

## **MINUTES**

**Board of Architecture and Interior Design  
Hyatt Place Ft. Lauderdale  
17<sup>th</sup> Street Convention Center  
1851 S.E. 10<sup>th</sup> Avenue  
Ft. Lauderdale, Florida 33316  
(954) 763-7670**

**October 19, 2018  
General Business  
9:00 a.m.**

### **Call to Order**

Ms. Bao-Garciga, Vice-Chair, called the meeting to order at 9:02 a.m. and a quorum was established.

#### Board Members Present:

Aida Bao-Garciga, Vice-Chair  
Miguel Rodriguez  
John Ehrig  
Steven Jernigan  
Frank Costoya  
Holly Dennis  
Ivette O'Doski  
Tim Nolen  
Dylan Rivers

#### Board Member Absent:

Jonathan Toppe, Chair, unexcused

#### Others Present:

Robert Milne, Board Counsel  
David Minacci, Prosecuting Attorney  
Krista Woodard, Executive Director  
Terri McEwen, Government Analyst  
David Roberts, Esquire, Nortelus Roberts Group, ASID  
Autumn Hancock, Esquire  
Erica Aguiler, Esquire  
Mark Towers  
Erigene Belony, Esquire  
Lesly Gaillard  
Jan Merle  
Richard Logan, AIA Florida

Elizabeth Nieves, ASID Florida South  
Becky Magdaleno, AIA Florida  
John Scott Conner  
Guillermo Gonzalez  
Angela Colley, ASID Florida South

Court Reporter: Veritext, Nate Toro, Veritext, 2 South Biscayne Blvd, Suite 2250, Miami, Florida 33131

## **Disciplinary Cases**

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. Rodriguez was recused from the matter due to his participation on the Probable Cause Panel. Mr. Tower was present, sworn in by the court reporter, and represented by Autumn Hancock. The case was before the board for reconsideration of a final order entered by the board on May 2, 2018. The case involved advertising violations that the respondent has now corrected and allegations of contracting for residential architectural services. Mr. Tower did not receive notice of the investigation or case hearing.

Ms. Hancock filed an appeal with the District Court of Appeals (DCA) because Mr. Tower was not properly noticed. Mr. Minacci filed a motion of error and the DCA relinquished jurisdiction to the board.

Mr. Minacci advised that Mr. Tower corrected the violations and understands the laws and rules. Mr. Minacci requested that the board waive the fines and costs. After discussion the following motions were made.

Motion: Mr. Rivers moved that the board reconsider.  
Second: Mr. Ehrig seconded the motion and it passed unanimously.

Motion: Mr. Jernigan moved that the board amend the final order to waive the fines and costs.  
Second: Mr. Ehrig seconded the motion and it passed unanimously.

DBPR vs. Mariela Martin-Fernandez and Remodel by Design, LLC  
Case Number 2014-042066  
PCP: Hall, Shore, Costoya, and Rivers

*PCP Recommendation: \$4,500.00 fine plus \$1,672.50 costs*

*Settlement Stipulation: \$1,250.00 fine plus \$1,672.50 costs*

The respondent was not present but was represented by Erica Algueri. Mr. Costoya 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 the respondent having her interior design license revoked for failing to comply with a final order. A three count

administrative complaint was filed for practicing architecture without a license, using the title architect without a license, and offering architecture services through a business entity without a certificate of authorization. After discussion the following motion was made.

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

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

DBPR vs. James A. Beaudin

Case Number 2018-017698

Voluntary Relinquishment

Motion: Mr. Costoya moved that the board accept the voluntary relinquishment as presented.

Second: Mr. Rodriguez 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 present, sworn in by the court reporter, and represented by Erigene Belony. The case was before the board based on a final order entered by the board on October 31, 2012 imposing a \$5,000 fine plus \$210.00 costs. Mr. Minacci filed a petition to enforce agency action in Circuit Court and Mr. Gaillard responded with an offer of \$500.00 to settle the matter. The case was based on a one count administrative complaint for practicing architecture without a license.

The board reviewed the facts of the case and considered Mr. Gaillard's testimony. After discussion the following motion was made.

Motion: Mr. Rivers moved that the board impose a \$2,500.00 fine plus \$210.00 costs to be paid in \$100.00 monthly payments.

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

The following cases were handled on a consent agenda.

Ms. Bao-Garciga, Mr. Rodriguez, and Mr. Rivers were recused from the review of the cases due to their participation on the Probable Cause Panel. Mr. Ehrig conducted the hearings.

DBPR vs. Wayne S. Berenbaum

Case Number 2018-000797

PCP: Rodriguez, Bao-Garciga, and Rivers

*PCP Recommendation: 24 hours of continuing education within 180 days of the final order*

DBPR vs. Bethany Anne Brennan

Case Number 2018-016925

PCP: Rodriguez, Bao-Garciga, and Rivers

*Settlement Stipulation: \$1,000.00 fine plus \$112.50 costs, 44 hours of continuing education within 180 days of the final order*

DBPR vs. John Scott Conner

Case Number 2018-016897

PCP: Bao-Garciga, Rivers, and Rodriguez

*Settlement Stipulation: \$1,000.00 fine plus \$262.50 costs, 45 hours of continuing education within 180 days of the final order*

DBPR vs. Juan A. Davila

Case Number 2017-056198

PCP: Bao-Garciga, Rodriguez, and Rivers

*PCP Recommendation: \$1,000.00 fine plus \$262.50 costs, 48 hours of continuing education, suspension until compliance*

DBPR vs. Conrado Gallardo

Case Number 2018-018536

PCP: Bao-Garciga, Rodriguez, and Rivers

*PCP Recommendation: \$1,000.00 fine plus \$112.50 costs, 44 hours of continuing education within 180 days of the final order*

DBPR vs. David Lawrence Gray

Case Number 2018-018539

PCP: Rodriguez, Bao-Garciga, and Rivers

*PCP Recommendation: \$1,000.00 fine plus \$112.50 costs, 48 hours of continuing education, suspension until compliance*

DBPR vs. Stephen Jackson

Case Number 2018-017110

PCP: Rodriguez, Bao-Garciga, and Rivers

*PCP Recommendation: \$250.00 fine plus \$75.00 costs, 10.75 hours of continuing education within 90 days of the final order*

DBPR vs. Elisa Labram Verch

Case Number 2018-019649

PCP: Rodriguez, Bao-Garciga, and Rivers

*PCP Recommendation: \$75.00 costs*

DBPR vs. Nilo Monteserin

Case Number 2018-017365

PCP: Rodriguez, Bao-Garciga, and Rivers  
*PCP Recommendation: \$1,000.00 fine plus \$112.50 costs, 48 hours of continuing education, suspension until compliance*

DBPR vs. Robert Raymond Orosa  
Case Number 2017-056202  
PCP: Rodriguez, Bao-Garciga, and Rivers  
*PCP Recommendation: \$1,000.00 fine plus \$600.00 costs, 48 hours of continuing education, suspension until compliance*

DBPR vs. Juan Carlos Sanchez  
Case Number 2018-019656  
PCP: Rodriguez, Bao-Garciga, and Rivers  
*PCP Recommendation: \$1,000.00 fine plus \$75.00 costs, 48 hours of continuing education, suspension until compliance*

DBPR vs. Roman Strazhko  
Case Number 2018-019780  
PCP: Rodriguez, Bao-Garciga, and Rivers  
*PCP Recommendation: \$1,000.00 fine plus \$30.00 costs, 47 hours of continuing education within 180 days of the final order*

Motion: Mr. Costoya moved that the board accept the settlement stipulations as presented.

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

DBPR vs. James C. Marshall and JC Marshall Construction, Inc.  
Case Number 2017-020210

PCP: Hall, Rodriguez, and Rivers

PCP Recommendation: \$3,000.00 fine plus \$1,387.50 costs

The respondent was not present or represented by counsel. Mr. Rodriguez and Mr. Rivers were recused from the review of the case based on their participation on the Probable Cause Panel. Ms. Bao-Garciga conducted the hearing. After discussion the following motions were made.

Motion: Mr. Costoya moved that the board accept the settlement stipulation as presented.

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

DBPR vs. Guillermo Ramon Gonzalez and Habitat Architecture Studio, LLC dba ARC Design + Build

Case Numbers 2017-010867 and 2017-010860

PCP: Hall, Rodriguez, and Rivers

*PCP Recommendation: Reprimand, \$3,250.00 fine plus \$6,217.50 costs, 2 years probation*

*Settlement Stipulation: Reprimand, \$6,217.50 costs, 2 years probation*

Mr. Gonzalez 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 three count administrative complaint for failing to exercise responsible supervisory control, plans not sufficiently detailed, and for failing to provide his professional license in an advertisement. After discussion the following motions were made.

Motion: Mr. Jernigan moved to accept the settlement stipulation.  
Second: Ms. O'Doski seconded the motion.

The board reviewed the facts of the case and considered Mr. Gonzalez's testimony.

Motion: Mr. Jernigan amended his motion and reduced the probation to one year.  
Second: Ms. O'Doski seconded the motion and it passed with Mr. Costoya opposed.

Motion: Mr. Jernigan moved to reconsider the motion.  
Second: Mr. Nolen seconded the motion and it passed unanimously.

Motion: Mr. Costoya moved that the board impose a reprimand, reduce costs to \$2,500.00, to be paid in 24 months, and reduce probation to one year.  
Second: Mr. Jernigan seconded the motion and it passed unanimously.

DBPR vs. Alejandro Santamaria and Vertex Architecture, Inc.

Case Numbers 2017-052139 and 2017-052149

PCP: Rodriguez, Bao-Garciga, and Rivers

*PCP Recommendation: \$3,000.00 fine plus \$2,375.00 costs, 2 years' probation, one year suspension*

The respondent was not present or represented by counsel. Ms. Bao-Garciga, Mr. Rodriguez, and Mr. Rivers were recused based on their participation on the Probable Cause Panel. Mr. Ehrig conducted the hearing. The case was before the board based on a three count administrative complaint for misconduct in the practice of architecture, failing to perform a legal obligation, and failing to provide a license number in an advertisement. The administrative complaint was served by certified mail August 9, 2018. The respondent failed to respond. After discussion the following motions were made.

Motion: Mr. Costoya moved that the board finds that the administrative complaint was properly served upon the respondent and that the respondent waived the right to dispute the material facts by failure to timely respond thereto, that the board adopts the findings of facts and conclusions of law as set forth in the administrative complaint.  
Second: Mr. Jernigan seconded the motion and it passed unanimously.

Motion: Mr. Costoya moved that the board impose a \$3,000.00 fine plus \$2,375.00 costs to be paid within 30 days, 2 years probation, and one year suspension.

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

DBPR vs. Jonathan Tsao  
Case Number 2018-006594

PCP: Rodriguez, Bao-Garciga, and Rivers

*PCP Recommendation: \$1,000.00 fine plus \$112.50 costs, 48 hours of continuing education, suspension until compliance*

The respondent was not present or represented by counsel. Ms. Bao-Garciga, Mr. Rodriguez, and Mr. Rivers were recused based on their participation on the Probable Cause Panel. Mr. Ehrig conducted the hearing. The case was before the board based on a one count administrative complaint for failing to perform a statutory obligation. Service was achieved by certified mail on August 14, 2018 and the respondent has failed to respond. After discussion the following motions were made.

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

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

Motion: Mr. Jernigan moved that the board impose a \$1,000.00 fine plus \$112.50 costs to be paid within 30 days, 48 hours of continuing education and suspension until compliance.

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

DBPR vs. William C. Wilson  
Case Number 2017-056225

PCP: Rodriguez, Bao-Garciga, and Rivers

*PCP Recommendation: \$1,000.00 fine plus \$300.00 costs, 48 hours of continuing education, suspension until compliance*

The respondent was not present or represented by counsel. Ms. Bao-Garciga, Mr. Rodriguez, and Mr. Rivers were recused based on their participation on the Probable Cause Panel. Mr. Ehrig conducted the hearing. The case was before the board based on a one count administrative complaint for failing to perform a statutory obligation. The respondent filed an election of rights and waived his rights to be heard. After discussion the following motions were made.

Motion: Mr. Jernigan moved that the board adopts the findings of facts and conclusions of law as set forth in the administrative complaint.

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

Motion: Mr. Jernigan moved that the board impose a \$1,000.00 fine plus \$300.00 costs to be paid within 30 days, 48 hours of continuing education and suspension until compliance.

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

DBPR vs. Rodrigo H. Cadavid

Case Number 2015-037503

PCP: Hall, Rodriguez, and Rivers

*PCP Recommendation: \$1,500.00 fine and \$872.50 costs*

Mr. Minacci requested that this case be continued until the next meeting.

Motion: Mr. Costoya moved that the board continue the case until the next meeting.

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

DBPR vs. Perry M. Darby

Case Number 2018-017726

PCP: Bao-Garciga, Rivers, and Rodriguez

*PCP Recommendation: \$112.50 costs and 24 hours of continuing education by December 31, 2018*

The respondent was not present or represented by counsel. Ms. Bao-Garciga, Mr. Rodriguez, and Mr. Rivers were recused from the review of the case based on their participation on the Probable Cause Panel. Mr. Ehrig conducted the hearing. After board discussion the following motion was made.

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

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

DBPR vs. Javier Salman

Case Number 2018-019681

PCP: Rodriguez, Bao-Garciga, and Rivers

PCP Recommendation: \$1,000.00 fine plus \$75.00 costs, 40 hours of continuing education, suspension until compliance

Settlement Stipulation: \$750.00 fine plus \$75.00 costs, 23 hours of continuing education within 120 day of the final order

The respondent was not present or represented by counsel. Ms. Bao-Garciga, Mr. Rodriguez, and Mr. Rivers were recused from the review of the case based on their participation on the Probable Cause Panel. Mr. Ehrig conducted the hearing. After board discussion the following motion was made.

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

Second: Mr. Nolen 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: \$2,362.50 costs*

The respondent was not present or represented by counsel. Mr. Rodriguez and Mr. Rivers were recused from the review of the case based on their participation on the Probable Cause Panel. 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 with Mr. Costoya and Ms. Dennis opposed.

Mr. Minacci read the following e-mail into the record:

*"Dear David:*

*I understand that the Hilton T. Meadows/Diversified Environmental Planning disciplinary case will come back before the BOAID at the October 19, 2018 meeting. I will not be able to attend and thus express no opinion as to the Meadows matter, but I do believe it is appropriate for the record to be corrected regarding an allegation that I was somehow biased against him and/or his business.*

*When Mr. Meadows addressed the Board during the July 18, 2018 meeting he stated that I should not hear his case because I had competed with him and therefore had a conflict of interest. For the record, I am neither a licensed Landscape Architect nor a land planner. Neither Toppe Consultants, Inc. nor I have offered such services or competed with Mr. Meadows or his firm on any basis for any Landscape Architecture or land planning work.*

*Since Mr. Meadows' statement is untrue I request whichever of the following actions is appropriate in your judgment to correct his misrepresentations:*

- 1. Mr. Meadows can retract his statement.*
- 2. You may read the appropriate part of this email into the record.*

*Thanks in advance. Be safe through the hurricane.*

*John Toppe"*

Mr. Minacci explained that Mr. Meadows confused the Board Chair, Mr. Toppe, with the Probable Cause Panel Chair, Mr. Hall.

## **Review and Approval of Meeting Minutes**

July 17, 2018 – Probable Cause Panel, Ponte Vedra, Florida

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

July 18, 2018 – General Business, Ponte Vedra, Florida

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

### **Ratification Lists**

#### Licensure A

Architecture license by Examination, Architecture license by NCARB Examination, Architecture Licensure by NCARB Endorsement, Architecture by Direct Endorsement, Architecture Licensure by Initial from Null and Void, Architecture Business by Licensure by Corporation, Partnership, Fictitious Name Limited Liability Company, Architecture Business Name Change, Interior Design Licensure by Endorsement, Interior Design Licensure by Dual Licensure, Interior Designer by Initial from Null and Void Hardship, Interior Design Business Licensure by Corporation, Fictitious Name, Limited Liability Company, Dual Licensure, and Name Change.

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

#### Licensure B

Architecture license by Examination, Architect Registered by NCARB Examination, Architecture Registered by NCARB Endorsement, Architecture by State Endorsement, Architecture by Direct Endorsement, Architect Business by Corporation, Limited Liability Company, Architecture Business Name Change, Interior Design by Endorsement, Interior Design by Dual Licensure, Interior Design Licensure from Null and Void Hardship, Interior Designer Corporation, Dual Licensure, and Business Name Change.

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

#### Continuing Education

A Builders License Training Institute, AHCA, Allen M. Weiss-Sesco Lighting, Design Arts Seminars, Digital Drafting Systems Inc., Eco Décor, Florida Educational Facilities Planner Association, Florida Roof Deck Association, Inc., Halfmoon Education Inc., JC Code & Construction Consultants, Inc., Kegel & Associates, Inc., Miami-Dade County Department of Regulation & Economic Resources, Stabil Concrete.

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

Mr. Ehrig requested that the continuing education handbooks be placed on the January agenda. The board discussed the need for improved continuing education courses.

## **Rules Report and Discussion**

Annual Regulatory Plan 2018-2019  
Provided for information purposes.

## **Correspondence**

NCARB – Reinstatement of the Board of Professional Licensing of the Commonwealth of the Northern Mariana Islands  
Provided for information purposes.

Paperless Licensing Implementation  
Provided for information purposes.

## **Reports**

Executive Director's Report – Krista Woodard  
No report.

AIA Florida – Becky Magdaleno  
Ms. Magdaleno reported that AIA Florida was providing relief work for Hurricane Michael. AIA Florida attended the Florida Building Commission meeting in Sarasota and they have filed a rule challenge to the updated code. They are working with other associations and updating the Professional Practice Guide. AIA National is revising their continuing education course review process and requirement regarding health, safety, and welfare course approvals.

ASID – Dave Roberts  
Mr. Roberts reported that he was working with AIA Florida and other associations on the Professionals Practice Guide. The House will be putting forth a deregulation package this coming Legislative Session.

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 – Licensed  
Fines Chart – Unlicensed  
Billable Hours – June 2018  
Billable Hours – July 2018  
Billable Hours – August 2018  
Results of the July 2018 Board Meeting  
Speaking Engagements and Press Releases  
Mr. Minacci reported that Mr. Manausa retired.

## **New Business**

Mr. Ehrig acknowledged Mary Ellen Clark's outstanding service to the board.

**Old Business**

No old business.

**Adjourn**

Motion: Mr. Costoya moved that the meeting adjourn.

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

The meeting adjourned at 11:43 a.m.