to deny because there was not good faith effort to comply, that there was not unusual hardship or illness, and he did not meet the continuing education requirements.

Second: Mr. Hall seconded the motion.

Mr. Jaffe commented that there was a letter from the accident attorney and from his mother-in-law's doctor. Ms. Estes referred the board to the letters in the agenda materials.

Mr. Kuritzky commented that Mr. Jaffe was a qualified individual that would be a benefit to the profession and he felt the lack of education was a hardship as well as his and his mother-in-law's illness. Mr. Grigsby commented that she had an issue with the fact that he wanted the license back prior to taking the continuing education. She commented that he should have taken some continuing education to show a good faith effort to regain the license.

The board discussed that they would rather Mr. Jaffe complete the continuing education prior to the board granting the license. Mr. Jaffe commented that the board was taking his ability away to practice and make a living. He commented that he would take the hours imposed because he understood the importance of the requirement.

Ms. Dolan commented that Mr. Jaffe had no prior discipline and he was not a threat to the public. She commented that he has had a family crisis and he was trying to do the right thing.

Mr. Kuritzky asked if there was any additional information they would like to see and suggested that they continue the matter. Ms. Clark commented that the matter was on the July agenda, it was table to the telephone conference call to allow Mr. Jaffe an opportunity to appear before the board, and provide documentation of continuing education. Mr. Hall asked if Mr. Jaffe was made aware of that information. Mr. Jaffe replied that he was not made aware that the board wanted him to provide continuing education information.

The question was called and the motion failed.

Ms. Estes commented that she talked with Mr. Jaffe and told him that the board wanted proof of continuing education. She commented that Mr. Jaffe advised that completing the required continuing education was a financial hardship and he requested to appear before the board to explain completing the continuing education was a financial hardship. Mr. Jaffe did not want to expend the money to complete the courses if the board was not going to approve his reinstatement request.

Motion: Mr. Gustafson moved to approve the reinstatement request contingent upon completion of 60 hours of continuing education or denial if not completed within 6 months.

Second: Mr. Kuritzky seconded the motion, it passed with Ms. Del Bianco, Ms. Shore, and Mr. Gonzalez opposed.

Ms. Del Bianco commented that Mr. Jaffe would not be able to complete the core course without a valid license number. The board commented that there were classroom courses available in Florida.

Ratification List

Applications

Architecture Endorsement Items 1-24

Motion: Ms. Del Bianco moved to approve items 1-24.

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

Architecture by Examination Items 25-35

Motion: Ms. Del Bianco moved to approve items 25-35.
Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Architecture Business
Items 36-59

Motion: Ms. Del Bianco moved to approve items 36-59.
Second: Ms. Shore seconded the motion and it passed unanimously.

Architecture Business Name Change
Items 60-66

Motion: Ms. Del Bianco moved to approve items 60-66.
Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Interior Design Endorsement
Items 67-80

Motion: Ms. Del Bianco moved to approve items 67-80.
Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Interior Design by Examination and Dual
Items 81 and 82

Motion: Ms. Del Bianco moved to approve items 81-82.
Second: Mr. Gustafson seconded the motion and it passed unanimously.

Interior Design Business
Items 83-91

Motion: Ms. Del Bianco moved to approve items 83-91.
Second: Mr. Gustafson seconded the motion and it passed unanimously.

Continuing Education
Memorandum dated June 18, 2007.

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

Discussion/For information

Rule 61G1-11, intern architect definition

Ms. Dolan requested that the board consider amending the language submitted by Mr. Manausa to include both paragraphs of Chapter 481.209(1)(b), Florida Statutes. She commented that both

paragraphs should have the same weight when considering the internship requirement. She commented that the language defines for or only allows for interns that have NAAB accredited degrees and the statute allows for National Architectural Accreditation Board (NAAB) accredited degrees or board approved architectural curriculum.

Mr. Hall asked for clarification on the comments made by Mr. Rodriguez. Mr. Minacci commented that Mr. Rodriguez looked at the language again and no longer had an issue with it as it was presented in the agenda materials. He commented that Mr. Manausa sent an e-mail advising that the term "intern-architect" is limited to individuals that are already serving in the National Council of Architectural Registration Boards (NCARB) Intern Development Program (IDP) process. Therefore, for an individual to be in the NCARB IDP process they must have a NAAB approved degree. He commented that the IDP process would not be for an individual with a foreign degree.

Ms. Dolan commented that NCARB offers the IDP program to foreign graduates. Mr. Minacci commented that NCARB would approve the foreign degree prior to entering the IDP program therefore the education would be acceptable. Ms. Dolan commented that her issue was not with the foreign degree it was the fact the language only addressed one part of the statute and not both. She commented that the portion of the statute she was referring to was not for foreign degrees but for United States degrees from unaccredited college and schools that could be approved by the board. She commented that the rule only allows for NAAB degrees and NCARB allows individuals with non-NAAB accredited degrees to enter the IDP program.

Mr. Hall commented that he felt Ms. Dolan had a valid point regarding the statute and the proposed rule language. The rule should or could allow for both paragraphs of the statute. Ms. Grigsby commented that she did not receive the e-mail from Mr. Manausa. Mr. Hall read the proposed language as presented in the agenda materials:

"Rule 61G1-13.0021(3), Intern Architect Status

Individuals who possess a NAAB accredited professional degree in architecture, are actively enrolled with NCARB in IDP, and are working under the direct supervision of a registered architect may use the title "Intern Architect", but only in conjunction with the architectural firm for which the individual is employed as an intern to meet the requirements of Chapter 481.211, "Architectural Internship required".

Mr. Kuritzky read Mr. Manausa's response to Ms. Dolan's comments which were as follows:

"Rossana the amendment you are requesting would not be applicable because someone applying for licensure under Chapter 481.209(1)(b)(2), Florida Statutes, would not be able to be in the NCARB IDP process. You must be in or graduated from an NAAB program to be in NCARB IDP. Only after the board has approved a degree, from a non-NAAB school, would a candidate be eligible for NCARB IDP. I believe putting the proposed language into the rule would only further confuse the potential applicants. It would be my wish to have part 2 eliminated and replaced with a methodology by an entity other than the board to determine equivalency of non-NAAB programs and foreign degree. The board does not have the resources or knowledge to make that kind of determination."

Ms. Chastain commented that she was not sure that Mr. Manausa's statement was accurate. She commented that she did not receive his e-mail in order to research the NCARB IDP requirements prior to the telephone conference call. She commented that NCARB will accept individuals in the IDP program without NAAB accredited degrees.

Ms. Grigsby requested that the issue be table until the September meeting.

NCIDQ – Petition from Association of Interior Designers for membership

Alberta

Manitoba

New Brunswick

Novia Scotia

Ms. Shore reviewed the information and she was going to vote in favor of them becoming members of NCIDQ.

New Business

Ms. Chastain reminded the board that a telephone conference call was scheduled for August 23, 2007 at 10:00 a.m.

Ms. Chastain advised the board that she was not able to secure a hotel in Orlando or Tampa for the January meeting. She advised that she was able to secure a hotel in Fernandina Beach, January 29-30, 2008. The board agreed.

Ms. Clark reminded the board members that they are not allowed to communicate with each other regarding board business. Non-board members can communicate with board members but she cautioned them when replying that they do not reply to all because it could put a board member in the position of communicating with other board members.

Old Business

No old business.

Adjourn

The meeting adjourned at 11:55 a.m.