

MINUTES

**Board of Architecture and Interior Design
The Biltmore Hotel
1200 Anastasia Avenue
Coral Gables, Florida 33134
(305) 445-1926**

**October 20, 2017
General Business
9:00 a.m.**

Call to Order

Mr. Toppe, Chair, called the meeting to order at 9:00 a.m. and a quorum was established.

Board Members Present:

John P. Ehrig
Miguel "Mike" Rodriguez
Jonathan Toppe, Chair
Hector Fernandez
Aida Bao-Garciga, Vice-Chair
Holly Dennis
Dylan Rivers
Ivette O'Doski

Board Members Absent:

Francisco "Frank" Costoya, unexcused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Krista B. Woodard, Executive Director
Terri McEwen, Government Analyst
Ruben Pujol
Alan Winter
Cynthia David
Susan Weisleder
Lourdes Solera
Lorraine Bragg
Angela Colley
Michael Craddock
Aida Lora

Court Reporter: Elsa Estopinan, Downtown Reporting, 200 S. Andrews Avenue, Suite 604, Ft. Lauderdale, Florida. Telephone (954) 522-3376.
wereport@downtownreporting.com

Disciplinary Cases

DBPR vs. Gerard J. Vermey

Case Number 2015-011707

PCP: Hall, Smith, and Toppe

Settlement Stipulation: Reprimand, \$3,000.00 fine plus \$2,657.50 costs, and an appearance at the May 12, 2017 board meeting.

Mr. Vermey was present and sworn in by the court reporter and was represented by Mr. Winters. Mr. Toppe was recused from the review of the case based on his participation on the Probable Cause Panel and Ms. Bao-Garciga, Vice-Chair, conducted the hearing. The case was before the board based on a three count administrative complaint for failing to exercise responsible supervisory control, negligence, and signing and sealing plans not sufficiently detailed.

The Probable Cause Panel recommended a reprimand, \$3,000 fine plus \$2,657.60 costs, two years' probation, and an appearance before the board. The settlement stipulation reflects a reprimand, \$3,000 fine plus \$2,657.50 costs, and an appearance before the board. After board discussion, the following motion was made.

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

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

DBPR vs. Eduardo Hillman-Waller *

Case Number 2017-027166

PCP: Rodriguez, Fernandez, and Rivers

Mr. Hillman-Waller was present and sworn in by the court reporter. Mr. Rodriguez, Mr. Fernandez, and Mr. Rivers were recused from the review of the case based on their participation on the Probable Cause Panel. A one count administrative complaint was filed for being convicted of a crime directly relating to the practice of architecture.

The Probable Cause Panel's recommendation was a \$1,000 fine plus \$1,200.00 costs, one year suspension, and two years' probation. The settlement stipulation reflects the panel's recommendation. After board discussion, the following motions were made.

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

Second: Ms. O'Doski seconded the motion.

Mr. Hillman-Waller provided a brief testimony regarding the project mentioned in the disciplinary case and that the filing of the complaint was politically motivated.

Mr. Ehrig withdrew his motion and Ms. O'Doski withdrew her second.

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

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

Motion: Mr. Ehrig moved that the board impose a \$1,000 fine plus \$1,200.00 costs to be paid within 30 days of the filing of the final order, two years' probation based on the mitigating factors of his testimony and Rule 61G1-12.004(3)(b)(3)(4)(5) and (6), Florida Administrative Code.

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

Mr. Hillman-Waller accepted the counter stipulation as presented.

DBPR vs. Eduardo Hillman-Waller

Case Number 2016-009261

PCP: Hall, Smith, and Fernandez

PCP Recommendation: \$1,000 fine plus \$622.50 costs, 48 hours of continuing education, and suspension until compliance.

Mr. Hillman-Waller was present and sworn in by the court reporter. Mr. Fernandez was recused from the review of the case based on his participation on the Probable Cause Panel. A one count administrative complaint was filed for failing to complete a statutory obligation. Service of the administrative complaint was achieved by hand delivery and the respondent did not dispute the allegations. The respondent has paid the \$500.00 citation and provided 48 hours of the continuing education. After board discussion, the following motion was made.

Motion: Mr. Rodriguez moved that the board impose costs only based on his testimony and mitigating factors outlined in Rule 61G1-12.004(3)(b)(3)(4) and (5), Florida Administrative Code.

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

DBPR vs. Ruben J. Pujol

Case Number 2016-038021

PCP: Hall, Smith, Rodriguez, Rivers, and Fernandez

PCP Recommendation: \$5,000 fine plus \$3,177.50 costs, one year suspension, and two years' probation.

Mr. Pujol was presented and sworn in by the court reporter. Mr. Fernandez, Mr. Rivers, and Mr. Rodriguez were recused from the case based on their participation on the Probable Cause Panel. A one count administrative complaint

was filed for failing to provide responsible supervisory control. The respondent waived his rights in the matter.

Mr. Pujol provided a brief synopsis regarding his wife's illness and requested that the board not suspend his license. After board discussion, the following motions were made.

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

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

Motion: Mr. Ehrig moved that based on mitigating factors the board impose a \$2,000 fine plus \$3,177.50 costs to be paid within 30 days of the filing of the final order, and two years' reporting probation.

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

DPBR vs. Michael E. Craddock

Case Number 2015-022690

PCP: Hall, Shore, Costoya, and Rivers

PCP recommendation: \$15,000 fine plus \$693.00 costs.

Mr. Craddock was present and sworn in by the court reporter. Mr. Rivers was recused from the review of the case based on his participation on the Probable Cause Panel. A three count administrative complaint was filed for practicing architecture without a license, using the title architect without a license, and using a license while in null and void status. Mr. Craddock requested a formal hearing, however, he did not respond to discovery and the Division of Administrative Hearings relinquished jurisdiction to the board. After board discussion, the following motions were made.

Motion: Mr. Ehrig moved that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts and that the board adopt the findings of fact set forth in the administrative complaint.

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

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

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

Mr. Craddock provided a brief synopsis of his health issues that impacted his decisions regarding this case and prior disciplinary cases. The board discussed that the prior cases did not involve negligence.

- Motion: Mr. Rodriguez moved that, based on mitigating factors, the board impose a \$1,000 fine plus \$693.00 costs to be paid within 30 days of the filing of the final order.
- Second: Ms. Bao-Garciga seconded the motion, it passed with Mr. Fernandez opposed.

Report

AIA Florida – Lourdes Solera

Ms. Solera reported that AIA Florida was working to assist with expediting the licensure process for individuals impacted by Hurricane Irma. She reported that they are monitoring House Bill 1021 regarding changes to the Florida Building Code, House Bill 299 regarding changes to the structure of the Building Commission, and Senate Bill 526 regarding deregulation. AIA Florida is supportive of the board pursuing unlicensed activity cases.

The board discussed changes to Section 558.0035, Florida Statute, through House Bill 15, item 8, on page 30 regarding liability and insurance.

Disciplinary Cases

DBPR vs. Guillermo A. Lugones

Case Number 2016-020262

PCP: Hall, Smith, Toppe, and Fernandez

PCP Recommendation: \$500.00 fine plus \$587.50 costs, and proof of the Florida Building Code advanced course.

Mr. Lugones was not present or represented by counsel. Mr. Fernandez and Mr. Toppe were recused from the review of the case based on their participation on the Probable Cause Panel. Ms. Bao-Garciga, Vice-Chair, conducted the hearing. Ms. Bao-Garciga informed the board that Mr. Lugones was a previous employee but she could be fair and impartial. A one count administrative complaint was filed for failing to perform a statutory obligation. The administrative complaint was served by hand delivery. After board discussion, the following motions were made.

- Motion: Mr. Rodriguez moved that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts and that the board adopt the findings of fact and conclusions of law as set forth in the administrative complaint.
- Second: Ms. O'Doski seconded the motion and it passed unanimously.
- Motion: Mr. Ehrig moved that the board impose a \$500.00 fine plus \$587.50 costs to be paid within 30 days of the filing of the final order, proof

of the Florida Building Code advanced course, and suspension until compliance.

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

DBPR vs. Camilo A. Garcia

Case Number 2014-002214

PCP: Hall, Shore, Costoya, and Rivers

PCP recommendation: \$1,500.00 fine plus \$1,705.00 costs.

Mr. Minacci requested that the board continue this case.

Motion: Mr. Ehrig moved that the board continue the case to the next board meeting.

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

DBPR vs. Chris Haywood and West Coast Drafting

Case Number 2015-011702

PCP: Hall, Shore, Costoya, and Rivers

PCP Recommendation: \$1,000 fine plus \$1,371.02 costs.

Mr. Haywood was not present or represented by counsel. Mr. Rivers was recused from review of the case based on his participation on the Probable Cause Panel. A one count administrative complaint was filed for using the title architect when not licensed. The administrative complaint was served by publishing a notice of action in the Business Observer. The respondent has failed to respond. After board discussion, the following motions were made.

Motion: Mr. Rodriguez moved that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts 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. Rodriguez moved that the board impose a \$1,000.00 fine plus \$1,371.02 costs to be paid within 30 days of the filing of the final order.

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

Settlement Stipulations - It is requested that those cases in which the Settlement Stipulation follows the Probable Cause Panel recommendation be placed on a consent agenda. Such cases are marked with an asterisk.

Licensed

DBPR vs. Carlos I. Alcala and Alcala Architecture, LLC

Case Number 2016-007825

PCP: Hall, Smith, Fernandez, and Toppe

Probable Cause Panel recommended a \$1,000 fine plus \$1,050.00 costs, one year suspension, and two years' probation.

Settlement Stipulation: \$1,000.00 fine plus \$1,050.00 costs.

Mr. Alcalá was not present or represented by counsel. Mr. Toppe and Mr. Fernandez were recused from review of the case based on their participation on the Probable Cause Panel. Ms. Bao-Garciga, Vice-Chair, conducted the hearing. A one count administrative complaint was filed for aiding unlicensed activity. The suspension and probation were removed based on additional information and the case was related to advertising. After board discussion, the following motion was made.

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

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

DBPR vs. Gregory Sterling Goertler *

Case Numbers 2014-047226 and 2015-041648

PCP: Rodriguez, Fernandez, and Rivers

Settlement Stipulation: Reprimand and \$2,302.50 costs

Mr. Goertler was not present or represented by counsel. Mr. Rodriguez, Mr. Fernandez, and Mr. Rivers were recused from the review of the case based on their participation on the Probable Cause Panel. A one count administrative complaint was filed for aiding unlicensed activity. After board discussion, the following motion was made.

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

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

DBPR vs. HDR Architecture, Inc. *

Case Number 2016-057964

PCP: Rodriguez, Fernandez, and Rivers

Settlement Stipulation: \$2,400.00 costs

The Respondent was not present or represented by counsel. Mr. Rodriguez, Mr. Fernandez, and Mr. Rivers were recused from the review of the case based on their participation on the Probable Cause Panel. A one count administrative complaint was filed for aiding the unlicensed practice of architecture. After board discussion, the following motion was made.

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

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

Petition for Variance of Rule 61G1-14.001, Florida Administrative Code

Ms. Weisleder was present and sworn in by the court reporter.

A. Susana Weisleder – petition review

Ms. Weisleder applied for licensure by NCARB Endorsement per Subsection 481.213(3)(c), Florida Statutes. Subsection 481.213(3)(c), F.S., states that the board shall certify an applicant for licensure by NCARB Endorsement if the applicant: has passed the prescribed licensure examination, holds a valid certificate issue by the National Council of Architectural Registration Board (NCARB), and holds a valid license to practice architecture in another state or jurisdiction of the United States.

Ms. Weisleder was certified by NCARB based on the NCARB's alternative to the examination requirements outlined in their Certificate Guidelines for Broadly Experienced Foreign Architects. Ms. Weisleder satisfied the examination through an interview and dossier program.

Ms. Weisleder is petitioning the board for a permanent variance from Rule 61G1-14.001, Examination Requirements, Florida Administrative Code. After discussion of Ms. Weisleder's credentials and experience, the following motion was made.

Motion: Mr. Ehrig moved that the board grant her petition for permanent variance from the examination as outlined in Rule 61G1-14.001, F.A.C. and that Ms. Weisleder has meet the intent of the underlying statute and requiring her to take further examinations is a hardship as defined in Section 120.542(2), Florida Statutes. He requested that the board consider her 35 years of architectural experience in Israel, Venezuela, Georgia, Alabama, and Texas, as well as her educational background.

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

B. Susana Weisleder – application review

After board discussion the board made the following motion.

Motion: Mr. Rodriguez moved that the board approve Ms. Weisleder's application as presented.

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

Application Review

Agency for Health Care Administration –

- Architect Continuing Education Course, ACHA Exam Prep Seminar

The board discussed the fact that there was not enough information to support approving the course for the amount of time requested for health, safety, and welfare. After board discussion, the following motion was made.

Motion: Mr. Rodriguez moved that the board approve the course as presented.

Second Mr. Fernandez seconded the motion.

After further discussion, the motion and second were withdrawn.

Motion: Mr. Ehrig moved that the board deny the application because the documents submitted were not detailed or specific enough for health, safety, and welfare credit.

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

The board discussed inviting a Bureau of Education and Testing representative to appear at the next board meeting to share concerns regarding the department's denial policy for exam preparation courses.

Review and Approval of Meeting Minutes

A. July 25, 2017 – Probable Cause Panel, Naples, Florida

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

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

B. July 26, 2017 – General Business, Naples, Florida

Motion: Mr. Rodriguez moved that the board approve the minutes as presented.

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

C. August 28, 2017 – Probable Cause Panel, Tallahassee, Florida

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

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

D. September 19, 2017 – General Business, Telephone Conference Call

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

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

Ratification Lists

A. Licensure -

Architect Licensed by Examination, Architect Licensed by NCARB Examination, Architect License by NCARB Endorsement, Architect Licensed by State Endorsement, Architect Licensed by Initial from Null and Void Hardship, License Architect added Specialty License (Threshold), Architect Business Licensed by

Corporation, Limited Liability Company, Partnership, and Fictitious Name, Interior Designer License by Examination, Interior Designer License by AR/ID Dual Licensure, Interior Designer Licensed by Corporation, Partnership, and Limited Liability Corporation.

Ms. Bao-Garciga was recused from the vote due to the fact she had a business license listed on the ratification list.

Motion: Mr. Rodriguez moved that the board ratify the licensure ratification list as presented.

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

Mr. Ehrig reported that Lucas Emmanuel Najle completed the CityLab program and all of his examinations within a year and half and was on the licensure ratification licensure list.

B. Continuing Education

AHCA, Boss Construction School, Department of Business and Professional Regulation, Design Arts Seminars, Florida Educational Facilities Planners Association, FRSA Education and Research Foundation, Halfmoon Education, Inc., JC Code & Construction Consultants, Miami-Dade County of Regulation & Economic Resources RJL Associations, Inc. Shea Barclay Group, and St. Petersburg College.

Motion: Mr. Rodriguez moved that the board ratify the continuing education ratification list as presented.

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

Rules Report and Discussion

Rules Report

Ms. Clark reported that there were no outstanding rules and that the fee rules were adopted September 17, 2017. The board ratified the Annual Regulatory Plan and the board should advise Ms. Clark what rules they would like change.

General Discussion

A. CLARB-NCARB-NCEES support letter
For Information Purposes.

B. Joint NCARB / CLARB Pilot New Member Board Member and Executive Orientation
For Information Purposes.

C. Council for Interior Design Qualifications (CIDQ) - 2016 Approved ByLaws

The board reviewed the changes to the ByLaws and directed Ms. Dennis to use her best judgment to either support or not support the first ByLaw change regarding the CIDQ board structure. Nevada and New Jersey encouraged other states not to support the first ByLaw change until there was additional clarification regarding the intent of the language.

Motion: Ms. Bao-Garciga moved that Ms. Dennis use her best judgment when voting on the first ByLaw.

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

D. Correspondence regarding Seals

The board discussed the issue and referred the respondent to the rule that outlines seals requirements.

E. NCARB 2017 TriNational Agreement for International Practice

The board discussed sending a letter to NCARB outlining the reasons Florida is not able to sign this agreement based on Florida's statutory requirements.

F. Invitation to Negotiate (ITN) for Prosecutorial and Investigative Services

Mr. Toppe appointed himself, Mr. Rodriguez, and Ms. Bao-Garciga to serve on the ITN Review Committee.

Reports

A. Board Chair – Jonathan Toppe

Mr. Toppe reported that he visited the department's new building and talked with Mr. Harrell. Mr. Harrell thanked the board for taking action on unlicensed cases.

B. Executive Director's Report – Krista Woodard

Ms. Woodard reported that House Bill 15 and Senate Bill 526 would remove the business license requirement. She reported that House Bill 615 allowed for a fee waiver for military personnel. She reported that there is an Executive Order of the Governor to waive licensing fees for Puerto Rican licensees that apply for licensure in Florida. She reported that the continuing education audit began October 4, 2017.

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

C. IDAF – Cynthia David

Ms. David reported that IDAF was representing interior designers throughout the state regardless of whether they were IDAF members. They are monitoring the possibility of deregulation of the interior designer profession. IDAF supports education and certification of interior designers. She reported that the number of individuals taking the NCIDQ examination nationally is up by 17% and Florida is up by 14%. She reported that furniture companies that provide space planning

services are required to have an interior designer qualifier their business. She voiced a concern regarding commercial furniture companies providing space planning services without a licensed interior designer qualifying the company regardless of whether the plans are permitted or not.

D. ASID – Dave Roberts

Mr. Roberts reported that they were monitoring House Bill 15 and Senate Bill 526. The sponsor of the bill wants it to pass. He reported that he was hearing there may be a stronger deregulation bill filed by the Senate this Session. He reported that Session is scheduled for January 9, 2018 through March 9, 2018.

E. Prosecuting Attorney's Report – David K. Minacci

- 1) Prosecutor's Case List Licensed/Unlicensed Cases
 - 2) Investigator's Case List Licensed/Unlicensed Cases
 - 3) Fines Chart – Summary
 - 4) Fines Chart – Unlicensed
 - 5) Fines Chart – Licensed
 - 6) Billable Hours – July 2017
 - 7) Billable Hours – August 2017
 - 8) Results of the July 2017 Board Meeting
 - 9) Speaking Engagements and Press Releases
- For Information Purposes.

Future Board Meetings

The board discussed, at length, the need to reduce the number of meeting days from two to one for general business. After a lengthy discussion the board decided to keep the upcoming meetings at two days based on possibility of an increase in unlicensed disciplinary cases.

The board scheduled a telephone conference call December 5, 2017 at 2:00 p.m.

- A. Location: Miramar Beach, Florida
Hilton Sandestin Beach Golf Resort & Spa
4000 Sandestin Boulevard South
Miramar Beach, Florida 32550. Telephone (850) 267-9500
Toll free (877) 559-1805 or direct (850) 267-9500
January 24, 2018 – Probable Cause Panel at 9:00 a.m.
January 25-26, 2018 – General Business at 9:00 a.m.
- B. Location: Sarasota/Ft. Myers, Florida
April 11, 2018 – Probable Cause Panel at 9:00 a.m.
April 12-13, 2018 – General Business at 9:00 a.m.
- C. Location: Ponte Vedra, Florida
Sawgrass Marriott Golf Resort & Spa

1100 PGA Tour Boulevard, Ponte Vedra, Florida 32082
Telephone (904) 285-7777
July 16, 2018 – Probable Cause Panel at 9:00 a.m.
July 17-18, 2018 – General Business at 9:00 a.m.

Elections

A. Chair

Motion: Ms. O'Doski nominated Mr. Toppe as Chair.
Second: Mr. Ehrig seconded the motion and it passed unanimously.

B. Vice-Chair

Motion: Mr. Rodriguez nominated Ms. Bao-Garciga as Vice-Chair.
Second: Ms. O'Doski seconded the motion and it passed unanimously.

New Business

No new business.

Old Business

No old business.

Adjourn

Motion: Mr. Ehrig moved that the meeting adjourn.
Second: Mr. Rodriguez seconded the motion and it passed unanimously.

The meeting adjourned at 1:08 p.m.