

MINUTES
BOARD OF ARCHITECTURE AND INTERIOR DESIGN

TELEPHONE CONFERENCE CALL

August 18, 2006
2:00 p.m. Eastern Time

I. Call to Order

Members Present:

Rick Gonzalez, Chair
Sharon Del Bianco
Mary Jane Grigsby
Joyce Shore
Garrick Gustafson
Ken Horstmyer
Rosanna Dolan
Roymi Membiela
Lourdes Solera

Court Reporter: For the Record Reporting, 1500 Mahan Drive, Tallahassee, Florida 32308, telephone 850.224.0728

Members Absent:

Neil Hall (unexcused)

Others Present:

Juanita Chastain
Terri Estes
Mary Ellen Clark
David Minacci
Emory Johnson
Jerry Hicks
Other Interested Parties

II. Application Review

Ms. Chastain asked Mr. Gonzalez if the agenda could be taken out of order so that applications could be heard first. Mr. Gonzalez agreed and the first application was called.

Heather Lollie
Interior Design Endorsement

Ms. Lollie was present. Mr. Minacci indicated that Ms. Lollie had an open investigation. Ms. Clark informed the board that under Chapter 455, FS, there is a provision that if there is an open investigation an application may be denied. Ms. Clark commented that the investigation matter was something that may not hinder Ms. Lollie from being licensed in the future but since it was open at this time the board may feel that is reason to not take action on the application. She informed Ms. Lollie that she could waive the 90-day time period and hold the application in abeyance or withdraw the application.

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Ms. Lollie agreed to waive the 90-day and hold the application pending the outcome of the disciplinary matter.

MOTION: Ms. Del Bianco moved to table the application until the completion of the investigative matter.

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

Franklin Halloran-Lancaster
Architecture Endorsement

Mr. Halloran-Lancaster was present. Mr. Hicks reviewed the file and stated Mr. Halloran-Lancaster applied by state endorsement pursuant to Chapter 481.213(3)(b). Mr. Hicks indicated the degree is not a NAAB accredited degree and Mr. Halloran-Lancaster was first licensed in New York in September 2002.

Mr. Halloran-Lancaster indicated he has a New York architecture license as well as an engineering license. His degree from Penn State was a bachelor of architectural engineering which is a five year degree through the ABET accrediting agency. It is not NAAB accredited but in New York there was a provision of a combination of education and experience. Mr. Gonzalez commented that in Florida that is different. Mr. Gonzalez suggested that Mr. Halloran-Lancaster withdraw his application and research the education requirement in order to obtain licensure in Florida. Mr. Halloran-Lancaster withdrew his application.

Vito Mazzariello
Architecture Endorsement

Mr. Mazzariello was present. Mr. Hicks reviewed the file and stated Mr. Mazzariello had a four-year bachelor of science degree with a major in architecture but was not a NAAB accredited program. Mr. Mazzariello commented that he had listened to the other applicants and understood he would not be approved. He stated he felt it was unfortunate because he has been licensed in New York and had 27 years of experience. He commented he was very disappointed with the way the process was conducted. Mr. Mazzariello withdrew his application.

III. Reconsideration

You and I Design, Inc.
Reconsideration

Ms. Clark presented the application. She indicated the application was reviewed on July 25, 2006 and the board voted to deny the application because of a pending disciplinary matter. While everyone was at the July meeting the citation money was received. Ms. Clark stated that the application is now before the board as a reconsideration of that denial.

MOTION: Ms. Solera moved to reconsider.

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

MOTION: Ms. Del Bianco moved to approve.

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

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

DBPR vs. Christine Desiree Snyder
Case Number 2005-046362

Ms. Snyder was present. Ms. Clark stated that when the board voted on July 26, 2006 to deny Ms. Snyder's application, Ms. Snyder was not present or represented by counsel. Ms. Clark indicated that Ms. Snyder had sent a letter to the department in July but it had not been received in time to make it to the meeting. Ms. Clark also commented Ms. Snyder has faxed a letter dated August 15, 2006 for the board's review. Ms. Clark indicated that in her review of the case and what was presented at the July meeting was that the licensee had ignored a final order. The underlying facts of the final order were not really mentioned. Ms. Clark indicated that the prior case that resulted in the final order and the \$10,000 fine had been processed with the idea that Ms. Snyder was an unlicensed person who offered architectural services. Ms. Clark stated when she reviewed the case she discovered Ms. Snyder was a licensed interior designer who used the word architecture interiors in an ad. Ms. Clark indicated that while the maximum that can be imposed is \$5,000 it is not usually imposed on a licensed interior designer who misuses the term interior architecture.

Ms. Clark wanted the board to be aware of these issues and decide if they want to reconsider the July 26, 2006 vote.

MOTION: Ms. Del Bianco moved to reconsider.

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

Ms. Clark indicated that the case that was before them on July 26, 2006 cannot be reconsidered all together but now that there was a new case the board could direct Mr. Minacci to settle that case in any amount other than \$10,000. Further, Ms. Clark indicated that the vote on July 26, 2006 was also to revoke the license because Ms. Snyder was not in attendance at the meeting and had not responded. Ms. Snyder indicated she had a small child and the responsibilities that go along with that. She also indicated she had been unable to work because of the complaint against her. Ms. Snyder apologized for the use of the term.

MOTION: Ms. Grigsby moved to ask Mr. Minacci to settle the case for \$500.

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

V. Ratification List

MOTION: Ms. Del Bianco moved to approve Interior Design Applicants by Endorsement 1-6

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

- MOTION: Ms. Del Bianco moved to approve Interior Design Businesses – Corporations, Fictitious Names, etc. 7-15
- SECOND: Mr. Gustafson seconded the motion and it passed unanimously.
- MOTION: Ms. Del Bianco moved to approve Architect/Architecture Business Applying for Interior Design Dual 16-17
- SECOND: Ms. Grigsby seconded the motion and it passed unanimously.
- MOTION: Ms. Del Bianco moved to approve Architecture Applicants by Passage of Examination 18-20
- SECOND: Ms. Grigsby seconded the motion and it passed unanimously.
- MOTION: Ms. Del Bianco moved to approve Architecture by Endorsement 21-47
- SECOND: Ms. Grigsby seconded the motion and it passed unanimously.
- MOTION: Ms. Del Bianco moved to approve Architecture Business – Corporations, Fictitious Names, etc. 48-64
- SECOND: Ms. Grigsby seconded the motion and it passed unanimously.
- MOTION: Ms. Del Bianco moved to approve Architecture Business Name Change – 65
- SECOND: Ms. Grigsby seconded the motion and it passed unanimously.

VI. Discussion

Interior Development Program (IDP) Member Board Liaison Position – Ms. Chastain informed the board the position had been eliminated.

National Council of Interior Design Qualifications (NCIDQ) – Motion to Change Council Bylaws 2006-08

Ms. Del Bianco indicated the motion to change the bylaws previously discussed and supported by the board and co-sponsored with Nevada is in an effort to get more delegates and alternate delegates on the council of directors.

Ms. Del Bianco asked for board approval to sponsor two additional bylaw changes to get more member board member participation on the council of directors. One would give the member board members the ability to confirm the President-Elect and the other would be that the nominating committee would be comprised of the current past president acting in the capacity of a non-voting board member and three current or former delegates or alternate delegates with no other members from the board of directors acting in any capacity. This is in an effort to ensure that progression of officers and directors come directly from the member board members and council of delegates.

The board was supportive of the bylaw changes.

VI. Invitation To Negotiate (ITN)

Ms. Chastain informed the board Ms. Sue Harms was on the line to answer any questions the board may have and also on line was Mr. Michael Wirtz and Mr. Miguel Rodriguez (ITN Committee Members).

Mr. Rodriguez indicated he was still concerned about the consideration of costs being written in the ITN. He indicated he was satisfied with the performance measures but his experience as panel chair indicates that in some instances the completion of an investigation or even the proceeding with an investigation is hampered by the lack of response or the inability to locate someone. He wanted to be sure that the measures were not structured in such a way that there isn't a vehicle by which the resulting contractor can deal with that type of situation without being unnecessarily penalized.

Mr. Rodriguez asked for clarification in the measures that indicated there was a procedure that for those investigations that exceed 75 days from the finding of legal sufficiency the appropriate consultant will be requested to review the file for guidance. Ms. Chastain indicated that the measures were taken from the contract and were not changed. Mr. Rodriguez asked if the intention was for a third party consultant or the board's contractor. Ms. Estes commented perhaps it was the expert consultant. Mr. Rodriguez agreed that may be the case but is not clear. He indicated in the past a case might be brought to the panel for a recommendation as to how to handle a particular issue.

Mr. Hortsmeyer commented that perhaps the word consultant could be changed to contractor. Mr. Rodriguez stated that the word "appropriate" should be dropped unless it was meant to be the appropriate expert consultant. Which means if there is a problem the "architect" expert or the "interior design" expert whichever one is the appropriate one would review the case and give guidance on how to proceed. Ms. Harms stated the change could be made.

Mr. Rodriguez indicated he was still concerned about the consideration of costs because the board is more concerned that the selection is about qualification and not about money since the amount of money is a given. Ms. Harms indicated that the cost is not what drives the decision. She indicated the points for costs could be as few as the members decide. However, since costs will be given by the bidders there must be something written down. She indicated that on page 12 of the ITN the scoring of the reply is a reference point and then you negotiate from there. Mr. Rodriguez commented that as architects and interior designers they deal with RFPs on a daily basis and it seems that when you set up a point value of 15 within a total value of a potential score of 115 you make it a challengeable item. Ms. Harms commented that all you have to do is put it in writing as to why you chose the one you chose. Ms. Harms stated you could give them a zero point for costs. Mr. Rodriguez stated that he thinks the problem would be solved if you looked at costs as just part of the submittal and not as point score. Ms. Harms indicated that was acceptable.

Mr. Rodriguez commented his understanding was that in the ITN "terminology" the negotiation is in fact the interview. Ms. Harms replied that when the ITN Committee talked with the person per the scoring then that was the negotiation. You can negotiate

with however many people the board decides. She indicated that whoever the Committee talked with does not mean they are going to be chosen. Mr. Rodriguez indicated that was a variation from what they were accustomed to as usually you have a submittal from which you short list and then there is an interview which is a second stage. Ms. Harms indicated that process had changed.

Mr. Rodriguez asked if they receive three responses and decide that one is clearly above the others does the committee have the option to recommend only that one to the board without any further negotiation with the respondent. Ms. Harms indicated that when there is an ITN there must be some negotiation even if it is just with the one. Ms. Harms informed the board that a statement must be written as to why they chose the one they chose.

Ms. Harms asked about the timeline of the ITN. Ms. Del Bianco asked if they were doing a pre-proposal conference. Ms. Harms indicated if they do a pre-proposal conference it would extend the time. She asked if the board felt the ITN was not clear enough to have one. Ms. Harms stated there is a question and answer period. Ms. Harms also indicated the replies must be received by a certain date and time or they would not be accepted. Ms. Harms commented that if enough questions are received an addendum could be done but it would extend the time the ITN must be out. The questions would come to Ms. Harms and then she would send them to the committee for answers and the answers would be posted. Ms. Del Bianco commented if questions came in the committee could hold a conference call to answer them.

Ms. Del Bianco asked when the ITN could be released. Ms. Harms stated she had to get legal approval and then it could be released.

Mr. Rodriguez commented that if the anticipated date of posting the award is October 20, the negotiations could be sometime around October 5 or 6 and the evaluations could take place the last week of September so that the ITN could be out the whole month of September. The response date to the ITN could be September 22. Ms. Harms commented the committee would have to evaluate and must allow that number of days. Ms. Del Bianco stated they would need two conference calls. Mr. Rodriguez stated that the committee members are working individually to evaluate and they send those evaluations to Ms. Harms. Ms. Harms stated the Chairman should look at those and make the decision and send to her as to why the decision was made.

Ms. Harms commented that the negotiations were considered confidential and did not have to be held in open meetings.

The board discussed if a new contractor is selected how to handle the transfer of files. Ms. Chastain commented if the board made a decision by October 2 who they want to enter into a contract with at the October 24 board meeting that would be almost 30 days that the current vendor would know they are not the selected vendor. Mr. Rodriguez commented that the recommendation would be made to the board and ratified by the board on the October 2, 2006 conference call and then the contract would be signed at the October 24, 2006. Ms. Harms stated that if the board makes the decision on October 2 the posting could occur on October 3 and must be posted for 72 hours.

Mr. Gonzalez asked if the negotiations could be handled by conference call or face to face with the individuals. Mr. Rodriguez indicated he felt it should be face to face as

body language is very important. Ms. Harms stated it could be either way. Mr. Rodriguez stated it would depend on the responses.

Ms. Del Bianco stated there was a Building Code Outreach Council meeting in Tallahassee on September 27. Mr. Rodriguez stated that he and Ms. Del Bianco could travel to Tallahassee the night before and hold negotiations that morning and then attend the outreach council meeting that afternoon.

Mr. Rodriguez asked how the responses would be delivered? Ms. Harms stated she would receive a written response as well as a CD. She would then email to the committee members for review.

Mr. Hortsmeier commented that he thinks terms should be clarified. It appears that different terms are being used for the same entity; i.e., contractor, successful vendor, respondent. Ms. Harms stated she will clarify the terms in the document.

Ms. Del Bianco asked about the renewal period. Ms. Harms stated that the renewal clause is in terms and conditions. Mr. Wirtz felt it should be in the front of the document or introductory materials.

Mr. Wirtz commented that the points should be greater for experience. Ms. Harms stated that would be not be a wise thing to do because there is only one entity with experience and that would be opening it up for protest. Ms. Del Bianco commented that she thought there were other entities with privatized services. Ms. Harms felt that would be the first thing someone would pick up on if they wanted to protest. Mr. Horstmeyer asked if minorities were scored differently? Ms. Harms stated that is no longer a consideration.

Ms. Harms asked how the board wanted the invoices handled? Mr. Rodriguez stated what they are doing now is working. Ms. Chastain stated that the \$375,000 is divided into 12 equal payments with invoices received the first of the month. The unlicensed activity is billed at an hourly rate of \$120 for the attorney and \$60 per investigative hour and is turned in the first of the month for the preceding month's work. The total annual payment is approximately \$525,239.

Ms. Del Bianco asked if they wanted to spend more on unlicensed could they? She asked if the appropriation was split. Ms. Chastain commented the appropriation was a one line item appropriation. Ms. Del Bianco commented she wants to continue to see the unlicensed breakdown. Mr. Wirtz commented he wanted the awarded contract to continue the way it is currently being handled. The board agreed to continue with the way the invoices are currently handled.

Mr. Hortsmeier asked about terms. Ms. Harms indicated it was for a three year term and three year renewal. Ms. Chastain commented the contract would be from November 1, 2006 ending June 30, 2009 and then start July 1 for the three year renewal. She stated this was to get the contractor on the department's fiscal year.

Ms. Harms asked if the points would remain the same. The board agreed to set the points as follows:

Experience in providing similar services	0-25
Understanding and approach to providing services	0-20
Respondent's knowledge of architecture and Interior design practice and laws	0-35
Respondent's personnel qualifications	0-20

The following timeline was set:

ITN Release	August 22, 2006
Questions Submitted	August 31, 2006
Responses	September 6, 2006
Replies Opened	September 15, 2006 by 2:00 p.m.
Evaluations	September 18, 2006
Negotiations	September 27, 2006
Posting	October 3, 2006

Mr. Rodriguez thought one person could answer the questions. Mr. Rodriguez agreed to receive and answer the questions and commented if he had questions he would contact the committee members. Ms. Clark commented Mr. Rodriguez could ask the two board members serving as committee members their opinion but could not tell the other what was said.

The board set a September 13, 2006, 8:00 a.m. telephone conference call. Ms. Membiela commented she would not be available.

The meeting adjourned at 4:00 p.m.