

MINUTES

**Board of Architecture and Interior Design
Hilton Sandestin Beach Golf Resort & Spa
4000 Sandestin Boulevard South
Miramar Beach, Florida 32550
(850) 267-9500**

**January 25, 2018
General Business
9:00 a.m.**

Call to Order

Mr. Toppe called the meeting to order at 9:00 a.m., the board members provided introductions, and a quorum was established.

Members Present:

John Ehrig
Miguel Rodriguez
Jonathan Toppe, Chair
Steven Jernigan
Aida Bao-Garciga, Vice-Chair
Holly Dennis
Ivette O'Doski
Dylan Rivers
Timothy Nolen

Member Absent:

Francisco Costoya, excused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Krista Woodard, Executive Director
Terri McEwen, Government Analyst
Trent Manausa
James Griffin
Jeffrey Scott Waddell
Angela Colley
Edwin Bayo
Vicki Long, AIA Florida
Beverly Chew

Court Reporter: Wierzbicki Court Reporting, 220 W. Garden Street, Suite 801,
Pensacola, Florida 32501. Telephone (850) 438-0503.

Disciplinary Case

DBPR vs. Jeffrey Scott Waddell

Case Number 2016-044090

PCP: Rodriguez, Fernandez, and Rivers

Mr. Waddell was not present but was represented by Mr. Edwin Bayo. Mr. Rodriguez and Mr. Rivers were recused from the review of the case based on their participation on the Probable Cause Panel. The case was before the board based on a one count administrative complaint for aiding and abetting the unlicensed practice of architecture.

The Probable Cause Panel recommended a Reprimand, \$1,000 fine plus \$1350.00 costs. The settlement stipulation reflects a \$1,000 fine plus \$1,350.00 costs. Mr. Minacci requested that the board approve the settlement stipulation as presented. After board discussion, the following motion was made.

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

Seconded: Ms. O'Doski seconded the motion and it passed unanimously.

Request for Early Termination of Probation

James C. Griffin

Cases 2012-027232, 2012-042947, and 2012-035638

PCP: Hall, Shore, and Costoya

Mr. Griffin was present and sworn in by the court reporter. Mr. Minacci presented the case. Mr. Griffin was placed on four years' reporting probation that will terminate July 31, 2018. He has complied with three and half years of probation and paid restitution. He requests that the board waive the last six months of his probation because he is seeking licensure in other states.

Motion: Mr. Rodriguez moved that that the board grant the request to terminate Mr. Griffin's probation.

Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

Disciplinary Cases

Motion for Final Order Waiving Formal Hearing

Licensed

Noreen Sachs

Case Number 2017-040025

PCP: Hall, Rodriguez, and Rivers

Ms. Sachs was not present but submitted a letter to the board. Mr. Rodriguez and Mr. Rivers were recused from the review of the case based on their participation on the Probable Cause Panel. The case was before the board based a one count administrative complaint for failing to comply with a lawful order of the board. The administrative complaint was served by certified mail to the last known address on November 6, 2017. The respondent has failed to respond to the administrative complaint.

The Probable Cause Panel recommended suspension until compliance plus \$825.00 costs. Mr. Minacci requested that the board accept the Probable Cause Panel's recommendation.

After board discussion, the following motions were made.

Motion: Ms. Bao-Garciga moved that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto, and that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Mr. Ehrig moved that the board suspend the license until compliance and impose \$825.00 costs to be paid within 30 days of the final order.

Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

DBPR vs. Steven M. Hefner

Case Number 2017-025137

PCP: Rodriguez, Fernandez, and Rivers

Mr. Hefner was not present or represented by counsel, but submitted an e-mail to the board that was read into the record. *E-mail: Hello Terri, I just received your letter and I will be unable to attend the board meeting. I just got home from the hospital from kidney surgery. My business Design Works Creative Partnership has been closed for three years and I am no longer a licensed designer as I no longer practice. Sincerely, Steven Hefner.*

Mr. Rodriguez and Mr. Rivers were recused from the review of the case based on their participation on the Probable Cause Panel. The case was before the board based a one count administrative complaint for failing to comply with a lawful order of the board. The administrative complaint was served by certified mail to the last known address on August 14, 2017. The respondent has failed to respond to the administrative complaint.

The Probable Cause Panel recommended suspension until compliance and \$562.50 costs. Mr. Minacci requested that the board accept the Probable Cause Panel's recommendation.

After board discussion, the following motions were made.

Motion: Mr. Ehrig moved that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto, and that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

Motion: Mr. Ehrig moved that the board suspend the license until compliance and impose \$562.50 costs to be paid within 30 days of the final order.

Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

Unlicensed

DBPR vs. Emilio Jose Agrenot

Case Number 2016-041628

PCP: Hall, Smith, and Fernandez

Mr. Agrenot was not present or represented by counsel, but submitted an e-mail to the board that was read into the record. *E-mail: Good Afternoon, Terri. Just to inform the board that as a result of financial difficulties, I'm not able to travel to the board meeting on the 25th. Thanks for the understanding. Emilio Jose Agrenot.*

The case was before the board based on a two count administrative complaint for misconduct and failing to perform a legal obligation placed on an architect. The administrative complaint was hand served to the last known address on September 22, 2017. The respondent has failed to respond to the administrative complaint.

The Probable Cause Panel recommended \$1,075.00 costs. Mr. Minacci requested that the board accept the Probable Cause Panel's recommendation.

After board discussion, the following motions were made.

Motion: Mr. Rodriguez moved that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto, and that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

Motion: Mr. Rodriguez moved that the board impose \$1,075.00 costs to be paid within 30 days of the final order.

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

DBPR vs. Emilio Jose Agrenot

Case Number 2017-024390

PCP: Rodriguez, Fernandez, and Rivers

Mr. Agrenot was not present or represented by counsel. Mr. Rodriguez and Mr. Rivers were recused from the review of the case based on their participation on the Probable Cause Panel. The case was before the board based on a two count administrative complaint for misconduct and failing to perform a legal obligation placed on an architect. The administrative complaint was hand served to the last known address on September 22, 2017.

The Probable Cause Panel recommended \$1,000.00 costs. Mr. Minacci requested that the board accept the Probable Cause Panel's recommendation.

After board discussion, the following motions were made.

Motion: Mr. Ehrig moved that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto, and that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

Motion: Ms. Bao-Garciga moved that the board impose \$1,000.00 costs to be paid within 30 days of the final order.

Second: Ms. O'Doski seconded the motion and it passed unanimously

Mr. Ehrig requested that the department obtain Mr. Agrenot's seal.

DBPR vs. DWR Architecture and Engineering Inc. and David W. Renczkowski

Case Number 2015-019680

PCP: Hall, Smith, and Rodriguez

Mr. Renczkowski was not present or represented by counsel. Mr. Rodriguez was recused from the review of the case based on his participation on the Probable Cause Panel. The case was before the board based on a three count administrative complaint for practicing architecture without a license, using the license of another, and for practicing through a business entity without a certificate of authorization. The administrative complaint was hand served to the last known address on October 20, 2017.

The Probable Cause Panel recommended an \$11,000.00 fine plus \$1,828.57 costs. Mr. Minacci requested that the board accept the Probable Cause Panel's recommendation.

After board discussion, the following motions were made.

Motion: Mr. Rivers moved that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto, and that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Mr. Rivers moved that the board impose an \$11,000.00 fine and \$1,828.57 costs to be paid within 30 days of the final order.

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

DBPR vs. Camilo A. Garcia

Case Number 2014-002214

PCP: Hall, Shore, Costoya, and Rivers

Mr. Garcia was not present or represented by counsel. Mr. Rivers was recused from the review of the case due to his participation on the Probable Cause Panel. The case was before the board based on a one count administrative complaint for offering architectural services without a license. Hand service of the administrative complaint was unsuccessful. Service was achieved through a notice of publication in the South Florida Business Journal. The respondent has failed to respond.

The Probable Cause Panel recommended a \$1,500.00 fine plus \$1,705.00 costs. Mr. Minacci requested that the board accept the Probable Cause Panel's recommendation.

After board discussion, the following motions were made.

Motion: Mr. Rodriguez moved that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto, and that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

Motion: Mr. Rodriguez moved that the board impose a \$1,500.00 fine and \$1,705.00 costs to be paid within 30 days of the final order.

Second: Ms. Bao-Garciga seconded the motion and it passed unanimously

DBPR vs. George Cargill

Case Number 2015-009724

PCP: Hall, Smith, and Rodriguez

Mr. Cargill was not present or represented by counsel. Mr. Rodriguez was recused from the review of the case due to his participation on the Probable Cause Panel. The case was before the board based on a one count administrative complaint for practicing architecture without a license. The administrative complaint was hand served to the last known address on October 16, 2017. The respondent has failed to respond.

The Probable Cause Panel recommended a \$1,500.00 fine plus \$885.00 costs. Mr. Minacci requested that the board accept the Probable Cause Panel's recommendation.

After board discussion, the following motions were made.

Motion: Ms. Bao-Garciga moved that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto, and that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Ms. Bao-Garciga moved that the board impose a \$1,500.00 fine and \$885.00 costs to be paid within 30 days of the final order.

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

The board requested that staff notify the Construction Board regarding this disciplinary action.

DBPR vs. Majid M. Hawari and All Architecture, Inc.
Case Numbers 2016-049963, 2016-049965, and 2016-030285
PCP: Hall, Smith, and Rodriguez

Mr. Hawari was not present or represented by counsel. Mr. Rodriguez was recused from the review of the case due to his participation on the Probable Cause Panel. The case was before the board based on a three count administrative complaint for practicing architecture without a license, using the title architect without a license, and practicing through a business entity without a certificate of authorization. This is a second offense. The administrative complaint was hand served to the last known address October 14, 2017. The respondent has failed to respond.

The Probable Cause Panel recommended a \$10,000.00 fine plus \$1,187.50 costs. Mr. Minacci requested that the board accept the Probable Cause Panel's recommendation.

After board discussion, the following motions were made.

Motion: Mr. Ehrig moved that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto, and that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

Second: Ms. O'Doski seconded the motion and it passed unanimously.

Motion: Mr. Ehrig moved that the board impose a \$10,000.00 fine and \$1,187.50 costs to be paid within 30 days of the final order.

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

DBPR vs. Ronald Allen and Designs Works Studio, Inc.

Case Numbers 2015-052748 and 2015-052751

PCP: Hall, Smith, and Rodriguez

Mr. Allen was not present or represented by counsel. Mr. Rodriguez was recused from the review of the case due to his participation on the Probable Cause Panel. The case was before the board based a three count administrative complaint for practicing architecture without a license, using the title architect without a license, and practicing through a business entity without a certificate of authorization. This was a second offense. The administrative complaint was hand served to the last known address on October 16, 2017. The respondent has failed to respond.

The Probable Cause Panel recommended an \$11,000.00 fine plus \$1,710.00 costs. Mr. Minacci requested that the board accept the Probable Cause Panel's recommendation.

After board discussion, the following motions were made.

Motion: Mr. Ehrig moved that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto, and that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

Motion: Ms. Ehrig moved that the board impose a \$11,000.00 fine and \$1,710.00 costs to be paid within 30 days of the final order.

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

Settlement Stipulations - Cases marked with an asterisk reflect the Probable Cause Panel's Recommendation.

Licensed

DBPR vs. Randall James Marks *

Case Number 2017-001715

PCP: Hall, Rodriguez, and Rivers

Mr. Marks was not present or represented by counsel. Mr. Rodriguez and Rivers were recused from the review of the case due to their participation on the Probable Cause Panel. The case was before the board based on a one count administrative complaint for failing to exercise responsible supervisory control.

The Probable Cause Panel recommended a reprimand, two hours ethics course, \$2,000 fine plus \$1,125.00 costs. The settlement stipulation reflects the Probable Cause

Panel's recommendation. Mr. Minacci requested that the board accept the settlement stipulation as presented.

After board discussion, the following motion was made.

Motion: Ms. Dennis moved that the board accept the settlement stipulation as presented.

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

Unlicensed

DBPR vs. Gregory D. Gainer *
Case Number 2015-033058

PCP: Hall, Smith, and Rodriguez

Mr. Gainer was not present or represented by counsel. Mr. Rodriguez was recused from the review of the case due to his participation with the Probable Cause Panel. The case was before the board based on a one count administrative complaint for practicing architecture without a license.

The Probable Cause Panel recommended a \$1,500 fine plus \$1,350.00 costs. The settlement stipulation reflects the Probable Cause Panel's recommendation. Mr. Minacci requested that the board accept the settlement stipulation as presented.

After board discussion, the following motion was made.

Motion: Ms. Bao-Garciga moved that the board accept the settlement stipulation as presented.

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

DBPR vs. Integrated Interior Design
Case Number 2016-006457

PCP: Hall, Smith, and Rodriguez

The Respondent was not present or represented by counsel. Mr. Rodriguez was recused from the review of the case due to his participation on the Probable Cause Panel. The case was before the board based on a two count administrative complaint for offering architectural services without a license and offering architectural services through a business entity without a license.

The Probable Cause Panel recommended a \$5,000.00 fine plus \$2,400.00 costs. The settlement stipulation reflects a \$2,500.00 fine plus \$2,400.00 costs. This was a first time offense and the Respondent agreed to comply. Mr. Minacci requested that the board accept the settlement stipulation as presented.

After board discussion, the following motion was made.

Motion: Mr. Ehrig moved that the board accept the settlement stipulation as presented.
Second: Mr. Rivers seconded the motion and it passed unanimously.

DBPR vs. MAS Interior Design, III and Celia Mirtha Arriaran
Case Number 2016-054492 and 2016-055807
PCP: Hall, Smith, and Rodriguez

The Respondent was not present or represented by counsel. Mr. Rodriguez was recused from the review of the case due to his participation on the Probable Cause Panel. The case was before the board based on a three count administrative complaint for practicing interior design without a license, using the title interior designer, and offering interior design services through a business entity without a license.

The Probable Cause Panel recommended a \$4,000.00 fine plus \$5,567.20 costs. The settlement stipulation reflects a \$2,000.00 fine plus \$5,567.20 costs. This was a first time offense and the Respondent agreed to comply. Mr. Minacci requested that the board accept the settlement stipulation as presented.

After board discussion, the following motion was made.

Motion: Mr. Ehrig moved that the board accept the settlement stipulation as presented.
Second: Mr. Jernigan seconded the motion and it passed unanimously.

DBPR vs. Tajmir-Davis & Associates Engineering, Inc. *

Case Number 2017-008319
PCP: Hall, Rodriguez, and Rivers
The Respondent was not present or represented by counsel. Mr. Rodriguez and Mr. Rivers were recused from the review of the case due to their participation with the Probable Cause Panel. The case was before the board based on a one count administrative complaint for offering architectural services through a business entity without a certificate of authorization.

The Probable Cause Panel recommended a \$500.00 fine plus \$1,659.03 costs. The settlement stipulation reflects the Probable Cause Panel's recommendation. Mr. Minacci requested that the board accept the settlement stipulation as presented.

After board discussion, the following motion was made.

Motion: Mr. Ehrig moved that the board accept the settlement stipulation as presented.
Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

Voluntary Relinquishment

DBPR vs. Peggy L. Oberlin

Case Numbers 2014-011090 and 2017-025145

Ms. Oberlin was not present or represented by counsel. After board discussion, the following motion was made.

Motion: Ms. Bao-Garciga moved that the board accept the voluntary relinquishment as presented.

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

2018 Pending or Proposed Legislative Discussion

HB 1041/SB 1114

Scott Plakon, Professional Regulation; Authorizes persons to seek declaratory statement from agency as to the effect of person's criminal background on his or her eligibility for certain licenses, registrations, or certificates; requires board to use specified process for review of applicant's criminal records to determine eligibility for certain licenses; prohibits conviction of crime before specified date from being grounds for denial of certain licenses.

The board discussed criminal actions directly related to the practice of the profession. Some professions have statutory language regarding good moral character or licensure approval after a certain period of time. The board discussed that individuals may be seeking direction from the board on the application of the law without having to pay an application fee. After discussion no action was taken.

HB 1413/SB 1708

Carlos Smith, Temporary Licensure and Certification; Provides legislative intent regarding certain professionals who evacuated from Puerto Rico during 2017; authorizes specified professionals to obtain 2-year temporary license or certificate to work in state; provides requirements for obtaining such license or certificate; provides for expiration & prohibits renewal of such license or certificate.

The Bill does not mention architecture. The board discussed permanent licensure versus temporary licensure. The board discussed concerns with the ability to validate the license and that the proposed language does not mention verifying disciplinary action.

The board discussed that the time to have requested having architects added to the language has passed. It should have been introduced during committee review.

The board tabled the discussion until Ms. Long with AIA Florida could arrive.

HB 1021 (2017)

Brian Avila; Construction; Authorizing solar energy systems manufactured or sold in the state to be certified by professional engineers; revising an exemption from construction contracting regulation for certain public utilities; prohibiting a political subdivision from adopting and enforcing certain business permits or other development order requirement; requiring the Florida Building Code Administrators and Inspectors Board to establish rules; prohibiting local enforcement agencies, independent districts, and special districts from charging certain fees; revising requirements for updating the Florida Building Code, etc.

The board briefly discussed and no action was taken.

HB 299/No Senate Bill

Stan McClain, Florida Building Commission; Revises membership of the commission; revises membership qualifications.

The board discussed that the revised language narrows the qualifications placed on the architect.

Section 553.74(1)(a), the proposed language: one architect licensed pursuant to chapter 481 with at least 5 years of experience in the design and construction of buildings containing Florida Building Code designated Group R occupancy at or above 210 feet in height above the elevation of the lowest level of emergency services access ~~registered to practice in this state and actively engaged in the profession. The American Institute of Architects, Florida Section, is encouraged to recommend a list of candidates for consideration.~~

After board discussion the following motion was made.

Motion: Mr. Rodriguez moved that the proposed language narrows the practice and experience of the architect member unnecessarily and without respect to breadth of different building types that are affected and governed by the Florida Building Code, the existing language should remain without modification and actions taken by this board should be forwarded to the Bill sponsor.

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

HB 15/SB 526

Halsey Beshears, Deregulation of Professions and Occupations; Removes regulations on specified DBPR professions, including labor organizations, hair braiders, hair wrappers & body wrappers, & boxing timekeepers & announcers; revises certain requirements for barbers, nail specialists, business organizations that provide architecture and interior design services, landscape architects, & geologists.

The board discussed the structure of an individual qualifying multiple businesses and how the liability insurance requirements may change. The board discussed changes to

what license number the business would use to advertise and the need to update the title block rule if the Bill passes. The board discussed the number of violations and notice of non-compliance for advertising without the business license number. The board discussed misleading business names because they include multiple professions in the title but not necessarily architect or architecture.

The board recessed at noon for lunch and reconvened at 1:20 p.m.

HB 1413/SB 1708

Carlos Smith, Temporary Licensure and Certification; Provides legislative intent regarding certain professionals who evacuated from Puerto Rico during 2017; authorizes specified professionals to obtain 2-year temporary license or certificate to work in state; provides requirements for obtaining such license or certificate; provides for expiration & prohibits renewal of such license or certificate.

Ms. Long advised that AIA Florida was supporting the language as is and was requesting that architects be included in the Bill provided that the board can look at the credentials for final licensure approval. They would like to offer assistance as a humanitarian effort to fellow Puerto Rican Architects. She does not feel that the Bill will pass as is. The AIA Florida Board of Directors is supporting the language and is seeking to include the architects. The board discussed the concern that the final language may end with unintended consequences. The board discussed the concern that the individuals will not be fully vetted. The board discussed that there is no control over the Bill language proposed or the outcome of the final language because the Committee vetting process has passed.

Motion: Mr. Ehrig moved that the board not support AIA Florida moving forward with including architects in the Bill.

Second: Ms. Dennis seconded the motion, the motion passed and Mr. Rodriguez opposed.

The board discussed having board staff and NCARB expedite Puerto Rican certificate holders for Florida licensure.

Ms. Long reported on HB875/SB536, certifies once a Certificate of Occupancy has been issued the uncompleted punch list or warranty items would not extend the statute of limitations and allows for a one year window to include contractors or other license professionals in the claim. This Bill clarifies the Statute of Repose. There is a study proposed to review all public procurements and they will monitor that issue.

Ms. Long reported that AIA Florida is neutral on the HB15/SB526. AIA Florida spoke with Legislators about resolutions to address the five forms of flooding and agricultural impacts. The Strategic Council is working to bring together groups to mitigate future sea level rise.

Ms. Long reported that they met with the sponsor of HB299 and that the language was going to be amended to remove the specific experience requirements. At this time, there was not a companion Bill.

Evaluation of Mary Ellen Clark, Board Counsel

The board commended Ms. Clark on her historical and institutional knowledge of the profession, thoroughness with providing accurate counsel, her passion and care for this board and the profession, competency and willingness to offer advice with difficult decisions. The board felt she was assigned to high level professions because of her excellent counsel and abilities.

Mr. Toppe will write a letter to Mr. Tellechea on behalf of the board.

New Business

New Board Member Training - 2:30 p.m.

Ms. Clark, Ms. Woodard, and Mr. Minacci reviewed the Board Member Training Handbook, providing the board members guidance and answered questions. Ms. Clark provided an overview of the updated Antitrust Presentation.

Old Business

No old business.

Adjourn

The meeting recessed at 4:45 p.m.

MINUTES

**Board of Architecture and Interior Design
Hilton Sandestin Beach Golf Resort & Spa
4000 Sandestin Boulevard South
Miramar Beach, Florida 32550
(850) 267-9500**

**January 26, 2018
General Business
9:00 a.m.**

Call to Order

Mr. Toppe called the meeting to order at 9:06 a.m. and a quorum was established.

Roll Call – Identify excused absences Members Present:

John Ehrig
Miguel Rodriguez
Jonathan Toppe, Chair
Steven Jernigan
Aida Bao-Garciga, Vice-Chair
Holly Dennis
Dylan Rivers
Timothy Nolen

Members Absent:

Francisco Costoya, excused
Ivette O'Doski, excused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Krista Woodard, Executive Director
Terri McEwen, Government Analyst
Trent Manausa
David Roberts
Vicki Long
Angela Colley
Beverly Chew
Cynthia David

Court Reporter: Wierzbicki Court Reporting, 220 W. Garden Street, Suite 801,
Pensacola, Florida 32501. Telephone (850) 438-0503.

Application Review

KTGY Group, Inc. – Architect Certificate of Authorization

The applicant was not present or represented by counsel. The board reviewed the affirmative background documents. After board discussion the following motion was made.

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

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

Mark Stewart – Architect State Endorsement

Mr. Stewart requested by email that his application be continued until the next meeting and waived his application processing rights. After board discussion the following motion was made.

Motion: Mr. Rodriguez moved that the application review be continued to the next meeting.

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

Review and Approval of Meeting Minutes

October 19, 2017 – Probable Cause Panel, Coral Gables, Florida

Motion: Mr. Ehrig moved that the board ratify the October 19, 2017 Probable Cause Panel minutes as presented.

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

October 20, 2017 – General Business, Coral Gables, Florida

Motion: Mr. Rodriguez moved that the board approve the October 20, 2017 General Business meeting minutes as presented.

Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

Ratification Lists

Licensure:

Architect licensed by Exam, Architect licensed by NCARB Examination, Architect licensed by Endorsement, Architect licensed by State Endorsement, Architect licensed by Direct Endorsement, Architect licensed by Initial from Null and Void (hardship), Architecture Business (Corporation, Fictitious Name, Partnership, Limited Liability Company, and Name Change), Interior Designer licensed by Endorsement, Interior

Designer license by Dual Licensure, Interior Designer licensed by Initial from Null and Void (hardship), Interior Design Business (Corporation, Limited Liability Corporation, Dual, and Name Change)

Motion: Mr. Rodriguez moved that the board approve the Licensure Ratification List as presented.

Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

Continuing Education

A Builder License Training Institute, Boss Construction School, Department of Education (Educational Facilities), Design Arts Seminars, Ease Coast Institute of Feng Shui, Florida Educational Facilities Planners Assoc., FRSA Educational and Research Foundation, Gold Coast School of Construction, Halfmoon Education, Inc., PDH Academy, Quicktie Systems, University of Florida Program for Resource Efficient Communities

Motion: Mr. Rodriguez moved that the board approve the Continuing Education Ratification List as presented.

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

Ms. McEwen provided an update on military applications. The board received one military spouse application and one military waiver application; both met the current licensure requirements.

Rules Report and Discussion

Rules Report

Ms. Clark reported that there were no rules in process. The board reviewed the 2017-2018 Annual Regulatory Plan.

61G1-11.013(4) The title "Intern Architect" may be used by an individual who possesses a National Architectural Accreditation Board (NAAB) accredited professional degree in architecture, is actively enrolled with the National Council of Architectural Registration Boards (NCARB) in the Architectural Experience Program (AXP) formerly known as Intern Development Program (IDP), and is working under the direct supervision of a registered architect. This title shall be used only in conjunction with the architectural firm for which an individual is employed as an intern to meet the requirements of Section 481.211, F.S., "Architecture internship required."

Motion: Mr. Ehrig moved that Rule 61G1-11.013, Definitions, be noticed for rule development and approve the draft text.

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

Motion: Mr. Ehrig move that the proposed rule amendment will not have an adverse impact on the small business or be likely to directly or indirectly increase regulatory costs to any entity including government in excess of

\$200,000 in the aggregate in Florida within 1 year after the implementation of the rule.

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

Would a violation of the proposed rule amendment constitute a minor violation?

Motion: Mr. Rodriguez moved that the proposed rule amendment would not constitute a minor violation.

Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

General Discussion

NCARB ByLaws Draft Resolutions

The final draft rules were e-mailed January 25, 2018. Ms. Woodard will forward the e-mail to the board members and will provide an update at the April meeting.

Council for Interior Design Qualifications (CIDQ) - 2017 Approved ByLaw Amendments
Ms. Dennis provided an update on the Conference and the ByLaw Amendments.

CIDQ New Q Connection
For Information Purposes.

Reports

Board Chair – Jonathan Toppe

Mr. Toppe requested that Mr. Rodriguez, Mr. Ehrig, Mr. Jernigan, and the Executive Director be approved to attend the 2018 NCARB Regional Summit in Wichita, Kansas on March 9-11, 2018. Mr. Toppe requested that Mr. Nolen and Ms. Woodard be approved to attend the Region 3 Educators Conference in Orlando, Florida on April 6-7, 2018.

Executive Director's Report – Krista Woodard

Financials

Operating Account and Unlicensed Activity Account

Ms. Woodard reviewed the financial reports and confirmed a positive balance.

AIA Florida – Vicki Long

Ms. Long provided a copy of a Blue Print that AIA Florida provided to the Legislature regarding the five forms of flooding. AIA Florida filed a rule challenge with the Florida Building Commission on the rule that adopts changes to the code. She reported that Architects in Education has six schools, primary fifth and sixth graders, which is an eight week program for students to learn about becoming an architect. Greg Burke was appointed to the International Code Council (ICC) and in 2019 International Existing Building Code (IEBC) Council.

IDAF – Cynthia David

Ms. David reported that in November, representatives with ASID, IDAF, and IIDA, presented First Lady Ann Scott with a Tiffany Vase honoring her renovations of the Governor's Mansion. Emory Johnson was involved in the first renovations in the 1970s as well as the recent renovation along with Kenan Fishburne another former board member. She reported that there have been discussions on the need for state coalitions versus national coalitions.

ASID – Dave Roberts

Mr. Roberts reported that ASID was neutral on HB15/SB526. He reported that there was a proposal in the Declaration of Rights Committee that read: *The Florida Supreme Court has held that the right to work, earn a living, and acquire and possess property from the fruits of one's labor is an alienable right. However, the right to pursue a business, occupation, or profession is subject to the paramount right of the government, through the police power, to impose reasonable restrictions as may be required for the protection of the public. Pursuant to these constitutional principles, occupational regulations are reviewed by the courts for constitutionality using a "rational basis" test. The rational basis test requires only that the challenged law be rationally related to a legitimate government interest. Such regulations, referred to as "economic regulations" as well, may include: Occupational Regulations/Licensing, Zoning for certain business activities, and Disclosure requirements. The proposal requires that the government demonstrate, through actual evidence that the government's infringement of the inalienable right to pursue an honest trade, vocation, occupation, or career is necessary to advance an important governmental interest and that less restrictive alternatives have been sincerely considered. Thus, the proposal requires that occupational regulations passed by the Legislature and local governments be subject to a higher level of judicial scrutiny than is required under current law.* The language was broad, covered many professions, and was backed by the Institute for Justice.

Angela Colley, President-Elect of the Florida South Chapter of ASID, presented David Minacci with the ASID Honoree Medalist Award for his outstanding contributions to the their Chapter.

Prosecuting Attorney's Report – David K. Minacci
Prosecutor's Case List Licensed/Unlicensed Cases
Investigator's Case List Licensed/Unlicensed Cases
Fines Chart – Summary
Fines Chart – Unlicensed
Fines Chart – Licensed
Billable Hours – September 2017
Billable Hours – October 2017
Billable Hours – November 2017
Results of the October 2017 Board Meeting
Speaking Engagements and Press Releases
For the board's information.

Future Board Meetings

After discussion the following dates and location were confirmed.

Motion: Mr. Ehrig moved that the following dates be approved.
Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

Location: Sarasota, Florida
Hilton Garden Inn, Sarasota-Bradenton Airport
8270 N. Tamiami Trail, Sarasota, Florida 34243
Telephone (941) 552-1100
April 12, 2018 – Probable Cause Panel at 9:00 a.m.
April 13, 2018 – General Business at 9:00 a.m.

Motion: Mr. Ehrig moved that the following dates be approved.
Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

Location: Ponte Vedra, Florida
Sawgrass Marriott Golf Resort & Spa
1100 PGA Tour Boulevard, Ponte Vedra, Florida 32082
Telephone (904) 285-7777
July 17, 2018 – Probable Cause Panel at 9:00 a.m.
July 18, 2018 – General Business at 9:00 a.m.

Location: TBD/Ft. Lauderdale Area
October 18, 2018 – Probable Cause Panel at 9:00 a.m.
October 19, 2018 – General Business at 9:00 a.m.

New Business

No new business.

Old Business

No old business.

Adjourn

Motion: Ms. Bao-Garciga moved that that meeting adjourn.
Second: Mr. Ehrig seconded the motion and it passed unanimously.

The meeting adjourned at 10:30 a.m.