

MINUTES

**Board of Architecture and Interior Design
The Breakers
One South Court Road
Palm Beach, Florida 33480
561.655.6611**

**July 28, 2008
9:00 a.m.**

General Business Meeting

Call to Order

Mr. Kuritzky, Chair called the meeting to order at 9:05 a.m.

Board Members Present:

John Ehrig
E. Wendell Hall
Rossana Dolan
Lourdes Solera
Eric Kuritzky, Chair
Mary Jane Grigsby
Roymi Membiela
Wanda Gozdz
Joyce Shore

Board Member Absent:

Garrick Gustafson, unexcused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Juanita Chastain, Executive Director
Terri Estes, Government Analyst
Trent Manausa
Emory Johnson
Dwight Chastain
Bob Lamar
David DeHaas
Mickey Marrero
Ingrid Burgos
Willie Peterson
Steven Mickley

Court Reporter: Alexandra Ramirez, Official Reporting Services, LLC, 524 S. Andrews Avenue, Suite 302N, Ft. Lauderdale, FL 33301

Disciplinary Cases

Mr. Minacci requested that the board approve the following cases on a consent agenda.

Settlement Stipulation

Licensed

DBPR vs. Oscar Benetiz

Case Numbers 2006-066090 and 2007-013072

PCP: Rodriguez, Wirtz and Gustafson

DBPR vs. Hugo De Ley and J Design Group, Inc.

Case Numbers 2007-062663 and 2007-049107

PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. William Edwin Wallace

Case Number 2007-065241

PCP: Rodriguez, Wirtz, and Gustafson

Unlicensed

DBPR vs. Teena M. Benton and Benton Drafting and Design

Case Number 2007-008550

PCP: Rodriguez, Wirtz, and Gustafson

Motion: Ms. Membiela moved that the board approve the settlement stipulations as presented.

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

Voluntary Relinquish

DBPR vs. James P. Goldman

Case Number 2007-056874

DBPR vs. Gregg R. Stouder

Case Number 2008-024988

DBPR vs. Roland Stout

Case Number 2007-064345

Motion: Ms. Solera moved that the board approve the voluntary relinquishments as presented.

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

Settlement Stipulation

Unlicensed

DBPR vs. Mary P. Collins and MPC Design

Case Number 2007-048803

PCP: Rodriguez, Wirtz, and Hall (application on file)

The respondent was not present but was represented by Diane Perera. The case was before the board based on the respondent offering interior design services on a commercial project when not licensed. Probable cause was found to file a three count administrative complaint for practicing interior designer when not licensed, using the title interior designer when not licensed, and offering services through a business entity without a certificate of authorization.

The panel recommended \$15,000 fine plus costs. The settlement stipulation reflected a \$2,500 fine plus costs. The fine was reduced because this was a first offense and they agreed to comply. Ms. Perera assured the board that she educated Ms. Collins on the statutes and rules.

Motion: Ms. Membiela moved that the board approve the settlement stipulation as presented.

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

DBPR vs. Kelly Wearstler, Inc. and Kelly Wearstler

Case Number 2007-067706

PCP: Rodriguez, Wirtz, and Gustafson (application on file)

The respondent was not present but represented by Mickey Marrero. The case was before the board based on the respondent offering interior design services on a commercial project when not licensed. Probable cause was found to file a three count administrative complaint for practicing interior designer when not licensed, using the title interior designer when not licensed, and offering services through a business entity without a certificate of authorization.

The panel recommended \$15,000 fine plus costs. The settlement stipulation reflected a \$7,500 fine plus costs. The fine was reduced because this was a first offense and they agreed to comply. Mr. Marrero commented that this was only incident and that the respondent began the application process.

Motion: Ms. Grigsby moved that the board approve the settlement stipulation as presented.

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

DBPR vs. Robert B. Lamar

Case Numbers 2007-057003

PCP: Rodriguez, Wirtz and Gustafson (application on file)

Mr. Lamar was present and sworn in by the court reporter. The case was before the board based on the respondent offering architectural and interior design services on two commercial projects when not licensed. Probable cause was found to file a four count administrative complaint for practicing architecture when not licensed on two projects and practicing interior designer when not licensed on two projects.

The panel recommended \$7,500 fine plus costs. The settlement stipulation reflected a \$3,750 fine plus costs. The fine was reduced because this was a first offense, the respondent agreed to comply and appear before the board.

Mr. Lamar commented that he was a graduate of Auburn University. He commented that he worked with Mr. Bullock as an intern in the Pensacola area. He commented that he did not realize there was a practice act for interior designers. He commented that he worked with building departments, architects, and engineers and there were many opportunities for them to correct him. He commented that his practice was custom residential design.

Motion: Ms. Shore moved that the board approve the settlement stipulation as presented.
Second: Ms. Membiela seconded the motion and it passed unanimously.

DBPR vs. WDP Drafting & Design, LLC and Willie D. Peterson
Case Number 2007-047005

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Peterson was present and sworn in by the court reporter. The case was before the board based on the respondent preparing a proposal offering architectural services on a residential project when not licensed. Probable cause was found to file a three count administrative complaint for practicing architecture when not licensed, using the title architect when not licensed, and offering services through a business entity without a certificate of authorization.

The administrative complaint was hand served on June 2, 2008 to respondent at the last known address. The respondent has failed to respond. The panel recommended a \$15,000 fine plus costs.

Mr. Peterson commented that he started the business to offset income because his daughter has a rare kidney disease. He commented that he looked on the internet and got leads for work through a referral service. He commented that he did not receive a lot of referrals but had a business proposal that was pending. He commented that his intent was to offer drafting services and does not have a degree in architecture. He apologized for misrepresenting himself and would like to get into compliance.

Motion: Ms. Grigsby moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.
Second: Ms. Membiela seconded the motion and it passed unanimously.

The board reviewed the process regarding the need for Mr. Peterson to work directly with the architect or engineers not the client. Mr. Manausa explained that he should market his

services to architects and engineers. The board advised Mr. Peterson to remove all references to architect or architectural from publications. The board discussed that residential plans that required signing and sealing causes drafters to get in trouble.

Motion: Ms. Membiela moved that the board impose \$3,000 fine plus costs.

Second: Mr. Hall seconded the motion.

Motion: Ms. Grigsby requested that the motion be amended to impose a \$2,500 fine plus costs.

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

Motion: Mr. Ehrig requested that the motion be amended to allow Mr. Peterson to make payments of equal installments over 24 months.

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

Reconsideration

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

DBPR vs. DeHaas Consulting and Design and David DeHaas

Case Number 2007-049161

PCP: Rodriguez, Wirtz, and Hall

Mr. DeHaas was present and sworn in by the court reporter. Mr. Minacci commented that at the May 6, 2008 meeting the board entered a final order against Mr. DeHaas.

Motion: Mr. Ehrig moved that the board reconsider the case.

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

Mr. Minacci commented that the respondent was a permit facilitator. The plans were rejected and the respondent delivered the plans with a stick on label addressing the building department's concerns. The Florida licensed architect that originally signed and sealed the plans did not authorize the changes. Therefore, the respondent was charged with practicing architecture when not licensed. Mr. Minacci commented that the complaint was filed by the Monroe County Building Department.

Mr. Minacci commented that Mr. DeHaas filed an election of rights and did not dispute the facts.

Mr. DeHaas commented that the plans were submitted and rejected with red lines. The building department contacted the architect and he confirmed that he did not red line the plans. He commented that the plan was a storm water management plan and they copied the architects or engineers detail of an augured pylon.

Mr. DeHaas commented that he only worked by referrals and only in the Keys. He commented that this was an accident based on misrepresentations. He commented that they believed that the contractor was working with the architect and the plans got ahead of them without the letter of authorization from the architect. He commented that they believe

the architect's authorization letter was forthcoming. He commented that they would no longer put sticky notes on the plans but required signed and sealed plans from the architect.

Mr. DeHaas commented that his business works with architects, engineers, and contractors to facilitate or expedite plans. He commented that their business is repeat business.

Mr. DeHaas commented that he was working with the contractor on this particular project. He commented that he understood that the contractor was working directly with the architect but there was miscommunication between them.

After discussion the board made the following motion.

Motion: Mr. Ehrig moved that the board dismiss case.

Second: Mr. Hall seconded the motion.

Ms. Solera asked why Mr. Ehrig wanted to dismiss the case. Mr. Ehrig commented that there was confusion at the building department and miscommunication between the contractor and facilitator but there was no malicious intent to practice architecture. Ms. Grigsby commented that Mr. DeHaas submitted plans without authorization. Mr. Ehrig commented that he thought he had authorization from the contractor and architect.

After the board reviewed the plans and had additional discussion the following motion was made.

Motion: Mr. Ehrig moved to withdraw the motion to dismiss.

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

Motion: Ms. Solera moved that the board adopt the findings of fact and conclusion of law as set forth in the administrative complaint.

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

Motion: Ms. Solera moved that the board impose a \$2,500 fine plus costs.

Ms. Solera commented that she felt this was not an isolated incident. Mr. Ehrig stated that it was an engineering detail not an architectural detail. He commented that this board does not regulate engineering.

Mr. Manausa commented there was a violation but the fine was high.

Motion: Ms. Solera moved to amend her motion to impose a \$1,000 fine plus costs.

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

Settlement Stipulation

DBPR vs. Scale Edge Designs, Inc. and Ingrid Burgos

Case Number 2007-056524

PCP: Rodriguez, Wirtz, and Hall

Ms. Burgos was present and sworn in by the court reporter. The case was before the board based on the respondent offering architectural services on a residential project when not licensed. Probable cause was found to file a three count administrative complaint for practicing architecture when not licensed, using the title architect when not licensed, and offering services through a business without a certificate of authorization.

The panel recommended a \$15,000 fine plus costs. The respondent signed the stipulation imposing a \$15,000 fine plus costs but would like the fines to be reconsidered by the board.

Mr. Minacci requested that the settlement stipulation be withdrawn and hear the case as a case of not disputed facts. Mr. Burgos was present, sworn in and sworn in as a translator.

Mr. Burgos commented that Ms. Burgos does drafting services only and erroneously provided an invoice that contained the word architecture. Mr. Burgos translated the following, "The plans were for a carport on a residential project. The plans were reviewed by an engineer for guidance and calculations. When the plans were complete they were given to the owner which hired a runner to process through the building department. Comments were made, the plans were returned to the engineer for corrections, and runner ran off with the plans. The owner contacted her after a year and that was when they determined the runner took the plans. Copies of the plans were provided to the owner and after the owner realized the cost they cancelled the project."

Mr. Kuritzky asked why the owner filed the complaint. Ms. Burgos responded that the when the owner hired to the runner, the runner disappeared with the plans and the owner filed a complaint against the runner's company. A copy of the invoice for the drawings was in that complaint which erroneously had the architecture list.

Ms. Burgos has not performed any drafting work since 2007 and has decided to pursue a different profession. After discussion the following motion was made.

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

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

Motion: Ms. Solera moved that the board impose a \$1,500 fine plus costs.

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

Ms. Burgos commented that she was no longer in the industry; it was a first offense and requested that the fine be waived because she was a student.

Mr. Hall requested that she be allowed a 24 month payment plan.

Motion for Oder by Hearing Not Involving Disputed Issues of Material Fact

DBPR vs. Mark Risley and Risley Design, Inc.

Case Number 2007-062457

PCP: Rodriguez, Wirtz, and Hall

Mr. Risley was present and sworn in by the court reporter. The case was before the board based on offering architectural services for a restaurant. Probable case was found to file a two count administrative complaint for offering architectural services when not licensed and offering services through a business entity without a certificate of authorization. On July 7, 2008 the respondent filed an election of rights and did not dispute the facts alleged in the administrative complaint.

The panel recommended a \$10,000 fine plus costs. Mr. Minacci commented that Mr. Risley was very responsive and was counseled on the statutes and rules.

Mr. Risley commented that he completed drafting courses and was working on his architectural degree. He commented that he worked with an engineer and then began his own drafting service. He commented that he did not realize that he was brokering architectural or engineering services. He commented that he contacted all parties involved with the case.

Mr. Minacci commented that Mr. Risley was offering drafting services and worked with licensed professionals. He commented that the licensed professionals should have corrected him. After discussion the following motion was made by the board.

Motion: Ms. Grigsby moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Ms. Grigsby moved that the board impose a \$1,000 fine plus costs.

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

The board requested that Mr. Risley be allowed a six month payment plan.

DBPR vs. John Joe Crum and The Crum Design Group

Case Number 2008-009079

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Crum was present and sworn in by the court reporter. The case before the board was based on the respondent offering architectural services for a commercial project. Probable case was found to file a two count administrative complaint for offering architectural services when not licensed and offering services through a business entity without a certificate of authorization. On June 25, 2008 the respondent filed an election of rights and did not dispute the facts alleged in the administrative complaint.

The panel recommended a \$10,000 fine plus costs.

Mr. Crum corrected his address of record to 6634 Pickettville Road Jacksonville, Florida 32254. He commented that the project was brought to him and he contacted an architect.

He commented that the contract was written in error. He commented that during the permit process was where the error was brought to his attention. He commented that he did not intend to mislead the public and made amends with the client. He commented the original architect quit and he obtained another architect and corrected the contract at the time. He commented that he closed the business, paid back all monies, and is in a bad financial situation.

Mr. Crum advised the board that his company offered residential design services only. Mr. Minacci commented that the first offense was an advertisement and he made the corrections immediately. Mr. Minacci commented that he did not think he intentionally violated the notice to cease and desist.

Mr. Crum provided a brief background of his work experience. He commented that he understood the problems with the way he wrote the contract and how the working relationship should work with architects in the future. He commented that he never presented himself or told anyone that he was an architect. After discussion the following motion was made.

Motion: Ms. Grigsby moved that the board adopt the findings of fact and conclusions of law as set for the in the administrative complaint.

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

Motion: Ms. Grigsby moved that the board impose a \$1,000 fine plus costs.

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

The board requested that Mr. Crum be allowed a six month payment plan.

Settlement Stipulation

DBPR vs. Steven A. Mickley

Case Number 2008-003710

PCP: Rodriguez, Wirtz and Gustafson

Mr. Mickley was present and sworn in by the court reporter. The case before the board was based on the respondent offering architectural services for a residential project. Probable case was found to file a one count administrative complaint for offering architectural services when not licensed.

The panel recommended a \$5,000 fine plus costs. The settlement stipulation before the board reflected a \$2,500 fine plus costs. The fine was reduced because this was a first time offense, the respondent agreed to comply and the project in question was a small screen enclosure. Mr. Minacci requested that the board approved the settlement stipulation as presented.

Mr. Mickley commented that the project began in 2005 and it was an existing covered screened area. He commented that there were no financial gains from the project. He commented that the homeowner contacted him in 2007 about the project and he met with

her regarding the comments raised by the building department. Mr. Mickley provided a brief statement of his relationship with the architect.

Mr. Mickley advised the board that he no longer lived in Florida. He commented that he was seeking approval through NCARB to sit for the architecture registration examination. He provided an updated address of record as 12312 New Hampshire Avenue, Silver Springs, MD 20904.

Mr. Mickley advised the board that he had a relationship with the architect of record and understood that he set the contract up incorrectly.

Motion: Ms. Grigsby moved that the board approve the settlement stipulation as presented.

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

Motion for Waiving Formal Hearing

Licensed

DBPR vs. Huston F. Boothe, Jr.

Case Number 2007-051130

PCP: Rodriguez, Wirtz, and Hall

Mr. Boothe was not present or represented by counsel. The case was before the board based on the licensee failing to satisfy the terms of a final order entered on April 3, 2007. A one count administrative complaint was filed for failure to comply with a lawful order of the board. The administrative complaint was served by certified mail on March 13, 2008 and the respondent has failed to respond.

The panel recommended suspension of the license until compliance.

Motion: Ms. Membiela moved that the board find that the administrative complaint was properly served upon the respondent and the respondent has 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. Shore seconded the motion and it passed unanimously.

Motion: Ms. Grigsby moved that the board impose suspension of the license until compliance.

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

DBPR vs. Fredrick Brauning

Case Number 2007-056885

PCP: Rodriguez, Wirtz, and Hall

Mr. Brauning was not present or represented by counsel. The case was before the board based on the licensee failing to satisfy the terms of a final order entered on April 3, 2007. A

one count administrative complaint was filed for failure to comply with a lawful order of the board. The administrative complaint was served by certified mail on February 27, 2008 and the respondent has failed to respond.

The panel recommended suspension of the license until compliance.

Motion: Mr. Hall moved that the board find that the administrative complaint was properly served upon the respondent and the respondent has 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. Solera seconded the motion

Motion: Ms. Grigsby moved that the board impose suspension of the license until compliance.

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

DBPR vs. Evan U. Evans

Case Number 2007-023566

PCP: Rodriguez, Wirtz, and Del Bianco

Mr. Evans was not present or represented by counsel. The case was before the board based on the licensee failing to satisfy the terms of a final order entered on December 11, 2006. A one count administrative complaint was filed for failure to comply with a lawful order of the board. The administrative complaint was hand served on March 17, 2008 and the respondent has failed to respond.

The panel recommended a \$5,000 fine plus revocation of the license.

Motion: Ms. Grigsby moved that the board find that the administrative complaint was properly served upon the respondent and the respondent has 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: Ms. Shore moved that the board impose a \$5,000 fine and revocation of the license.

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

DBPR vs. Mariela Martin-Fernandez

Case Number 2007-051151

PCP: Rodriguez Wirtz, and Hall

Ms. Martin-Fernandez was not present or represented by counsel. The case was before the board based on the licensee failing to satisfy the terms of a final order entered on March 23, 2007. A one count administrative complaint was filed for failure to comply with a

lawful order of the board. The administrative complaint was served by certified mail on March 12, 2008 and the respondent has failed to respond.

The panel recommended revocation of the license.

Motion: Mr. Hall moved that the board find that the administrative complaint was properly served upon the respondent and the respondent has 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. Hall moved that the board impose revocation of the license.

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

DBPR vs. Ramji P. Shah

Case Number 2007-056632

PCP: Rodriguez, Wirtz, and Hall

Mr. Shah was not present or represented by counsel. The case was before the board based on the licensee failing to satisfy the terms of a final order entered on July 25, 2007. A one count administrative complaint was filed for failure to comply with a lawful order of the board. The administrative complaint was served by certified mail on February 22, 2008 and the respondent has failed to respond.

The panel recommended suspension of the license until compliance. Mr. Minacci requested that the board impose costs.

Mr. Kuritzky asked why suspension instead of revocation. Mr. Minacci commented that he would not have an issue if the board imposed revocation.

Motion: Mr. Ehrig moved that the board find that the administrative complaint was properly served upon the respondent and the respondent has 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. Grigsby seconded the motion and it passed unanimously.

Motion: Mr. Ehrig moved that the board revoke the license and impose costs.

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

DBPR vs. Geraldine A. Visconti

Case Number 2007-051145

PCP: Rodriguez, Wirtz, and Hall

Ms. Visconti was not present or represented by counsel. The case was before the board based on the licensee failing to satisfy the terms of a final order entered on April 3, 2007. A one count administrative complaint was filed for failure to comply with a lawful order of the

board. The administrative complaint was hand served on February 22, 2008 and the respondent has failed to respond.

The panel recommended suspension of the license until compliance.

Motion: Mr. Ehrig moved that the board find that the administrative complaint was properly served upon the respondent and the respondent has 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. Grigsby seconded the motion and it passed unanimously.

Motion: Ms. Grigsby moved that the board impose suspension until compliance.

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

Unlicensed

DBPR vs. Kirbis Borca and Perfection Interior Design

Case Number 2007-065788

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Borca was not present or represented by counsel. The case was before the board based on the respondent offering interior design services. A one count administrative complaint was filed for using the title interior designer. The administrative complaint was hand served on June 4, 2008 and the respondent has failed to respond.

The panel recommended a \$5,000 fine plus costs.

Motion: Mr. Hall moved that the board find that the administrative complaint was properly served upon the respondent and the respondent has 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. Hall moved that the board impose a \$5,000 fine plus costs.

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

DBPR vs. Michael A. Morrissey and Morrissey Design Studio, Inc.

Case Number 2007-049984

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Morrissey was not present or represented by counsel. The case was before the board based on the respondent offered architecture services on a commercial project. A two count administrative complaint was filed for practicing architecture when not license and offering services through a business entity without a certificate of authorization. The administrative complaint was hand served on June 2, 2008 and the respondent has failed to respond.

The panel recommended a \$10,000 fine plus costs. The board discussed model homes and sales centers for public use under the commercial building definition. After discussion the board made the following motion.

Motion: Mr. Ehrig moved that the board find that the administrative complaint was properly served upon the respondent and the respondent has 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. Solera seconded the motion and it passed unanimously.

Motion: Mr. Ehrig moved that the board impose a \$10,000 fine plus costs.

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

DBPR vs. Dan Owens

Case Number 2007-048888

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Owens was not present or represented by counsel. The case was before the board based on the respondent offered architecture and interior design services on a business card. A two count administrative complaint was filed for using the title architect when not license and using the title interior designer when not licensed. The administrative complaint was hand served on April 23, 2008 and the respondent has failed to respond.

The panel recommended a \$10,000 fine plus costs.

Motion: Ms. Grigsby moved that the board find that the administrative complaint was properly served upon the respondent and the respondent has 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. Shore seconded the motion and it passed unanimously.

Motion: Ms. Grigsby moved that the board impose a \$10,000 fine plus costs.

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

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

Licensed

DBPR vs. Alan D. Cohen

Case Number 2007-056104

PCP: Rodriguez, Wirtz, and Hall

Mr. Cohen was not present or represented by counsel. The case was before the board based on the licensee failing to satisfy the terms of a final order entered July 11, 2007. A one count administrative complaint was filed for violating a lawful order of the board. On

March 18, 2008 the respondent filed an election of right and did not dispute the material facts.

The panel recommended suspension of the license until compliance. Mr. Minacci commented that in a prior case Mr. Cohen attended the probable cause panel meeting and they recommended a fine and costs. Mr. Cohen did not respond to the administrative complaint therefore the fines increased. Mr. Minacci commented that Mr. Cohen thought the case was concluded at the panel meeting so he did not respond.

Motion: Ms. Shore moved that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.

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

Motion: Ms. Grigsby moved that the board impose suspension of the license until compliance.

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

Unlicensed

DBPR vs. Jorge E. Rodriguez Buitrago

Case Number 2007-043249

PCP: Rodriguez, Wirtz, and Hall

Mr. Buitrago was not present or represented by counsel. The case was before the board based on the respondent offering architecture services for a residential project and on an advertisement. A two count administrative complaint was filed for using the title architect when not licensed and practicing architecture when not licensed. On March 5, 2008 the respondent filed an election of rights and did not dispute the material facts alleged in the administrative complaint.

The panel recommended a \$10,000 fine plus costs. Mr. Minacci request that the board consider that the respondent replied in writing and did not ignore the board.

Mr. Minacci commented that he met with Mr. Buitrago and reviewed the statutes and rules. He commented that Mr. Buitrago was not able to afford travel to the meeting.

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

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

Motion: Mr. Ehrig moved that the board impose a \$2,000 fine plus costs.

Second: Ms. Solera seconded the motion

Ms. Membiela requested that he be given an opportunity for a payment plan. Mr. Minacci commented that he works with respondents regarding payment.

DBPR vs. Vikki Kemp and Interior Dynamics Design Studio, Inc.

Case Number 2007-041433

PCP: Rodriguez, Wirtz, and Hall

Ms. Kemp was not present or represented by counsel. The case was before the board based on the respondent being previously disciplined for using the title interior design when not licensed. The respondent continued to use the title interior designer in an advertisement and offered the services through a business entity when not licensed. A two count administrative complaint was filed for using the title interior designer when not license and offering services through a business entity without a certificate of authorization. On February 26, 2008 the respondent filed an election of rights form disputing the facts alleged in the administrative complaint.

Mr. Minacci commented that he sent the case to the Division of Administrative Hearings (DOAH) and on April 21, 2008 relinquished jurisdiction back to the board because she did not respond to the request for admissions. Ms. Clark advised that the board should note the DOAH relinquishment in the motion.

Motion: Ms. Solera moved that the board note DOAH's order dated April 21, 2008 and adopt the findings of fact and conclusion of law as set forth in the administrative complaint.

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

Motion: Ms. Grigsby moved that the board impose a \$10,000 fine plus costs.

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

Ms. Gozdz requested that the board reconsider the fine based on the other penalties imposed today.

DBPR vs. WDP Drafting & Design, LLC and Willie D. Peterson

Case Number 2007-047005

PCP: Rodriguez, Wirtz, and Gustafson

Motion: Ms. Gozdz moved that the board reconsider Mr. Peterson's case.

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

Motion: Ms. Gozdz moved that no fine and costs based on financial hardship.

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

Motion: Ms. Membiela moved that the board impose a \$1,500 fine plus costs.

Second: Mr. Ehrig seconded the motion, Mr. Hall opposed and it passed.

Settlement Stipulation

Unlicensed

DBPR vs. Accurate Dream Home, Inc. and Neil Murphy

Case Number 2007-068811

PCP: Rodriguez, Wirtz, and Gustafson

The respondent was not present or represented by counsel. The case was before the board based on the respondent contracting to offer architectural services for a residential project. A three count administrative complaint was filed for practicing architecture when not licensed, using the title architect when not licensed, and offering services through a business entity without a certificate of authorization.

The panel recommended a \$15,000 fine plus costs. The settlement stipulation reflected a \$2,500 fine plus costs. The fine was reduced because this was a first offense, the respondent agreed to comply, there was a licensed professional involved in the project, and the project was residential.

Motion: Ms. Grigsby moved that the board adopt the settlement stipulation as presented.
Second: Ms. Solera seconded the motion and it passed unanimously.

DBPR vs. Hans Dierks, P.E.

Case Number 2007-060756

PCP: Rodriguez, Wirtz and Gustafson

Mr. Dierks was not present or represented by counsel. The case was before the board based on the respondent, a licensed engineer, signed and sealed plans for a commercial project without the involvement of a licensed architect. A one count administrative complaint was filed for aiding the unlicensed practice of architecture.

The panel recommended a \$5,000 fine plus costs. The settlement stipulation reflected a \$1,000 fine plus costs. The fine was reduced because this was a first offense and the respondent agreed to comply.

Ms. Grigsby commented that she had life safety concerns with the project. Mr. Minacci commented that he could refer the case to the Professional Board of Engineers.

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

DBPR vs. Virginia Dell Karp

Case Number 2007-048622

PCP: Rodriguez, Wirtz, and Hall

Ms. Karp was not present or represented by counsel. The case was before the board based on the respondent contracting to provide interior designer services when not licensed. A two count administrative complaint was filed for practicing interior design and holding herself out as an interior designer.

The panel recommended a \$10,000 fine plus costs. The settlement stipulation reflected a \$2,500 fine plus costs. The fine was reduced because this was a first time offense, a licensed interior designer was immediately brought on the project, and the respondent was supposed to appear in May. The respondent's mother passed during the May meeting and

could not afford to attend today. Mr. Minacci commented that she had a good attorney and he explained the law to her.

Motion: Ms. Shore moved that the board accept the settlement stipulation as presented.
Second: Ms. Grigsby seconded the motion and it passed unanimously.

DBPR vs. Stephen Mayrosh
Case Number 2007-012504
PCP: Rodriguez, Wirtz, and Del Bianco

Mr. Mayrosh was not present or represented by counsel. The case was before the board based on the respondent contracting to provide interior design services on a residential project. A two count administrative complaint was filed for practicing interior design without a license and holding himself out as an interior designer.

The panel recommended a \$10,000 fine plus costs. The settlement stipulation reflected a \$2,000 fine plus costs. The fine was reduced because this was a first time offense, the respondent agreed to comply, and the fine and costs were in trust.

Motion: Ms. Solera moved that the board accept the settlement stipulation as presented.
Second: Ms. Grigsby seconded the motion and it passed unanimously.

DBPR vs. MDO Designs, Inc. and Michael O'Connor
Case Number 2008-011121
PCP: Rodriguez, Wirtz, and Gustafson

The respondent was not present but his attorney submitted a request for continuance.

Motion: Ms. Grigsby moved to continue the case.
Second: Mr. Ehrig seconded the motion and it passed unanimously.

DBPR vs. Ben S. Schwartz and SBS Services, LLC
Case Number 2007-048503
PCP: Rodriguez, Wirtz and Gustafson

Mr. Schwartz was not present or represented by counsel. The case was before the board based on the respondent, a licensed engineer, signing and sealing plans for a commercial project without the involvement of a licensed architect. A one count administrative complaint was filed for assisting the unlicensed practice of architecture.

The panel recommended \$5,000 fine plus costs. The settlement stipulation reflected a \$1,000 fine plus costs. The fine was reduced because this was a first offense, the respondent agreed to comply, and was cooperative.

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

New Business

No new business.

Old Business

No old business.

Recess

The meeting recessed at 12:40 p.m.

MINUTES

**Board of Architecture and Interior Design
The Breakers
One South Court Road
Palm Beach, Florida 33480
561.655.6611**

**July 29, 2008
9:00 a.m.**

General Business Meeting

Call to Order

Mr. Kuritzky, Chair called the meeting to order at 9:00 a.m.

Board Members Present:

John Ehrig
E. Wendell Hall
Rossana Dolan
Lourdes Solera
Eric Kuritzky, Chair
Mary Jane Grigsby
Roymi Membiela
Wanda Gozdz
Joyce Shore

Board Member Absent:

Garrick Gustafson, unexcused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Juanita Chastain, Executive Director
Terri Estes, Government Analyst
Trent Manausa
Emory Johnson
Dwight Chastain
Andrea Nettles
Marguerite Campola
Tina Holland
Lorraine Bragg
Anthony Stubbs
David Godwin

Judy Bates
Janet Wild
Kristy Brown
Janice Young
Jane Howard
Nancy Bredemeyer
Bernardo Coiffman
Bill Kobrynich
Steve Hefner
Vicki Long
Gary Gray
Linda Noble Welch

Court Reporter: Alexandra Ramirez, Official Reporting Services, LLC, 524 S. Andrews Avenue, Suite 302N, Ft. Lauderdale, FL 33301

Application Review

Gary Gray –architecture endorsement

Staff requested that this application be tabled until later in the meeting to allow Mr. Gray to appear.

David Godwin – architecture endorsement

Mr. Godwin was present and sworn in by the court reporter. Ms. Chastain commented that the application was before the board because the intern development program Mr. Godwin completed was a state program not NCARBs. Florida's requires completion of NCARB IDP but the rule allows for an equivalent program approved by the board.

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

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

Continuing Education Applications

Boss Construction – Creating a Healthy & Safe Environment

Simon Tseytlin was present and sworn in by the court reporter. He commented that additional information was provided including slides. The board discussed the course content and value relating to the architecture or interior design professions. Ms. Clark reviewed the continuing education handbook guidelines for reviewing and approving courses. After discussion the following motion was made.

Motion: Mr. Grigsby moved to approve the course for 16 hours for health, safety, and welfare credit and 2 hours optional credit.

Second: Mr. Hall seconded the motion, it passed with Mr. Ehrig and Ms. Solera opposed.

Ratification Lists

Motion: Mr. Ehrig moved to approve the two applicant ratification lists as presented in the agenda.

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

Motion: Mr. Ehrig moved to approve the continuing education ratification list as presented in the agenda.

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

Architecture Discussion

NCARB News Clip – Changes to Intern Development Program
Southern Conference Board of Directors Meeting June 25, 2008
Southern Conference By-Laws as amended 6/08
Southern Conference Policy Manual as revised 6/08
Letter from Donald Yoshino, AIA Florida regarding “six-month rule”
NCARB Mail – IDP six-month resolution
NCARB IDP e-news, clarifies six-month rule

Mr. Kuritzky commented that the Intern Development Program six-month rule was the main focus of the NCARB Conference. Mr. Ehrig commented that he had a concern regarding interns losing credit for time served if they did not turn the reports in timely by electronic method. He commented that he had a concern with the glitches in electronic process. Mr. Kuritzky commented that NCARB thought the electronic process would be easier for the mentor and intern.

The board discussed the changes in the profession and concerns about graduates obtaining licensure. Mr. Ehrig commented that the board should be educating the schools about the NCARB IDP requirements. He voiced urgency for providing the information to students and mentors.

Mr. Kuritzky commented that NCARB had some discussions about interior architecture. Mr. Ehrig commented that NCARB discussed building information, LEED and green buildings. He commented that building information was significant because it dealt with the liability associated with signing and sealing documents, as well as interaction between the professions, ownership of the documents, electronic submittals, etc. He commented that the board may need to address some of the issues by rule.

The board discussed responsible supervision for documents transmitted worldwide and electronic. The board discussed the rule in place and the possible need to update the rule.

The board discussed the term interior architecture. Ms. Clark commented that an interior designer can't offer interior architecture because they are protected titles.

The board briefly discussed the direction of the department to hold paperless meetings.

Application Review

Gary Gray –architecture endorsement

Mr. Gray was present and sworn in by the court reporter. Mr. Gray commented that the disciplinary action in Ohio was resolved through a satisfied settlement agreement and the bounced check charge was dismissed. Board staff confirmed that Mr. Gray met the licensure requirements.

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

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

Interior Design Discussion

Southwest Florida College – Interior Design program

Review of the Bachelor and Associate programs for board approval

The prior board approval letter of the Associate program was included in the agenda materials.

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

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

NCIDQ Call for Resolutions

Ms. Shore commented that the Resolutions would be voted on November 15, 2008 at the NCIDQ meeting. The board had suggestions for new resolutions.

NCIDQ Board of Directors Meeting Minutes February 2008

This was for information.

Rules Report and Discussion

Advisory Legal Opinion (Formal) – Sunshine and Public Records Laws private website

Ms. Clark provided the information to the board as a helpful tool and reminder of the Sunshine and Public Records Laws. The board discussed different scenarios and how to handle inquiries from the public. Ms. Clark directed the board to contact her or Ms. Chastain to respond to inquires from the public if they were concerned about violating the law.

House Bill 7109 – Statements of Estimated Regulatory Costs of Proposed Rules

Ms. Clark provided a handout of Rule 120.541, Florida Administrative Code. On July 1, 2008 the rule affects every state agency that promulgates, amends or adopts rules. The board must determine if a new rule or change to an existing rule will impact small business.

Ms. Clark advised that if the board determines that a new rule or rule change would impact small businesses they must complete a statement of estimated regulatory cost (SERC). She reviewed the requirements outlined in the SERC. Ms. Clark commented that SERC's have been around but they were not mandatory. She provided background as to how the public previously handled promulgated rules and how the public could submit alternates to the rule. She commented that the board no longer had the option to do a SERC it was now mandatory if the board determines the new rule would impact small business.

Rule Tracking

Ms. Clark reviewed the Joint Administrative Procedures Committee's (JAPC) comments to Rule 61G1-12.001, Florida Administrative Code. She commented that JAPC accepted her reason for keeping the language "including but not limited to" but rejected the requirement of "whose name could be in the title of a business". Ms. Clark recommended that they could delete the last sentence, "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" or they could justify the language at a JAPC hearing.

Ms. Clark provided a brief synopsis of an applicant that was denied based on the language and the reason the language was now being questioned by JAPC. Ms. Clark read the statute and JAPC's opinion was if an applicant met those requirements then they should be licensed. Mr. Manausa commented that the rule language was implemented to prevent the public from being misled to believing that the individuals' named in the firm where licensed Florida architects.

The board discussed that the firm would have to have a Florida licensed architect qualify the business. The qualifier is the responsible licensed professional that acts on the businesses' behalf. The board discussed the different scenarios regarding business names and whether they were misleading.

Motion: Mr. Ehrig moved that the board delete the last sentence of the rule, "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".

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

Motion: Mr. Hall moved that the board find that this deletion of the language would not impact small business.

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

Architecture Continuing Education Handbook Interior Design Continuing Education Handbook

Ms. Clark reviewed JAPC's concerns and advised that staff updated the handbooks based on those concerns and the final version was on the agenda for board review and approval.

Motion: Mr. Hall moved that the board approve the handbooks as presented.
Second: Ms. Solera seconded the motion and it passed unanimously.

General Discussion / For Information

Letter from Mr. Kuritzky to Secretary Drago regarding budget

Motion: Mr. Ehrig moved that the board approve the letter as presented.
Second: Mr. Hall seconded the motion and it passed unanimously.

The board requested that the letter be submitted on board stationery.

Reports

Chair's Report

Mr. Kuritzky commented that he had no report.

Executive Director's Report – Juanita Chastain

Financial Report – March, 31, 2008

Ms. Chastain briefly reviewed the financial report.

IDAF Report – Aida Bao-Garciga

Ms. Young provided the report for Ms. Bao-Garciga. She reported that the IDAF was participating with Florida Design and Construction Forum which was a collaboration of groups involved with the built environment. She reported that in December they would work in teams of architects, interior designers, and technicians involving the Florida Building Code with hotels owners that were renovating buildings emphasizing accessibility. They were also encouraging creativity during the renovation.

AIA Report – Vicki Long

Ms. Long welcomed the board to the Conference. She reported that next year's meeting would be at the Tampa Bay Marriott. She report that AIA Florida developed a five year strategic plan that included connecting and mobilizing membership, design and honor, and developing and engaging leadership.

Ms. Long provided a brief overview of the membership numbers, honors and achievements. She reported that they would produce a sustainability matters DVD. She reported that they were going to create a task force to bring together building officials, codes, legislative affairs, etc. to begin dialogue for better communities and services. She reported on the efforts to heighten the awareness of being an architect and it being cool.

Ms. Long reported that they were working on architects being more involved in the legislative and elected official's process. She reported that they worked diligently with the Century Commission and they put forth a Statewide Water Congress. On that Congress there was a specific seat allocated for an architect. Larry Maxwell will be appointed to that position. Their cause is to develop a long term water conservation, use, and supply for agriculture and the environment.

Ms. Long reported that they were working on guidelines for sustainable communities and reporting to the Governor and Legislature. She commented that they were working against Amendment 5 because it would be destructive to Florida's financial future.

Ms. Long reported that they were reviewing the Senate and Legislative seats in an effort to stay involved.

Mr. Ehrig asked what efforts AIA had made regarding the Intern Development Program (IDP). Ms. Long commented that they were working on outreach programs regarding IDP and there was a question about funding.

Prosecuting Attorney's Report – David K. Minacci

Audit Report – year ending October 31, 2007

Licensed Interior Designers Legal Cases

Licensed Architecture Legal Cases

Unlicensed Interior Designers Legal Cases

Unlicensed Architecture Legal Cases

Licensed/Unlicensed Investigative Cases

Fines Chart

Billable Hours April 2008

Billable Hours May 2008

Billable Hours June 2008

Results of May 2008 Probable Cause Panel Meeting

Results of May 2008 Board Meeting

Results of June 2008 Probable Cause Panel Meeting

Press Releases/Speaking Engagements/Other Correspondence

Mr. Minacci briefly reviewed the audit. The board thanked Mr. Minacci for his efforts.

Future Board Meetings

The board set a telephone conference call for September 2, 2008 at 2:00 p.m.

October 1-3, 2008, Embassy Suites, Ft. Lauderdale

October 1, 2008 – Probable Cause

October 2 and 3, 2008 – General Business

New Business

No new business.

Old Business

No old business.

Adjourn

The meeting adjourned at 11:10 a.m.