

MINUTES

**Board of Architecture and Interior Design
Residence Inn Amelia Island
2301 Sadler Road
Fernandina Beach, Florida 32034
(904) 277-2440**

**May 12, 2016
9:00 a.m.**

General Business

Call to Order

Mr. Toppe, Chair, called the meeting to order at 9:05 a.m. and a quorum was established. Mr. Toppe welcomed Ms. Dennis to the board.

Board Members Present:

John Ehrig
Miguel Rodriguez
Jonathan Toppe, Chair
Holly Dennis
Kenan Fishburne
Aida Bao-Graciga
James Blanz
Ivette O'Doski

Board Members Absent:

Francisco Costoya – excused
Hector Fernandez – excused
Dylan Rivers – excused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Thomas Campbell, Executive Director
Terri McEwen, Government Analyst
David Roberts
Fred Dudley
Michael Wirtz
Trent Manausa
Vicki Long

Court Reporter: Lalonda Hall, Precision Court Reporting, LLC, 731 Duval Station Road, Suite 107-224, Jacksonville, Florida 32218.

Antitrust Presentation

Ms. Clark reviewed the Antitrust Presentation and discussed how serious the matter was and that it was a national issue. The board must have active governmental oversight and for that to occur it would require Legislative action.

Mr. Campbell advised that the department has authorized the Office of the Attorney General or outside counsel to defend any Antitrust claim against the board and it will be paid by the department. The department is in the process of securing insurance for damages that may be brought against members of the board.

The board discussed Section 284.30, F.S. that mentions general liabilities and that the language could be interpreted to cover legal defense or awarded damages for antitrust violations. However, Risk Management's position is that it does not cover damages for antitrust violations.

Board members discussed that they were not comfortable serving on the board without coverage.

The board discussed the current disciplinary review process and how to proceed, if at all, with licensed cases and unlicensed cases. The board discussed the ability to take action on general business, applications, and settlement stipulations. The board discussed that the settlement stipulation provides language outlining the respondent waiving further procedural steps and judicial action or otherwise challenge or contest the stipulation.

Ms. O'Doski arrived 9:40 a.m.

The board discussed that it is not actively supervised by the state through the General Counsel or Executive Director and what active supervision means. The board would have to have a representative with oversight other than the General Counsel or Executive Director and it would take statutory authority to be able to delegate the authority to a specific state agency or representative to have active state supervision or oversight.

Vicki Long – AIA

Ms. Long reviewed the antitrust issue and reported that they are engaged and working to get protection for the board members. She reported that there was language before the Legislature but it did not move forward because they wanted to have comprehensive protection instead of an immediate coverage that would not be beneficial.

Ms. Long reported that they would attempt the Good Samaritan language again during the 2017 Legislative Session.

Ms. Long provided an overview on the upcoming July AIA Florida Convention.

Mr. Toppe congratulated Ms. Long for being elected as the incoming President for the Florida Society of Association Executives.

Mr. Toppe presented Mr. Rodriguez with a plaque thanking him for his board service as Chair.

Review and Approval of Meeting Minutes

February 10-11, 2016 – General Business Meeting, Orlando, Florida

Motion: Mr. Rodriguez moved that the minutes be approved as presented.
Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

February 12, 2016 – Probable Cause Panel Meeting, Orlando, Florida

Motion: Mr. Ehrig moved that the minutes be ratified as presented.
Second: Mr. Rodriguez seconded the motion and it passed unanimously.

Ratification Lists

Licensure

Architecture Initial License by Exam, Architecture Licensure by NCARB Exam, Architecture Initial Licensure by NCARB Endorsement, Architecture Initial by State Endorsement, Architecture Business (Corporation, Partnership, Limited Liability Corporation, Partnership, and Fictitious Name), Interior Designer Licensure by Endorsement, Interior Designer Licensure by Dual, Interior Design Business (Corporation, Limited Liability Corporation, and Fictitious Name), Interior Design business Dual Licensure, and Interior Design Business Licensure by Name Change.

Motion: Mr. Rodriguez moved that the board approve the ratification list as presented in the agenda.
Second: Ms. Fishburne seconded the motion and it passed unanimously.

Continuing Education

Courses for Florida Education Facilities Planners Association and RedVector.

Motion: Mr. Rodriguez moved that the board approve the ratification list as presented in the agenda.

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

Future Board Meetings

Meeting in conjunction with AIA

Location: Palm Beach, Florida

The Breakers Palm Beach, 1 S County Road, Palm Beach, Florida 33480

Telephone (561) 655-6611

One South County Road, Palm Beach Florida 33480

July 18, 2016, 9:00 a.m. – Probable Cause Panel Meeting

July 19-20, 2016, 9:00 a.m. – General Business Meeting

Location: Marco Island

Hilton Marco Island, 560 South Collier Blvd, Marco Island, Florida 34145

Telephone (239) 394-5000

October 26, 2016, 9:00 a.m. – Probable Cause Panel Meeting

October 27-28, 2016, 9:00 a.m. – General Business Meeting

The board set the following future meeting dates.

January 25, 2017 – Probable Cause Panel Meeting

January 26-27, 2017 – General Board Business

May 10, 2017 – Probable Cause Panel Meeting

May 11-12, 2017 – General Board Business

Disciplinary Cases and Application Review

DBPR vs. Maria M. Rodriguez and Habitat Architecture Studio, LLC

Case Numbers 2015-020294 and 2015-025728

Application Review – Certificate of Authorization

Habitat Architecture Studio, LLC dba ARC Design + Build

The respondent was not present but was represented by Mr. Dudley. The case was before the board for alleged pre-licensure misconduct. The respondent entered into a settlement stipulation as a condition of licensure.

Mr. Minacci recommended that the board approve the application with the signed settlement stipulation.

After reviewing and discussing the settlement stipulation and application the board made the following motion.

Motion: Mr. Rodriguez moved that the board approve the application and approve the settlement stipulation of a \$500.00 fine plus \$1,575.00 costs as a condition of licensure with the amendments to the settlement stipulation deleting paragraphs two through five.

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

B. DBPR vs. Byung IL Yoo and Sparc Plus LLC
Case Numbers 2015-025499 and 2015-025505

Application Review – Certificate of Authorization
Sparc Plus LLC

The respondent was not present but was represented by Mr. Dudley. The case was before the board for alleged pre-licensure misconduct. The respondent entered into a settlement stipulation as a condition of licensure.

Mr. Minacci recommended that the board approve the application with the signed settlement stipulation.

After reviewing and discussing the settlement stipulation and application the board made the following motion.

Motion: Mr. Ehrig moved that the board approve the application and approved the settlement stipulation of a \$500.00 fine plus \$1672.81.00 costs as a condition of licensure with the amendments to the settlement stipulation deleting paragraphs two through five.

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

Recess

The meeting recessed at 10:56 a.m.

The meeting reconvened at 1:00 p.m.

Board Members Present:

John Ehrig
Miguel Rodriguez
Jonathan Toppe, Chair
Holly Dennis
Kenan Fishburne
Aida Bao-Graciga
James Blanz
Ivette O'Doski
Dylan Rivers

Board Members Absent:

Francisco Costoya – excused
Hector Fernandez – excused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Thomas Campbell, Executive Director
Terri McEwen, Government Analyst
Vicki Long

Court Reporter: Lalonda Hall, Precision Court Reporting, LLC, 731 Duval Station Road, Suite 107-224, Jacksonville, Florida 32218.

Disciplinary Cases

Settlement Stipulations

The following were handled on a consent agenda. The settlement stipulations mirror the disciplinary guidelines.

DBPR vs. Brian Joseph Garland
Case Number 2015-044139
PCP: Hall, Shore, Costoya, and Rivers

DBPR vs. Eric L. Kreher
Case Number 2015-047254
PCP: Hall, Shore, Costoya, and Rivers

DBPR vs. William H. Lindner
Case Number 2015-044151
PCP: Hall, Shore, Costoya, and Rivers

DBPR vs. Amanda Mae Patella
Case Number 2015-044129
PCP: Hall, Shore, Costoya, and Rivers

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

Voluntary Relinquishment

The following were handled on a consent agenda.

DBPR vs. Robert Cassway
Case Number 2015-028066

DBPR vs. Larry Freeland
Case Number 2015-051029

DBPR vs. Mary E. O'Brien
Case Number 2015-047289

DBPR vs. Faustino J. Paredes
Case Number 2015-051055

Motion: Mr. Rodriguez moved that the board approve the voluntary relinquishments as presented.
Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

Mr. Minacci pulled the following cases from the agenda.

DBPR vs. Eduardo Hillman-Waller
Case Number 2016-009261

DPBR vs. Chris Haywood and West Coast Drafting
Case Number 2015-011702
PCP: Hall, Shore, Costoya, and Rivers

Motion for Final Order

Licensed

DBPR vs. Peggy L. Oberlin and Peggy Oberlin Interiors, Inc.
Case Number 2014-011090
PCP: Hall, Shore, Costoya, and Rivers

The respondent was not present or represented by counsel. The case was before the board based on a one count administrative complaint for failing to perform a legal obligation under a contract.

The Probable Cause Panel recommended a reprimand, \$5,000.00 fine plus \$976.50 in costs, and two years' probation with conditions. The respondent disputed the facts and the case was referred to Division of Administrative Hearings (DOAH). The respondent did not respond to discovery or appear at the formal hearing. The Administrative Law Judge entered an order and relinquished jurisdiction to the board.

Motion: Mr. Ehrig moved that the respondent was properly served, based on the Administrative Law Judges' Order dated January 27, 2016 the material facts are deemed admitted, and the matter was properly before the board.

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

The case was handled as a hearing per Section 120.57(2), Florida Statutes.

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

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

The board reviewed the disciplinary guidelines and after discussion the following motion was made.

Motion: Ms. Bao-Garciga moved that the board impose a reprimand, \$5,000.00 fine plus \$976.50 in costs, two years' probation with appearances each year, and the fine is to be paid within 30 days.

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

Reports

ASID – David Roberts

Mr. Roberts reported that President Obama appointed Shelly Siegel to the US Access Board and read the news release for the record.

Published May 6, 2016 – Washington, D.C.

On May 5, 2016, President Obama announced his intent to appoint Shelley Siegel, FASID, CAPS, founder and CEO of the Universal Design & Education Network, to the U.S. Access Board. The Board, created in 1973 to ensure access to federally funded facilities, expanded its mission to the regulation and implementation of the Americans with Disabilities Act (ADA) when the law passed in 1990. As such, they provide design criteria, technical assistance, and training, as well as issuing accessibility standards for the

built environment. Overall it is a leading source of information on accessible design and a strong advocate for people with disabilities.

Shelley Siegel is uniquely suited for this appointment. Her 44 years as a principal of the Siegel Design Group and 35 years as founder and CEO of the Universal Design & Education Network, have been dedicated to bringing aesthetically pleasing universal design concepts to the home, workplace, hospitality, and healthcare environments.

Siegel holds a degree in Interior Design, a Master's Degree in Gerontology, is a licensed interior designer in the State of Florida, is NCIDQ certified, and is a member of the College of Fellows of the American Society of Interior Designers (ASID). She has served on numerous boards and committees to share her expertise on ADA and universal design matters, and has authored countless articles on barrier-free and universal design. In 2010, Siegel was inducted into the ASID Florida Chapter Hall of Fame.

"We applaud President Obama's decision to appoint a Licensed Interior Designer to the U.S. Access Board," said ASID CEO Rand Fiser. "Shelley is a pioneer and testament to the fact that interior designers are experts on designing for and meeting accessibility standards in the built environment. It has always been a priority for ASID and our members to ensure that people with disabilities have equal access to places where they live, work, play and heal."

Faiser concluded, "Shelley is an inspiration to us all. I am confident she will bring a tremendous wealth of knowledge and understanding to the U.S. Access Board.

Mr. Roberts reported that they are working with the Florida Building Commission on an amendment regarding a definition of interior designer. The first hearing was in April with the Technical Advisory Committee (TAC) and the definition would be placed in the building and residential code areas. He referenced the Petition for Declaratory Statement affirming that interior designers can pull permits for non-structural elements. There is a 45 day comment period and then the language will go before the Commission on August 16-17, 2016.

Mr. Rivers arrived to the meeting at 1:40 p.m.

General Discussion/Information

NCARB Draft 2016 Resolutions for Regional Summit
NCARB Appendix to Draft Resolutions
NCARB Final 2016 Resolutions for the Annual Meeting

2016-01 Mutual Recognition Agreement with Australia and New Zealand

Motion: Mr. Ehrig moved that the board not support the resolution.

The motion died for no second.

After discussion the following motion was made.

Motion: Mr. Rodriguez moved that the board's delegate make the decision at the NCARB meeting. The board supports the resolution; however if the board must sign the Mutual Recognition Agreement to support the resolution then the board would not support the resolution.

Second: Ms. Bao-Garciga seconded the motion it passed unanimously with Mr. Ehrig opposed.

2016-2 Certification Guidelines Amendment – Alternatives to the Education Requirements for Certification

Motion: Mr. Ehrig moved that the board support the resolution.

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

2016-3 Certification Guidelines Amendment – Exam Equivalency for ARE 5.0

Motion: Mr. Ehrig moved that the board support the resolution.

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

2016-4 Certification Guidelines Amendment – Five-Year Rolling Clock and Rolling Clock Extension Policy Updates

Motion: Mr. Rodriguez moved that the board support the resolution.

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

2016-5 NCARB Legislative Guidelines and Model Law/Model Regulations Amendment – Access to the ARE for Students Enrolled in an Integrated Path to Architectural Licensure Option

Motion: Mr. Rodriguez moved that the board support the resolution.

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

2016-6 Legislative Guidelines and Model Law/Model Regulations Amendment – Addition of Architect Emeritus Status

- Motion: Mr. Rodriguez moved that the board support the resolution.
 Second: Mr. Ehrig seconded the motion and it passed unanimously.
- 2016-7 NCARB Legislative Guidelines and Model Law/Model Regulations
 Amendment – Reference to Military-Trained Applicants
- Motion: Mr. Rodriguez moved that the board support the resolution.
 Second: Mr. Ehrig seconded the motion and it passed unanimously.
- 2016-8 NCARB Legislative Guidelines and Model Law/Model Regulations
 and Certification Guidelines Amendment – Updating the Name of
 the Intern Development Program
- Motion: Mr. Rodriguez moved that the board support the resolution.
 Second: Mr. Ehrig seconded the motion and it passed unanimously.
- 2016-9 NCARB Bylaws Amendment – Updating Name of Internship
 Committee
- Motion: Mr. Rodriguez moved that the board support the resolution.
 Second: Mr. Ehrig seconded the motion and it passed unanimously.
- 2016-10 Certification Guidelines Amendment – Approval of Changes to
 Program Requirements for the Intern Development Program
- Motion: Mr. Rodriguez moved that the board’s delegate make the decision
 at the meeting on how to vote regarding support or not based on
 the direction of the conversation.
 Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

NCARB FY17 National and Regional Candidates for Office
 NCARB Integrated Path to Licensure
 NCARB Renames the Intern Development Program
 NCARB Fast Facts April 2016

The above items were for information purposes.

The University of Florida CityLab Orlando received a formal response from
 NCARB that they should receive approval for the Integrated Path to Licensure.
 The University of Florida CityLab Orlando, thanked the board for their support.

New Business

Mr. Rivers asked for an update on the Antitrust conversation and he would seriously consider resigning from the board if no insurance coverage is provided to board members.

Mr. Campbell was going to advise the department that if there was no insurance coverage for board members there will not be a meeting in July.

Motion: Mr. Rivers moved that the board request that the Mr. Campbell go through the chain of command at the department and deliver the message that there will not be a meeting or quorum at the July board meeting if the board members are not fully indemnified for Antitrust violations.

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

Old Business

No old business.

Recess

The meeting recessed at 2:40 p.m.

MINUTES

**Board of Architecture and Interior Design
Residence Inn Amelia Island
2301 Sadler Road
Fernandina Beach, Florida 32034
(904) 277-2440**

**May 13, 2016
9:00 a.m.**

General Business

Call to Order

Mr. Toppe, Chair, called the meeting to order at 9:03 a.m. and a quorum was established.

Board Members Present:

John Ehrig
Miguel Rodriguez
Jonathan Toppe, Chair
Holly Dennis
Kenan Fishburne
Aida Bao-Graciga
James Blanz
Ivette O'Doski
Dylan Rivers

Board Members Absent:

Francisco Costoya – excused
Hector Fernandez – excused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Thomas Campbell, Executive Director
Terri McEwen, Government Analyst
Trent Manausa
Michael Wirtz
Cynthia David
David Roberts

Court Reporter: Lalonda Hall, Precision Court Reporting, LLC, 731 Duval Station Road, Suite 107-224, Jacksonville, Florida 32218.

Declaratory Statement

Rule Joy Trammell + Rubio, LLC and Daniel Joy DS2016-022

The board reviewed and discussed the petition and Rule 61G1-18.002, Florida Administrative Code (F.A.C.) outlined in the petition. The board determined that he could return to the building department to resolve the permit issue mentioned in the Declaratory Statement.

After consideration the board made the following motion.

Motion: Mr. Ehrig moved that the board accept the facts as presented and based on the facts presented it would not be an appropriate use of Rule 61G1-18.002, F.A.C., where the exterior architect plans to provide construction administration on the exterior renovation.

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

Petition for Variance or Waiver of Rule 61G1-22.001 and 61G1-22.002, Florida Administrative Code

Clarivel Campa – Rule Waiver review VW2016-052 and Application review

Clarivel Campa was present and sworn in by the court reporter. Ms. Campa provided her experience background and the fact that the general contractor that hired her did not hire a licensed architect as promised. Ms. Campa worked with architects and had reached out to them but was unsuccessful in obtaining experience verification.

Ms. Campa is requesting a waiver of documenting her experience and a waiver of the actual experience. The board does not have the ability to waive the experience requirement based on the statute. She requested additional time to obtain experience verifications from the architects she has not been able to locate.

The board encouraged Ms. Campa to obtain employment under a licensed architect or interior designer. Ms. Campa waived her 90 day application processing rights and asked for a continuance until the October meeting.

Application Review

Greg Stouder – Architect NCARB Endorsement

Mr. Stouder requested a continuance to the next available meeting. Mr. Toppe, Chair, granted the request.

Rules Report and Discussion

Rules Report

Ms. Clark reported that Rules 61G1-21.003 and 61G1-24.002, Florida Administrative Code, were effective May 10, 2016.

2015-2016 Annual Regulatory Plan
Provided for information purposes.

2016-2017 Annual Regulatory Plan
Ms. Clark reported that the 2016-2017 Annual Regulatory Plan's due date was October 1, 2016 and the board could prepare the plan at the July meeting.

Reports

Board Chair – Jonathan Toppe

Mr. Toppe reported that he was attending the NCARB Annual meeting with Mr. Campbell and Mr. Rodriguez. He reported that Mr. Rodriguez was appointed to the NCARB National Education Committee as Chair and Mr. Ehrig to the NCARB National Ethics Task Force. Mr. Toppe thanked them for their service at the national level and requested that they continue to serve. Mr. Toppe requested that Mr. Campbell and Ms. Clark be able to attend meetings at the national level. The board discussed the importance of national meeting attendance and the need for funding for counsel and more members to attend. After discussion the following motion was made.

Motion: Mr. Ehrig moved that the board request that the department fund travel for board counsel and 3 additional board members to attend NCARB regional and annual meeting as well NCIDQ that are not funded by the organizations.

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

Executive Director's Report – Thomas Campbell

IDAF – Cynthia David

Ms. David thanked the board and Mr. Roberts with assisting with including the definition of interior designer in the building code. IDAF is updating their website to include political and legal information as well as continuing education.

IDAF has had an interior design representative at the last two Florida Building Commission meetings. Ms. David reported on a lawsuit in progress in Tennessee regarding hair washers.

IDAF, ASID and IIDA collectively are promoting interaction between the organizations.

Ms. David reported that David Minacci is a guest speaker at the upcoming DCOTA event.

IIDA South Chapter is having a design competition and promoting continuing education.

Ms. Bao-Garciga would like to attend the Florida Building Commission meeting in August. The board discussed that the TAC meeting would be more beneficial for member attendance. Mr. Campbell will look into funding Ms. Bao-Garciga's attendance at the August meeting.

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 – January 2016
Billable Hours – February 2016
Billable Hours – March 2016
Results of the February 2016 Board Meeting
Press Releases

Mr. Minacci reported on a lawsuit that was filed against him personally as a result of board action against Nelson Diaz.

New Business

No new business.

Old Business

No old business.

Adjourn

Motion: Ms. Bao-Garciga moved that the meeting adjourn.

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

The meeting adjourned at 10:25 a.m.