

MINUTES

**Board of Architecture and Interior Design
Hampton Inn & Suites St. Petersburg/Downtown
80 Beach Drive NE
St. Petersburg, Florida 33701
727.892.9900**

November 17, 2016

Call to Order

Mr. Toppe, Chair, called the meeting to order at 9:07 a.m.

Board Members Present:

John Ehrig
Miguel Rodriguez
Jonathan Toppe
Holly Dennis
Dylan Rivers
Aida Bao-Garciga
James Blanz

Board Members Absent:

Francisco "Frank" Costoya, excused
Hector Fernandez, excused
Kenan Fishburne, excused
Ivette O'Doski, excused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Thomas Campbell, Executive Director
Krista B. Woodard, Executive Director
Terri McEwen, Government Analyst
Trent Manausa
Michael Wirtz
Edwin Bayo
Emilio Agrenot
Douglas Feldman
Sonia Longchamp
Kim Headland
Jason Chandler
Other interested parties

Court Reporter: Juanita Butler-Barton, Integra Reporting Group, LLC, The Sterling Suites, 114 S. Oregon Avenue, Tampa, Florida 33606 Telephone 813.868.5130

After roll call, it was determined that there was not a quorum for some disciplinary case reviews.

Disciplinary Cases

Motion to Vacate Final Order

DBPR vs. Emilio Jose Agrenot

Case Number 2014-008444

PCP: Hall, Shore, Costoya, and Rivers

Mr. Agrenot was present, sworn in by the court reporter and represented by Edwin Bayo.

On January 30, 2014 probable cause was found to issue a two count administrative complaint against Mr. Agrenot for misconduct and failing to fulfill a legal obligation based on consumer harm. Mr. Agrenot entered a settlement stipulation to repay the complainant \$7,523.00, pay a \$1,000.00 fine, and pay costs of \$1,255.00. Mr. Agrenot made one payment of \$375.00 towards the settlement stipulation. A second case was opened for failing to comply with the final order and an additional complaint was received by a consumer alleging consumer harm. The additional case went to the Division of Administrative Hearings and the Administrative Law Judge relinquished jurisdiction to the board based on Mr. Agrenot failing to respond to discovery. On March 1, 2016 the board entered a final order revoking Mr. Agrenot's license.

Mr. Bayo presented that the board has the ability to reopen the case based on the respondent not receiving the hearing notice. Mr. Agrenot did not receive the hearing notice based on family and personal medical reasons. Mr. Bayo presented to the board he has the money in his trust account to repay the complainants and comply with the final order. Mr. Bayo requested that the board reinstate Mr. Agrenot's license and advised that he would disperse funds to whomever the board directed.

Mr. Bayo advised that Mr. Agrenot was a city employee and was given 30 days to resolve his disciplinary case and license issue.

Ms. Clark advised that final orders are final 30 days after the date of entry. Ms. Clark reviewed the history of Mr. Agrenot's participation with the disciplinary case, Division of Administrative Hearings, and that the board had the correct address of record.

Mr. Agrenot apologized for the oversight regarding the payments of the settlement stipulation and explained that things happened that were out of his control. He represented that he was willing to repay the clients and comply with the settlement stipulation.

The board discussed Mr. Agrenot compensating the complainants, that it would be more favorable to his reconsideration request and their ability to reinstate the license. The board discussed the ability to reinstate his license with practice restrictions. The board discussed Mr. Bayo and Mr. Minacci drafting a settlement stipulation prior to the next meeting.

Review and Approval of Meeting Minutes

May 11, 2016 – Probable Cause Panel, Fernandina Beach

Motion: Mr. Rodriguez moved that the board ratify the May 11, 2016 Probable Cause Panel meeting minutes as presented.

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

July 25, 2016 – General Business Meeting, Telephone Conference

Motion: Mr. Rodriguez moved that the board approve the July 25, 2016 meeting minutes as presented.

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

August 23, 2016 – Probable Cause Panel, Telephone Conference

Motion: Mr. Rodriguez moved that the board ratify the August 23, 2016 Probable Cause Panel meeting minutes as presented.

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

August 30, 2016 – General Business Meeting, Telephone Conference

Motion: Mr. Rodriguez moved that the board approve the August 30, 2016 meeting minutes as presented.

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

Antitrust Update

Mr. Campbell reported the department was pursuing the insurance for the board and the Department of Management Services (DMS) stepped in to negotiate a universal solution to the problem. Currently, there is no indemnification insurance or update on the progress of as of today.

The Construction Industry Licensing Board, Board of Certified Public Accountants, Board of Professional Engineers, and the Real Estate Commission are proceeding with probable cause panel meetings and disciplinary action against their licensees. The department would like this board to do the same. Ms. Clark commented that there was a notable difference with this board's statutory requirements regarding discipline against unlicensed cases. She provided an update on what other regulatory boards are doing nationally.

Ms. Clark advised that the board should have legal representation and indemnification insurance. The department provides legal representation and through DMS is seeking indemnification insurance. She advised that National Associations are working to resolve the issue federally.

The board discussed that other boards are proceeding with licensed cases. The board discussed their concern about unlicensed individuals damaging the health, safety, and welfare of the citizens of Florida and that they are not able to enforce the laws of Florida. The board expressed their disappointment regarding the length of time it is taking to obtain indemnification insurance.

After discussion the following motion was made.

Motion: Mr. Ehrig moved that the board act on licensed cases only.

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

The board discussed their concern about not acting on unlicensed cases when they know there is public harm. The board discussed their duty to review unlicensed cases to determine the

threshold of public harm or violating the practice act and acting on those cases as necessary. The board was advised that there was no statute of limitation to handle unlicensed cases.

Ms. Clark advised the board that she does not think that after the NC Dental case that this board can regulate unlicensed activity. There must be a statutory change to address unlicensed activity cases. The board discussed the need for statutory language changes to comply with the Supreme Court decision. The board needs to address indemnification insurance and governmental oversight or active supervision.

After discussion the following motion was made.

Motion: Mr. Rivers moved that the Chair write a letter to the Department of Management Services that insurance is a priority or the board would not regulate the profession and directed Mr. Campbell to advise the department that they look at the statute and propose changes at the upcoming legislative session to ensure that the board has governmental oversight and active supervision or the board would not take up unlicensed matters until the board is protected.

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

Ratification list

Licensure – Architecture License by Examination, Architecture by NCARB Examination, Architecture by NCARB Endorsement, Architecture by State Endorsement, Architect licensed from Null and Void/Hardship, Architecture Business license by Corporation, Limited Liability Company, Partnership, and name change, Interior Design License by Endorsement, Interior Designer by Dual Licensure, Interior Design Business by Corporation, Limited Liability Corporation, Interior Design Business by Dual Licensure, and Interior Design Business license by name change.

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 – ACHA, Architecture Studies, Inc., Design Arts Seminars, Ezekiel Enterprises, LLC, Florida Educational Facilities Planners Associations, Florida Green Building Coalition, G Michael Starks, Goodwin Heart Pine Company, Information and Resources for Professionals, LLC, Nancy Bredemeyer Interior Design, LLC, PacePDH.com dba the Media Factory, Inc., Redvector.com. Inc., and William H. Lindner.

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

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

Mr. Rodriguez requested that the board reconsider the need for taking the advanced Florida Building Code courses and identifying the number of hours required as zero. The board discussed the need for improvement of course content, however, the code only changes every three years and they are not substantive.

The board discussed that the statute does not identify an examination seating requirement. Schools determine what exam section to take at the appropriate time during the course curriculum.

Future Board Meetings

Telephone Conference Call
November 30, 2016 at 2:00 p.m.

Telephone Conference Call
December 21, 2016 at 2:00 p.m.

Location: North West Florida Area
January 25, 2017 – Probable Cause Panel Meeting
January 26-27, 2017 – General Business Meeting

Location: Central Florida
May 10, 2017 – Probable Cause Panel Meeting
May 11-12, 2017 – General Business Meeting

Location: Naples
July 24, 2017 – Probable Cause Panel Meeting
July 25-26, 2017 – General Business Meeting

Location: South Florida
October 19, 2017 – Probable Cause Panel Meeting
October 20, 2017 – General Business Meeting

Rules Report and Discussion

NCARB Certification Handbook 2013
Handbook provided for Rule 61G1-13.001 and 14.001 discussion purposes.

Rule 61G1-13.001, F.A.C., Experience Requirements

The requirements of Section 481.211, F.S. regarding the diversified program of architectural experience may be satisfied as follows:

(1) For applicants for initial licensure, pursuant to Section 481.209, F.S., or by endorsement, pursuant to Section 481.213(3)(a), F.S., completion of the Architectural Experience Program (AXP) formerly known as the Intern Development Program (IDP) through the National Council of Architectural Registration Boards.

(2) For applicants for licensure by endorsement, pursuant to Section 481.213(3)(b), F.S., completion of the Architectural Experience Program (AXP) formerly known as the Intern Development Program (IDP) through the National Council of Architectural Registration Boards (NCARB) or two (2) years of experience as a licensed architect in another NCARB jurisdiction.

(3) For applicants for licensure by endorsement, pursuant to Section 481.213(3)(c), F.S., who have taken and passed a professional practice examination as outlined in paragraph 4.4 (D) of the National Council of Architectural Registration Boards (NCARB) July 2013 Certification Guidelines five (5) years of experience as a licensed architect in a NCARB or Canadian jurisdiction.

Rule 61G1-14.001, F.A.C., Examination Designated, General Requirements

~~Applicants for licensure by examination shall take and pass the examination prepared and administered by the National Council of Architectural Registration Boards (NCARB). The prescribed licensure examinations for purposes of licensure as a registered architect under Chapter 481, part I, Florida Statutes, are as follows:~~

~~(1) Applicants for initial licensure, pursuant to Section 481.209, F.S., or by endorsement, pursuant to Section 481.213(3)(a), F.S., shall take and pass the examination prepared and administered by the National Council of Architectural Registration Boards (NCARB) or have taken and passed a predecessor exam to the examination prepared and administered by the NCARB.~~

~~(2) Applicants for licensure by endorsement, pursuant to Section 481.213(3)(b), F.S., shall have taken and passed the examination prepared and administered by the National Council of Architectural Registration Boards (NCARB) or have taken and passed a predecessor exam to the examination prepared and administered by the NCARB.~~

~~(3) Applicants for licensure by endorsement, pursuant to Section 481.213(3)(c), F.S., shall have taken and passed one of the following examinations:~~

~~(a) The examination prepared and administered by the National Council of Architectural Registration Boards (NCARB);~~

~~(b) A predecessor exam to the examination prepared and administered by the NCARB;~~

~~(c) A Canadian licensure examination accepted by the NCARB for certification as outlined in subsections 3.4 and 4.4 of the NCARB July 2013 Certification Guidelines.~~

Rulemaking Authority 455.217, 481.213(6) FS. Law Implemented 455.217(1)(b), (c), 481.209 FS. History—New 12-23-79, Amended 5-18-83, Formerly 21B-14.01, 21B-14.001, Amended 4-22-97, 3-8-04, 7-14-05.

Motion: Mr. Rodriguez moved that the board notice Rule 61G1-13.001, F.A.C. and Rule 61G1-14.001, F.A.C. for rule development and approved the text as presented.

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

Motion: Mr. Ehrig moved that the proposed rule changes to Rule 61G1-13.001, F.A.C. and Rule 61G1-14.001, F.A.C. 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 one year after the implementation of the rule.

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

Mr. Campbell will prepare the Statement of Estimated Regulatory Costs (SERC) Checklist and provide to Ms. Clark.

2016-17 Annual Regulatory Plan

The Annual Regulatory Plan was presented for information purposes only.

Florida International University Presentation

Mr. Jason Chandler, Chair and Associate Professor, Department of Architecture with Florida International University was present to provide an overview of their National Council of Architectural Registration Boards (NCARB) Integrated Path to Architectural License (IPAL) program. After discussion the following motion was made.

Motion: Mr. Ehrig moved that the Chair prepare a letter in support of the Florida International University NCARB IPAL program.
Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

Disciplinary Cases

Mr. Rivers was recused from the review of disciplinary cases due to his participation on the Probable Cause Panel.

There was no quorum to take action on the following cases. The following cases will be placed on a future board agenda.

DBPR vs. Charles L. Hailey
Case Number 2015-047247
PCP: Hall, Shore, Ehrig, and Rivers

DBPR vs. Anthony Leon
Case Number 2015-047258
PCP: Hall, Shore, Ehrig, and Rivers

DBPR vs. Daniel J. Lickel
Case Number 2015-047260
PCP: Hall, Shore, Ehrig, and Rivers

DBPR vs. Marco Aurelio Orlando
Case Number 2015-047263
PCP: Hall, Shore, Ehrig, and Rivers

DBPR vs. Ida Sarah Goldstein
Case Number 2015-053445
PCP: Hall, Shore, Ehrig, and Rivers

DBPR vs. Brice J. Lambrix
Case Number 2015-053497
PCP: Hall, Shore, Ehrig, and Rivers

Settlement Stipulations – The following case was handled on a consent agenda based on the Settlement Stipulation reflecting the Probable Cause Panel recommendation and disciplinary guidelines.

DBPR vs. John Anderson Allmand
Case Number 2015-047282
PCP: Hall, Smith, Costoya, and Rivers

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

*Voluntary Relinquishments
The following cases were handled on a consent agenda.*

DBPR vs. Joseph Donald Berlekamp
Case Numbers 2016-009240 and 2016-008079

DBPR vs. Elizabeth Ann Drosdick
Case Numbers 2016-009210 and 2016-008067

DBPR vs. Vassilios I. Nicolaou
Case Number 2015-028075

DBPR vs. Ada Pagano
Case Number 2016-007837

DBPR vs. Sharon R. Scarpitta
Case Number 2013-000973

Motion: Ms. Bao-Garciga moved that the board approve the voluntary relinquishments as presented.

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

Mr. Minacci pulled the following cases voluntary relinquishment cases from the agenda.

DBPR vs. Christian H. Crookless
Case Numbers 2005-015113, 2005-065592, and 2015-056012

DBPR vs. Eduardo Hillman-Waller
Case Number 2016-009261 and 2016-008099

Motion for Final Order Waiving Formal Hearing

DPBR vs. Carol Cooper
Case Number 2015-051056

PCP: Hall, Shore, Costoya, and Rivers

Ms. Cooper was present and sworn in by the court reporter. The case was before the board based on Ms. Cooper failing to provide proof of compliance for the audit to monitor continuing education for licensure renewal. Probable cause was found to file a one count administrative complaint for failing to perform any statutory or legal obligation placed upon a licensed interior designer. The administrative complaint was received by the respondent through certified mail on March 16, 2016 and the respondent has failed to respond.

The Probable Cause Panel recommended \$250.00 fine plus \$412.00 costs and completion of 6.5 hours of continuing education within 90 days of filing the final order. After discussion the following motion was made.

Motion: Mr. Rodriguez moved that the board finds that the administrative complaint was properly served upon the respondent and the respondent waived the right to dispute the material facts by failure to timely respond thereto and moved that the board adopts 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 \$250.00 fine plus \$412.00 costs and 6.5 hours of continuing education within 90 days of filing the final order.
Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

DBPR vs. Steven M. Hefner and Designworks Creative Partnership LTD
Case Number 2015-030067 and 2015-030164
PCP: Hall, Shore, Costoya, and Rivers

Mr. Hefner was not present or represented by counsel. The case was before the board based on a three count administrative complaint for misconduct in the practice of interior design, offering interior design services through a null and void business license, and offering architectural services. The administrative complaint was hand served to the respondent on April 1, 2016 and the respondent has failed to respond.

The Probable Cause Panel recommended a \$3,000.00 fine plus \$2,235.00 costs, a reprimand, and two years' probation. After discussion the following motion was made.

Motion: Mr. Ehrig moved that the board finds that the administrative complaint was properly served upon the respondent and the respondent waived the right to dispute the material facts by failure to timely respond thereto and moved 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. Rodriguez moved that the board impose a \$3,000.00 fine plus \$2,235.00 costs, a reprimand, two years reporting probation for Mr. Hefner's case 2015-030067.

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

Motion: Mr. Rodriguez moved that the board revoke Designworks Creative Partnership LTD license for case 2015-030164.

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

General Discussion/Information

NCARB 2016 Resolutions
For information purposes.

NCARB MRA Australia and New Zealand

The board discussed that voting in favor of the agreement does not require the board to sign the agreement.

Florida Building Commission Declaratory Statement regarding Threshold Inspections

The declaratory statement was placed on the agenda for information and that the Florida Board of Professional Engineers' Structural Rules Committee plans has concerns about the language and plans to meet with the Florida Building Commission Structural Technical Advisory Committee (TAC) in St. Petersburg mid-December.

Continuing Education Audit Percentage Increase

The board discussed the cost and time involved increasing the percentage.

Letter from Mr. Nasab supporting the board signing the NCARB Mutual Recognition Agreement
For information purposes.

Delegation of Authority to Accept Service of Process

Motion: Mr. Rodriguez moved that the board Delegate Authority to the Executive Director to Accept Service of Process.

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

Motion: Mr. Ehrig moved that board staff prepare a delegation of authority chart for consideration annually.

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

IPAL Scheduling the Examination
For information purposes.

Elections

Chair

Motion: Mr. Ehrig nominated Mr. Toppe for Chair.

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

Vice-Chair

Motion: Mr. Blanz nominated Ms. Bao-Garciga for Vice-Chair.

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

Reports

Board Chair – Jonathan Toppe

Mr. Toppe reported that he and Ms. McEwen attended the 2016 NCARB Summit in Columbus, Ohio. He reported that there were discussions regarding responsible supervisory control, international licensing, Antitrust, deregulation of the profession, and the use of NCARBs disciplinary database.

The board discussed NCARBs Model Law and Rules of Conduct.

The board thanked Mr. Campbell for his service and welcomed Ms. Woodard.

American Institute of Architects (AIA) Florida

Ms. Kim Headland, 2016 Vice President in charge of Legislative Relations, was present and reported that AIA Florida's Committees identified the following priorities for the upcoming Legislative Session; Statute of Repose, Good Samaritan Law, and Indemnification Insurance for board members.

Interior Design Associations Foundation (IDAF)

Ms. Cynthia David reported that "One Voice", an American Society of Interior Designers (ASID) initiative, was an ongoing program that meets and educates elected officials at the state and national levels regarding registered interior designers. She reported that three ASID State

Chapters attended the Minneapolis, MN National Chapter Leadership Event. International Interior Design Association (IIDA) members attended a National Coalition Conference in Colorado and that Florida is a leader in the ability to practice the profession. IDAF will link and post the board's minutes.

American Society of Interior Designers (ASID)

Mr. Dave Roberts reported that he appeared before the Florida Building Commission to include the definition of interior designer in the Code. The definition received full approval by the Technical Advisory Committee (TAC); however, it failed before the Florida Building Commission. He reported that ASID continues to educate Legislators regarding the difference between commercial interior designers and residential interior designer or decorator.

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 – April 2016

Billable Hours – May 2016

Billable Hours – June 2016

Billable Hours – July 2016

Billable Hours – August 2016

Billable Hours – September 2016

Results of the May 2016 Board Meeting

Press Releases

Presentations

Mr. Minacci provided a brief overview of his reports and hardcopies of his Annual Report.

New Business

Motion: Mr. Ehrig moved that the board increase the audit percentage from seven percent to ten percent.

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

Old Business

No old business.

Adjourn

Motion: Mr. Ehrig moved that the meeting adjourn.

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

The meeting adjourned at 2:38 p.m.