

MINUTES

**Board of Architecture and Interior Design
Sawgrass Marriott Golf Resort & Spa
1100 PGA Tour Boulevard
Ponte Vedra, Florida 32082
(904) 285-7777**

**July 18, 2018
General Business
9:00 a.m.**

Call to Order

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

Board Members Present:

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

Board Member Absent:

Francisco "Frank" Costoya, excused
Ivette O'Doski, unexcused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Krista B. Woodard, Executive Director
Terri McEwen, Government Analyst
Melissa Minacci
Trent Manausa
Edwin Bayo
Janice Young
Emory Johnson
Dave Roberts
Philip Lantry
Angela Colley
Hilton T. Meadows
James C. Marshall

Linas Saplys
Joshua Nieland
Kwok Wing Tony Cheung
David Charette
Howard Hockman, Esq.
Jerome S. Gelin

Court Reporter: Lalonda B. Jackson President, FPR, Regus Quadrant 1, Precision Court Reporting, LLC, 4651 Salisbury Rd., Suite 400, Jacksonville, FL 32256

Mr. Johnson, CIDQ Representative, reported that he nominated Mr. Minacci as a consumer member for the CIDQ National Board.

Disciplinary Cases

DBPR vs. Jose G. Solares and Design by Solares Del Forn
Case Numbers 2015-023567 and 2015-026106

PCP: Hall, Smith, Rodriguez, and Rivers

PCP Recommendation: \$3,000.00 fine and \$2,707.50 costs

Mr. Solares was not present or represented by counsel. Mr. Rodriguez and Mr. Rivers were recused based on their participation on the Probable Cause Panel. The case was before the board based on a two count administrative complaint for practicing architecture without a license and practicing architecture through a business entity without a certificate of authorization. The respondent requested a formal hearing, however, the respondent failed to respond to the discovery request. The Division of Administrative Hearing relinquished jurisdiction to the board on May 11, 2018.

After board discussion, the following motions were made.

Motion: Mr. Ehrig moved that the board find that the administrative complaint was properly served upon the respondent, the election of rights indicated a dispute of material fact, an order by the Administrative Law Judge determined the facts were not in dispute, and that the board adopts 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 impose a \$3,000.00 fine plus \$2,707.50 costs to be paid within 30 days of the final order.

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

DBPR vs. Mark A. Tower and Techniprints
Case Numbers 2015-016050 and 2015-033455

PCP: Hall, Rodriguez, and Smith

PCP Recommendation: \$10,000.00 fine plus \$2,155.50 costs

Mr. Tower was not present or represented by counsel. The respondent submitted a written request for a continuance of the case review.

Motion: Ms. Bao-Garciga made a motion to continue the review of the case until the next board meeting.
Second: Mr. Ehrig seconded the motion and it passed unanimously.

DBPR vs. Lesly Gaillard
Case Number 2011-024357
PCP: Hall, Shore, and Gozdz
Prior Board Ruling: \$5,000.00 fine plus \$210.00 costs
Settlement Offer: \$500.00

Mr. Gaillard was not present or represented by counsel. The respondent submitted a written request for a continuance of the case review.

Motion: Ms. Bao-Garciga made a motion that the board continued the case until the next board meeting.
Second: Mr. Ehrig seconded the motion and it passed unanimously

DBPR vs. E. Dean Bolaris
Case Number 2017-055205
PCP: Hall, Smith, Rodriguez, and Rivers
PCP Recommendation: Suspension until compliance plus \$375.00 costs
Settlement Stipulation: Two years probation plus \$375.00 costs and \$2,000.00 fine plus \$1,787.50 costs for prior case 2015-049072

Mr. Bolaris was not present or represented by counsel. Mr. Rodriguez and Mr. Rivers were recused from the review of the case based on their participation with the Probable Cause Panel. The case was before the board based on a one count administrative complaint for failing to comply with a lawful order of the board.

After board discussion, the following motion was made.

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

DBPR vs. Kennard D. Tate
Case Number 2017-056204
PCP: Hall, Rodriguez, and Rivers
Settlement Stipulation: \$1,000.00 fine plus \$600.00 costs, 45 hours of continuing education within 180 days of the final order

Mr. Tate was not present or represented by counsel. Mr. Rodriguez and Mr. Rivers were recused from the review of the case based on their participation with the Probable Cause Panel. The case was before the board based on a one count administrative complaint for failing to perform any statutory or legal obligation placed upon a licensee.

The settlement stipulation reflects the Probable Cause Panel's recommendation. After board discussion, the following motion was made.

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

DBPR vs. JC Marshall Construction, Inc. and James C. Marshall
Case Number 2017-020210
PCP: Hall, Rivers, and Rodriguez

Settlement Stipulation: \$3,000.00 fine plus \$1,387.50 costs

Mr. Marshall was present and sworn in by the court reporter. 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 practicing architecture without a license and practicing architecture through a business entity without a certificate of authorization.

The settlement stipulation reflects the Probable Cause Panel's recommendation. After board discussion, Mr. Marshall withdrew the settlement stipulation and will seek a review by the Division of Administrative Hearings.

DBPR vs. Suinglio J. Espejo and SJE Design & Construction
Case Number 2015-015897
PCP: Hall, Smith, and Rodriguez

PCP Recommendation: \$10,000.00 fine plus \$1,837.50 cost

Settlement Stipulation: \$5,000.00 fine plus \$1,837.50 costs

Mr. Espejo 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 two count administrative complaint for practicing architecture without a license and using the title architect without a license.

After board discussion, the following motion was made.

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

DBPR vs. Hilton T. Meadows and Diversified Environmental Planning
Case Numbers 2017-007520 and 2017-007523
PCP: Hall, Smith, Rodriguez, and Rivers

PCP Recommendation: \$4,500.00 fine plus \$2,362.50 costs

Settlement Stipulation: \$1,000.00 fine plus \$2,362.50 costs

Mr. Meadows was present and sworn in by the court reporter. 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 practicing architecture without a license and offering architectural services through a business entity without a certificate of authorization.

After board discussion, Mr. Meadows withdrew the settlement stipulation and will seek a review by the Division of Administrative Hearings.

Voluntary Relinquishment

DBPR vs. Sheng-Ming Wang
Case Number 2017-056223

Motion: Mr. Rodriguez moved that the board accept the Voluntary Relinquishment as presented.

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

Application Review

David A. Charette – Interior Design Endorsement

Mr. Charette was present, sworn in by the court reporter, and represented by Howard Hochman, Esq.

The application was before the board based on Mr. Charette's education and the consultant's recommendation for denial. The board was provided supplemental course descriptions from the University of Detroit Mercy archives and an affidavit from Dean Vogel, former Dean and Professor with the University of Detroit Mercy.

Motion: Mr. Jernigan moved that the board approve the application for licensure.

Second: Mr. Rodriguez seconded the motion.

After board discussion, the question was called and the motion passed unanimously.

Jerome S. Gelin – Architect Licensure by NCARB Examination

Mr. Gelin was present and sworn in by the court reporter. The application was before the board based affirmative answers to background questions. After board discussion, the following motion was made.

Motion: Mr. Rodriguez moved that the board approve Mr. Gelin for licensure.

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

Phillip G. Lantry – Architect Licensure by NCARB Examination

Mr. Lantry was present and sworn in by the court reporter. The application was before the board based on affirmative answers to background questions. After board discussion, the following motion was made.

Motion: Mr. Ehrig moved that the board approve Mr. Lantry for licensure.
Second: Mr. Rodriguez seconded the motion and it passed unanimously.

Joshua J. Nieland – Architect Licensure by NCARB Endorsement

Mr. Nieland was present and sworn in by the court reporter. The application was before the board based on affirmative answers to background questions. After board discussion, the following motion was made.

Motion: Mr. Rodriguez moved that the board approve Mr. Nieland for licensure.
Second: Mr. Ehrig seconded the motion and it passed unanimously.

Linas B. Saplys – Architect Licensure by State Endorsement

Mr. Saplys was present and sworn in by the court reporter. The application was before the board based on lack of proof of passing the prescribed licensure exam as required by statute. Ms. McEwen validated through NCARB that the examination Mr. Saplys took would have qualified him for NCARB certification through the 2013 Guidelines which was prior to the NCARB Mutual Recognition Agreement. After board discussion, the following motion was made.

Motion: Mr. Rivers moved that the board approve Mr. Saplys for licensure contingent upon the application being amended to NCARB Endorsement.
Second: Mr. Rodriguez seconded the motion and it passed unanimously.

Petition for Declaratory Statement – Interior Design Scope of Practice

Petitioners - Cynthia David and Connie Turner

Ms. David and Ms. Turner were present, sworn in by the court reporter, and represented by Edwin Bayo, Esq.

The petition was filed June 11, 2018 and supplemental information was provided that included a specific set of plans. Ms. Clark provided guidance on how to proceed with the review of the petition.

The petitioners were having difficulty with local building officials accepting their plans for permitting based on their interpretation of the statutes and life safety codes and systems. The board reviewed the plans, discussed ingress and egress, emergency ingress and egress, how plans materially affect life safety, and the petitioner's role within the plans submitted in support of the petition. The petitioners were requesting that the board provide direction and clarify what services interior designers are allowed to perform by statute in an effort to inform and educate building officials. The board discussed the difficulties with the building officials allowing interior designers to perform the definition of interior design which restricts commerce.

After board discussion, the petitioners withdrew the petition.

Application Review

Kwok Wing Tony Cheung – State Endorsement
Final Order Accepting Voluntary Relinquishment

Mr. Cheung was present and sworn in by the court reporter. The application was before the board based on prior disciplinary action where the applicant voluntarily relinquished his Florida license. He reported that his attorney advised that he voluntarily relinquish his license and that he could apply for and regain licensure after two years. Ms. McEwen confirmed that Mr. Cheung did not have disciplinary action against his architect license in Maryland. After board discussion, the following motion was made.

Motion: Mr. Rodriguez moved that the board approve Mr. Chueng for licensure with conditions that he pay a \$2,000.00 fine and \$1,390.00 costs prior to the issuance of the license, that his license be placed on two years reporting probation with six months intervals, three projects minimum to be selected by the Probable Cause Panel.

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

Review and Approval of Meeting Minutes

April 12, 2018 – Probable Cause Panel, Sarasota, Florida

Motion: Mr. Rodriguez moved that the board approve the April 12, 2018 meeting minutes as presented.

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

April 13, 2018– General Business, Sarasota, Florida

Motion: Mr. Rivers moved that the board approve the April 13, 2018 meeting minutes as presented.

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

Ratification Lists

Licensure

Architect Licensed by Examination, Architect Licensed by NCARB Initial Examination, Architect Licensed by NCARB Endorsement, Architect License by State Endorsement, Architect Licensed by Direct Endorsement, Architect License Reinstated by Null and Void Hardship, Architecture Business Licensed by Corporation, Fictitious Name, Partnership, and Limited Liability Company, Architect Business Name Change, Interior Designer by Endorsement, Interior Designer by Dual Licensure, Interior Designer Licensed by Reinstatement by Null and Void Hardship, Interior Design Business License by Corporation, Limited Liability Corporation, Fictitious Name, and Interior Design Business Licensed by Dual Licensure.

Motion: Mr. Rodriguez moved that the board approve the Licensure Ratification List as presented.
Second: Mr. Ehrig seconded the motion and it passed unanimously.

Continuing Education

A Builders License Training Institute, Allen M. Weiss-Sesco Lighting, JC Code & Construction Consultants, Inc. RedVector.Com, Inc., and William H. Lindner

Motion: Mr. Rivers moved that the board approve the Continuing Education Ratification List as presented.
Second: Mr. Nolen seconded the motion and it passed unanimously.

Rules Report and Discussion

Federal Trade Commission – Opinion and Order of the Commission Louisiana Real Estate Appraisers Board
For information purposes. No discussion held.

Antitrust Update
For information purposes. No discussion held.

Proposed Rule Language

Rule 61G1-17.001, F.A.C., Professional Fees and Penalties for Architects

61G1-17.001 Professional Fees and Penalties for Architects.

The following fees and penalties are hereby adopted by the Board:

- (1) The fee for licensure by initial examination shall be \$60.00.
- (2) The biennial renewal fee for individuals electing active status shall be \$125.00.
- (3) The application fee for a Certificate of Authorization by a corporation or partnership shall be \$100.00.
- (4) The biennial renewal fee for a Certificate of Authorization shall be \$125.00.
- (5) The fee for licensure by endorsement shall be as follows:
 - (a) For those individuals holding Council Certification (blue cover) from the National Council for Architecture Registration Boards (NCARB) \$90.00.
 - (b) For all other applicants \$200.00.
- (6) The fee to reactivate an inactive status license (at the normal biennial renewal time) shall be \$100.00.
- ~~(7) The fee for replacement for a lost, destroyed, or additional certificate of registration shall be the cost of reproduction and replacement.~~
- (7)(8) Any applicant who takes the professional examination may, upon payment of \$75 to the Department and any fees required by NCARB, and at a mutually convenient time, examine her or his answers or questions, papers, grades and grading key upon such terms and conditions as set forth by the Department of Business and Professional Regulation. All such reviews shall be subject to NCARB and Department testing security requirements in order to insure the integrity of the examination.
- (8)(9) There shall be a \$5.00 fee collected both upon initial licensure and license renewal for the purpose of combating unlicensed activity. This fee shall be collected in addition to all other fees collected from each licensee, except that if the Department concurs and the Board is not in deficit, this fee shall be earmarked from the current licensure fee.
- (9)(10) The fee for a license status change (active to inactive or inactive to active) at any time during the biennium, other than the normal biennial renewal time shall be \$50.00.
- (10)(11) In addition to the regular biennial renewal fee, the fee to renew either an active or inactive status license after the deadline for renewal (and the license has become delinquent) shall be \$25.00.
- (11)(12) The fee to renew an inactive status license shall be \$75.00.

(12)(13) The application fee to reinstate a void license is \$500.00.
Rulemaking Authority 455.213, 455.217(4), 455.2281, 455.271, 481.2055, 481.207 FS. Law Implemented 455.217(4), 455.2281, 455.271, 481.207, 481.209, 481.219 FS. History— New 12-23-79, Amended 12-19-82, 5-18-83, 6-12-84, 7-30-85, Formerly 21B-17.01, Amended 9-23-86, 5-16-87, 12-6-87, 4-17-89, 12-24-89, 3-14-91, Formerly 21B-17.001, Amended 9-27-93, 8-21-94, 11-21-94, 4-22-97, 3-15-99, 9-7-04, 10-23-06, 9-24-12, 9-17-17, _____ .

Motion: Mr. Rodriguez moved that the board notice Rule 61G1-17.001, F.A.C., for rule development and approve the text as presented.

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

Motion: Mr. Rodriguez moved that the proposed rule would not have an adverse impact on 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 and a violation of this rule would not constitute a minor violation.

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

Rule 61G1-17.002, F.A.C., Professional Fees and Penalties for Interior

61G1-17.002 Professional Fees and Penalties for Interior Designers.

(1) The application and initial licensure fee for the interior designers shall be thirty dollars (\$30). However, in no event will an initial license be issued if the application and initial licensure fee and all required documents are not received within 6 months of the date of certification by the Board. In such case, the certification expires and the individual affected must reapply and requalify for licensure based on the laws and rules in effect at the time of the new application.

(2) The biennial renewal fee for individuals electing active status shall be \$125.00.

(3) The application fee for a Certificate of Authorization by a corporation or partnership shall be \$100.00.

(4) The biennial renewal fee for a Certificate of Authorization shall be \$125.00.

(5) The fee for licensure by endorsement shall be \$30.

(6) The fee for reactivation from inactive status shall be \$100.00.

~~(7) The fee for replacement of a lost, destroyed or additional certificate of registration shall be the cost of reproduction and replacement.~~

(7)(8) Any applicant who takes the professional examination may, upon payment of \$75 to the Department, and at a mutually convenient time, examine his answers or questions, papers, grades and grading key upon such terms and conditions as set forth by the Department of Business and Professional Regulation. All such reviews shall be subject to national and Department testing security requirements in order to insure the integrity of the examination.

(8)(9) The applicant pays examination fees directly to the National Council for Interior Design Qualifications (NCIDQ).

(9)(10) Provider Fees and Continuing Education Course Fees.

(a) The application fee for continuing education providership is \$25.

(b) The application fee for each continuing education course is \$25. Course renewals are contingent upon the renewal of their corresponding provider.

(c) Providerships and courses may be renewed at the end of the biennium for a fee of \$25 each.

(10)(11) There shall be a \$5.00 fee collected both upon initial licensure and license renewal for the purpose of combating unlicensed activity. This fee shall be collected in addition to all other fees collected from each licensee, except that if the Department concurs and the Board is not in deficit, this fee shall be earmarked from the current licensure fee.

(11)(12) The processing fee shall be \$50.00. This fee is charged when a licensee changes status at any time during the biennium, other than the normal biennial renewal time.

(12)(13) There will be a \$25.00 delinquency fee.

(13)(14) There will be a \$75.00 fee for renewal of an inactive license.

(14)(15) Application fee for architects who wish to be registered as interior designers is \$30.00.

(15)(16) The application fee to reinstate a void license shall be \$500.00.

Rulemaking Authority 455.213(2), 455.2281, 455.271, 481.2055, 481.207, 481.229(5)(b) FS. Law Implemented 455.2281, 455.271(6), 481.207, 481.219, 481.229 FS. History—New 12-21-88, Amended 5-10-89, 7-2-89, 12-24-89,

12-3-90, 2-28-91, 5-31-92, 11-11-92, Formerly 21B-17.002, Amended 9-27-93, 11-15-93, 11-21-94, 1-31-96, 10-20-96, 1-10-99, 3-15-99, 9-7-04, 11-9-06, 8-26-12, 9-17-17, _____.

Motion: Mr. Nolen moved that the board notice Rule 61G1-17.002, F.A.C., for rule development and approve the text as presented.

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

Motion: Mr. Nolen moved that the proposed rule would not have an adverse impact on 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 and a violation of this rule would not constitute a minor violation.

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

Annual Regulatory Plan 2018-2019

The Annual Regulatory Plan must be submitted and filed prior to October 1, 2018. The plan must identify rules for promulgation due to legislative changes or rules that the board would like to address. The board delegated authority to Ms. Woodard, Mr. Toppe, and Ms. Clark to prepare the Annual Regulatory Plan for 2018-2019.

Motion: Mr. Jernigan moved that board members provide any proposed rules or amendments for inclusion on the Annual Regulatory Plan for 2018-2019 to Ms. Woodard on or before July 31, 2018.

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

NCARB Annual Business Meeting Update

Mr. Toppe reported that the Annual Business Meeting was a success and Florida was recognized for licensing the first three licensees through the Integrated Path to Licensure (IPAL) program. Mr. Ehrig and Mr. Rodriguez hold NCARB leadership positions. Mr. Toppe requested that the department approve as many board members, board counsel, and staff as possible for NCARB's 100th Anniversary Annual Business Meeting next year. Mr. Rodriguez received the NCARB President's Medal for Distinguished Service for his commitment to architectural regulation and NCARB's mission to help protect the public's health, safety, and welfare. NCARB approved new Model Rules of Conduct and all of the other resolutions passed.

General Discussion

Presentation to Justin Jablonski and Michael Germano

Mr. Jablonski and Mr. Germano were not able to attend the meeting. The board thanked Mr. Ehrig for his participation and efforts to make the University of Florida's CityLab, Integrated Path to Licensure (IPAL) program a reality.

Reports

Board Chair – Jonathan Toppe
No report.

Executive Director’s Report – Krista Woodard
Financials ending March 31, 2018
Operating Account
Unlicensed Activity Account

Ms. Woodard reported that the board was in good financial condition.

AIA Florida – Vicki Long

Ms. Long reported that AIA has a Disaster Committee and they will be reorganizing and rebuilding the program. AIA Florida is currently conducting their People’s Choice Awards. She reported that the Strategic Council requested that the Board of Directors take a position on sea level rise to mitigate and prevent loss of property. Ms. Long reported that they are working with other associations to update “A Building Official’s Guide to the Professional Practice of Architects and Engineers in Florida”.

IDAF – Cynthia David

Ms. David thanked the board for their representation of the professions.

ASID – Dave Roberts

Mr. Roberts reported that they hired a new Vice-President of Government and Public Affairs, Bryan J. Soukup.

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 – March 2018
Billable Hours – April 2018
Billable Hours – May 2018

Results of the April 2018 Board Meeting

Speaking Engagements and Press Releases

Mr. Minacci reported that he had filed many Circuit Court Complaints in an effort to collect outstanding fines and costs. The board thanked Mr. Minacci for his service.

Future Board Meetings – 2019 schedule dates and locations

January 23, 2019 – Probable Cause Panel Meeting

January 24-25, 2019 – General Business Meeting

Location: St. Augustine area

April 17, 2019 – Probable Cause Panel Meeting

April 18-19, 2019 – General Business Meeting
Location: St. Petersburg area

July 22, 2019 – Probable Cause Panel Meeting
July 23-24, 2019 – General Business Meeting
Location: Orlando in conjunction with AIA Annual Conference

October 16, 2019 – Probable Cause Panel Meeting
October 17-18, 2019 – General Business Meeting
Location: Palm Beach area

Mr. Toppe requested that all board members attend future meetings due to potential quorum issues.

New Business

No new business.

Old Business

No old business.

Adjourn

Motion: Mr. Jernigan moved that the meeting be adjourn.

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

The meeting adjourned at 12:36 p.m.