

MINUTES

**Board of Architecture and Interior Design
Tampa Marriott Waterside Hotel & Marina
700 South Florida Avenue
Tampa, Florida 33602
813.221.4900**

**July 27, 2009
9:00 a.m.**

General Business

Roll Call

Ms. Shore, Chair, called the meeting to order at 9:05 a.m. There was a roll call and a quorum established.

Board Members Present:

John Ehrig
Rossana Dolan
Eric Kuritzky
Lourdes Solera
Garrick Gustafson
Wanda Gozdz
Joyce Shore
Aida Bao-Garciga

Board Members Absent:

E. Wendell Hall, excused
Mary Jane Grigsby, excused
Roymi Membiela, excused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Anthony Spivey, Executive Director
Terri Estes, Government Analyst
Charles Drago, Secretary – Department of Business and Professional Regulation
James D. Allen
Richard L. Weldon, II
Janice Young
Annette Gabrelcik

Linda Noble Welch
Emily Ann Adams
Barbara Stott
Margot McDougall
Susan Taylor
Leesa Nero
Debra Attenbernd
Rita Scholz
Gloria Ellinwood

Court Reporter: Patricia Gough, Argus Reporting/Bay Park Reporting, 4010 W. State Street, Tampa, Florida 33609. Telephone 813.490.0003

Presentation

Secretary Drago thanked the board members for their service to the public and explained that he met with the board's annually to hear their concerns and suggestions regarding the department. He reported that based on an exercise by the board reducing travel costs and department reducing positions that they saved approximately \$67,000. He commented that it was a difficult year for the state budget and the public. He commented that the department was working hard to perform its jobs efficiently for the customer.

Secretary Drago reported that he held public meetings known as the "Road to Better Business" to understand the customer's issues and complaints. Based on those meetings the department changed the rules, laws, and applications to cut red tape.

Secretary Drago provided an update on call wait times and e-mail responses which are shorter now than in previous years. He reported that applications were cumbersome and the department was streamlining them by reducing duplication or obsolete items, etc. but not removing the licensure requirements. He reported that the department was working to license individuals faster so they could get to work.

Secretary Drago provided examples of time saving for CPA's waiting to receive exam results. He reported that the department was working hard on unlicensed activity issues.

Secretary Drago reported that the department's web page has a link for consumers to determine if they need a licensed individual to perform certain jobs. He provided an example such as pavers in a drive way and wondering if a licensed contractor was needed. He reported that there was a list of common violations for licensed individuals because the licensure scopes of practice changes from state to state.

Secretary Drago reported that the department was working on next year's Legislative package. He requested ideas and suggestions from the board regarding the Legislative package.

The board thanked Secretary Drago for attending the meeting.

Disciplinary Cases

Motion for Order Waiving Formal Hearing

Licensed

DBPR vs. Angelfish Group, LLC

Case Number 2008-063325

PCP: Rodriguez, Wirtz, and Gustafson

Dwight Herdrich was present and sworn in by the court reporter. Mr. Gustafson was recused from the review of the case because he served on the Probable Cause Panel. The case was before the board based on the respondent's failure to comply with a citation sighting the respondent for failure to display the license number on an advertisement. The citation became a final order and was taken to the Probable Cause Panel. A one count administrative complaint was filed for failure to comply with a lawful order of the board.

The administrative complaint was served by hand delivery on April 20, 2009. The respondent failed to respond. The panel recommended suspension until compliance.

Motion: Mr. Kuritzky moved that the board find 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.

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

Mr. Hedrich commented that this was an oversight and he was running three businesses by himself. He reported that he was not aware that the license number needed to be on the advertisement and updated his web site immediately.

Ms. Estes reported that the fine was paid on July 15, 2009.

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

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

Motion: Mr. Ehrig moved that the board impose no additional penalty and closure of the case.

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

DPBR vs. Ramji P. Shah

Case Number 2007-056632

PCP: Rodriguez, Wirtz, and Hall

Mr. Shah was present and sworn in by the court reporter. The case was before the board based on the respondent failing to comply with a final order entered July 25, 2007. A one count administrative complaint was filed for failing to comply with a lawful order of the board. The administrative complaint was hand served on December 19, 2008. The respondent had failed to respond.

The panel recommended suspension until compliance.

Mr. Shah commented that he was an architect in Tampa and left Florida in 2004. He commented that he was not involved in the drawings that he was alleged as the responsible supervisor but a licensed engineer supervised the drawings.

Ms. Clark commented that Mr. Shah was referring to the previous case and it concluded May 15, 2007. She commented that Mr. Shah did not attend the meeting, the order was entered, and the board had no jurisdiction over the case. She commented that the current case was for failure to pay the fine and costs imposed in 2007. She commented that the order was received by Mr. Shah and he had not complied.

Mr. Shah commented that the plans were done without his knowledge or signature and were not submitted for permitting. He commented that he should have responded in 2007.

Mr. Shah requested that the board revisit the case. Ms. Clark responded in the negative.

Ms. Clark commented that Mr. Shah could address regarding the current case. Mr. Shah requested that the board reconsider the case and fine amount.

Mr. Kuritzky asked Ms. Clark if the board could reduce the fine imposed. Ms. Clark responded that they could not change the final order but could use discretion to advise Mr. Minacci regarding the fine amount. The board could discuss the case to determine a proper resolution to the case.

Ms. Solera asked Mr. Minacci if he discussed the case with Mr. Shah prior to today's meeting. Mr. Minacci replied that there was no discussion regarding the fine or resolution of the case only continuances were requested by Mr. Shah. He was invited to the Probable Cause Panel in the original case, the board meeting, and the Probable Cause Panel for the second case. He had not attended any of the meetings until today.

Mr. Kuritzky commented that NCARB would be notified of the resolution of both cases. Mr. Manausa commented that disciplinary guidelines reflect suspension until compliance and asked if he could make payments towards the fine.

Mr. Shah commented that he responded to investigator's e-mails that he was not responsible for the job. He commented that he was retired now and could not afford to pay the fine.

Ms. Clark asked Mr. Shah if he would prefer to voluntarily relinquish his license. Mr. Shah replied that he was not sure that he would like to give up his license in case he needed to return to work. Ms. Clark commented that Mr. Shah could voluntarily relinquish his license in lieu of further disciplinary action.

Mr. Shah asked if he relinquished his Florida license if that action would affect his New York license. Ms. Clark replied that the disciplinary action would be reported to NCARB and New York could take disciplinary action against his license.

Mr. Shah commented that he would like to discuss his licensure issues with California and New York prior to deciding to pay the fine or relinquish the Florida license.

Mr. Ehrig commented that Mr. Shah ignored the board for four years and had many opportunities to appear before the board and he had not until today.

The board discussed Mr. Shah's options to pay the fine, voluntarily relinquish his license, or the board revoke his license. Mr. Shah requested that the board continue his case until the next available meeting so he could contact California and New York to determine his course of action. The board discussed that Mr. Shah had done nothing to research or resolve the issue before today's meeting.

The board discussed that Mr. Shah had not responded to the board for four years and Mr. Shah was requesting more time to determine what to do with his license. Mr. Shah requested that the board continue his case to allow him to obtain the money to pay the fine or voluntarily relinquish the license.

Motion: Mr. Ehrig moved that the board continue the case until the October meeting.

Second: Ms. Dolan seconded the motion, it passed with Ms. Solera and Mr. Kuritzky opposed.

Settlement Stipulation

Unlicensed

DBPR vs. James D. Allen and J.D. Allen & Associates

Case Number 2008-040473

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Allen was present and represented by Richard Weldon. Mr. Gustafson was recused from the review of the case because he served on the Probable Cause Panel. The case was before the board based on the respondent contracting to offer services on a commercial project. A one count administrative complaint was filed for practicing architecture without a license. The panel recommended a \$1,500 fine plus costs and the settlement stipulation reflects a \$1,500 fine plus costs.

The board discussed the stipulation amount and the reason the fine amount was low. Mr. Miancci commented that Mr. Allen appeared before the panel and the panel questioned Mr. Allen and reviewed the case thoroughly. He commented that based on the information received at that meeting they recommended the \$1,500 fine plus costs.

Meredith Westor represents the complainant in the case. She provided a letter explaining why the complainant's felt the penalty amount was too low. She commented that the he entered a contract to offer architectural services through his company and this was his third violation. She commented that the fine was the cost of doing business and the stipulation does not acknowledge that he did anything wrong. She commented that there was no restitution for their client and she would like the board to impose a permanent injunction against harming others in the future. She commented that a message should be sent that he can not practice architecture. She provided information regarding the lawsuit Mr. Allen filed against her clients.

The board reviewed the contract and the time that lapsed over many years.

Mr. Weldon commented that there was a Florida licensed architect involved during the entire project and Mr. Allen was a coordinator working to pull all of the professionals together. Mr. Allen did not draw any of the plans. The contract proposal was the error and was suppose to have been prepared by the Florida licensed architect and client. The proposal or contract should have been more clear. A Florida licensed architect was involved from the very beginning, met with the clients, corresponded with the clients, etc.

Mr. Weldon commented that the complainant's attorneys were present today because they wanted to use the administrative proceedings in their favor for a Civil Action.

Mr. Kuritzky commented that he had been practicing for 20 years.

Mr. Minacci commented that a violation occurred. He commented that the panel recommended a \$1,500 fine based on information provided. The maximum

penalty for one count is \$5,000. Ms. Clark commented that the board could accept or reject the stipulation.

George Dramis representing a property owner and a development corporation related to the case. He commented that Mr. Allen had been disciplined three times before the board and Mr. Allen was suing for the architectural services he provided. He requested that the board find that he was not authorized to practice architecture but in fact was practicing without a license. The stipulation states that he neither admits nor denies practicing architecture. He requested that the board find that he violated the statutes. The stipulation also states that he should not further violate the statutes when he had continued to do so.

Ms. Clark commented that the language in the stipulation was standard language used by the board and other boards. She commented that the board could accept or reject the stipulation as presented today.

The board reviewed the design build contract statute. Ms. Westor commented that Mr. Allen was not the contractor but only contracted for architectural design.

Motion: Mr. Kuritzky moved to reject settlement stipulation as presented.
Second: Ms. Solera seconded the motion and it passed unanimously.

Mr. Minacci commented that the error Mr. Allen made was that he did not properly document his relationship with the architect on the project.

Mr. Minacci advised the board that Ms. MiKeska was disciplined in a different case through a citation.

Ms. MiKeska with Architectural Edge is a Florida licensed architect and had a working relation with Mr. Allen for nine years. She commented that she was at every meeting regarding the project in question, was represented as the architect of record as well as the civil engineer. She commented that they were chastised for the contract arrangement but Mr. Allen never represented himself as an architect. Mr. Allen brought the team together. Ms. MiKeska commented she penalized for not having the certificate of authorization.

Mr. Kuritzky commented that he had an issue with them soliciting for architectural work when they do not have a certificate of authorization.

Mr. Allen commented that he was a general contractor and brings together a team of architects, engineers, and developers. He commented that he was advised by his previous attorney that he was doing work properly.

Ms. Clark commented that the underling cases did not focus on a contract and Mr. Allen did not have the opportunity to interact with the panel on the previous cases.

Motion: Mr. Kuritzky moved that the board impose a \$5000 fine plus costs.
Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

Mr. Allen accepted the counter stipulation.

DBPR vs. Plans Services of Okeechobee and Robert Gable

Case Number 2008-021218

PCP: Rodriguez, Wirtz, and Gustafson

Robert Gable was present and sworn in by the court reporter. Mr. Gustafson was recused from the review of the case because he served on the Probable Cause Panel. The case was before the board based on the respondent offering design services on a commercial property and offered those services through a business entity without a license. A two count administrative complaint was filed for practicing architecture when not licensed and offering architecture services without a certificate of authorization.

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

Mr. Gable would like to request that the board reduce the imposed fine. He commented that he did not dispute the material facts and didn't realize that he was soliciting and offering architectural services. Mr. Gable commented that he was helping his insurance agent with plans for a small job. He commented that in the area he lives the building department accepted projects overseen by engineers. He invoiced his architectural drafting services separately from the engineer. He mainly does residential drafting. He commented that he does not advertise and recommended commercial projects to the architect that filed the complaint against him.

Mr. Gable commented that he signed the stipulation because he was not aware that he could negotiate the fine and he could not afford advice from an attorney. He commented that this was his first complaint and there was no harm or financial loss to the consumer.

Ms. Clark commented that Mr. Gable was not able to attend the Probable Cause Panel meeting and they recommended the maximum penalty. The board discussed a letter received from Mr. McCree, the details of that project and the outcome.

The board discussed how he should work with architects on projects to avoid confusion in the future. Mr. Gable understood that he could work directly with an architect but not with the client for commercial services.

Motion: Mr. Ehrig moved that the board reject the stipulation as presented.
Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Motion: Mr. Ehrig moved that the board impose a \$500 fine plus costs.
Second: Ms. Dolan seconded the motion and it passed unanimously.

Mr. Gable accepted the counter stipulation.

Mr. Kuritzky commented that the building department should not accept plans from draftsmen. He commented that it would be helpful to remind the building officials that plans must be submitted by a licensed professional. Ms. Young commented that the board could send an article or friendly reminder to the Building Officials Association of Florida (BOAF) for their newsletter.

Mr. Minacci requested that the following cases be pulled from the agenda.

DBPR vs. Jamie P. Colmenares
Case Number 2008-037830
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. Carlos F. Llanos
Case Numbers 2007-043396 and 2008-022102
PCP: Rodriguez, Wirtz, and Gustafson

Mr. Minacci requested that the following case be continued based on a letter received from the respondent's attorney.

DBPR vs. Jordan Behar and Behar Design Associates, Inc.
Case Number 2008-047831
PCP: Rodriguez, Wirtz, and Gustafson

Motion: Ms. Solera moved that the board continue case 2008-047831
Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Mr. Minacci requested that the following settlement stipulation cases be approved on a consent agenda.

Settlement Stipulations

Licensed

DBPR vs. Walter Baker
Case Number 2008-010747
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. Carmen Valdivia
Case Number 2008-038511
PCP: Rodriguez, Wirtz, and Gustafson

DBPR vs. David K. Weinschreider
Case Number 2008-037737
PCP: Rodriguez, Wirtz, and Gustafson

Unlicensed

DBPR vs. Mimi M. McMakin and Kemble Interiors, Inc.
Case Number 2008-021001
PCP: Rodriguez, Wirtz, and Gustafson

Motion: Ms. Solera moved that the board approve the settlement stipulation cases presented as consent agenda items.
Second: Mr. Ehrig seconded the motion and it passed unanimously

Motion for Order Waiving Formal Hearing

Licensed

DBPR vs. Terry Kirkland Cook
Case Number 2008-068408
PCP: Rodriguez, Wirtz, and Gustafson

Mr. Cook was not present or represented by counsel. Mr. Gustafson was recused from review of the case because he served on the Probable Cause Panel. The respondent is a licensed interior designer, sold her business, moved, and allowed the new owners to use the business license. A one count administrative complaint was filed for aiding unlicensed activity.

Mr. Minacci provided a handout that was received from Ms. Cook as a signed settlement stipulation agreeing to voluntarily relinquish the license.

Motion: Mr. Ehrig moved that the board accept the settlement stipulation voluntarily relinquishing the license.
Second: Ms. Solera seconded the motion and it passed unanimously.

Unlicensed

DBPR vs. Evan J. Cadwell and Design Line Drafting Service
Case Number 2007-029871
PCP: Rodriguez, Wirtz, and Hall

Mr. Cadwell was not present or represented by counsel. The case was before the board based on the respondent using the title architectural designer on drawings. A three count administrative complaint was filed for practicing architecture when not licensed, using the title architect when not licensed, and offering architectural service through a business entity without a certificate of authorization. The respondent responded to the administrative complaint

requesting a formal hearing. The Division of Administrative Hearings (DOAH) relinquished jurisdiction to the board because the respondent failed to respond to the request for admissions.

The panel recommended a \$15,000 fine plus costs.

Motion: Ms. Solera moved that the board adopt the findings of facts and conclusions of law as set forth in the administrative complaint with no disputed facts based on the DOAH order.

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

The board discussed the case involving a title block violation including electrical, swimming pools, concrete wall, and waste water systems. There were no prior cases against the respondent. Mr. Minacci has had no correspondence or response from the respondent.

Motion: Mr. Kuritzky moved that the board impose a \$1,000 per count plus costs.

Second: Mr. Gustafson seconded the motion.

Ms. Bao-Garciga commented that his own letter stated he was performing electrical work and his title block admits that he was practicing architectural design.

Mr. Ehrig requested that the motion be amended to a \$2,000 fine per count plus costs.

Motion: Mr. Kuritzky modified his motion that the board imposed a \$2,000 fine plus costs.

Second: Mr. Gustafson seconded the modified motion and it passed unanimously.

DBPR vs. Roland F. Patterson & George F. Patterson & Associates, Inc.
Case Number 2007-064933

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Patterson was not present or represented by counsel. Mr. Gustafson was recused from review of the case because he served on the Probable Cause Panel. The case was before the board based on the respondent entering into a contract to offer architectural services. A two count administrative complaint was filed for practicing architecture when not licensed and offering architectural services through a business entity without a certificate of authorization. Hand delivery of the administrative complaint to the last known address was attempted but failed. Service of the administrative complaint was achieved by publication in the Jacksonville Business Journal. The respondent had failed to respond.

The panel recommended a \$10,000 fine plus costs. The board discussed that the case was filed by the Jacksonville Building Department. Mr. Minacci confirmed that this was not the offense for the respondent.

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

Second Mr. Kuritzky seconded the motion and it passed unanimously.

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

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

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

Unlicensed

DBPR vs. Panache Interior Design, Inc. and Caroline B. Rogow

Case Number 2007-025613

PCP: Rodriguez, Wirtz, and Hall

Mr. Minacci commented that he was surprised that Ms. Rogow was not present at the meeting. He requested that the board continue the case.

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

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

Settlement Stipulations

Licensed

DBPR vs. Enrico Mihai Popescu and Architectura Group Miami, Inc.

Case Numbers 2007-056895 and 2007-056878

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Popescu was not present but was represented by Garvin Bowden. Mr. Gustafson was recused from review of the case because he served on the Probable Cause Panel. Mr. Popescu is a licensed interior design however his license was suspended for failure to take the Florida Building Code core course. Architectura Group Miami, Inc.'s web site offered architectural and interior design services. A five count administrative complaint was filed for practicing architecture when not licensed, using the title architect when not licensed, offering architecture services without a certificate of authorization, attempting to use an interior design license while suspended, and attempting to provide supervisory control over more than one office.

The panel recommended a \$3,500 fine plus costs. The settlement stipulation reflected the \$3,500 fine plus costs.

Mr. Kuritzky commented that he felt it was intentional.

Mr. Bowden commented that the business had multi-layers. The complaint was generated by their web site for use of the words architectural and words to that effect. He commented that they appeared before the panel and immediately took the steps necessary to have his license reinstated and in good standing. He commented that he reviewed the use of the word architectural and words to that effect. He commented that they completed the required certificate of authorization application which is on the agenda for review.

Mr. Bowden explained the business address and the advertisement on the web site. He explained that there were no branch offices. The principals are licensed as an interior designer and architect. The principals travel out of the country part of the year and they have no active practice in Florida. Their practice is in Europe. However, they would like to gain a certificate of authorization to offer services in the future. The case was not brought for actual practice of architecture or interior design but based on the web site.

Mr. Bowden confirmed that the business in Florida had not worked on any projects in Florida. He commented that they would like to be licensed if they receive work in Florida in order to legally work in Florida. Mr. Gavrilesco and Mr. Popescu would provide the necessary supervisory control over all projects in the office.

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

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

Application review

Architectura Group Miami, Inc.

Motion: Ms. Solera moved that the board approve the certificate of authorization.

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

Settlement Stipulation

Licensed

DBPR vs. David M. Putnam and David M. Putnam, PA

Case Number 2007-056623

PCP: Rodriguez, Wirtz, and Gustafson

Mr. Putnam was not present. Mr. Gustafson was recused from the review of the case because he served on the Probable Cause Panel. The case was before the board based on the respondent designing a commercial building too large for the lot it was to be placed. Mr. Hicks reviewed the case and found a violation of offering services through a business entity without a license. A two count administrative complaint was filed for preparing plans that do not conform to acceptable standards and offering architecture services through a business entity without a certificate of authorization.

The panel recommended a reprimand, two years probation, four hours of continuing education, \$1,500 fine and costs. The settlement stipulation reflects the panel's recommendation.

The board discussed his prior cases. Mr. Manausa commented that Mr. Putnam did not believe that he had to visit the site to develop a site plan. Mr. Minacci and Mr. Manausa met with Mr. Putnam regarding the statutes and rules.

Ms. Clark commented that the board could use priors to determine whether to go outside the guidelines based on aggravating factors. However, the board had a settlement stipulation to consider and they must accept or reject the stipulation. The board requested additional information regarding the prior cases prior to accepting or reject the stipulation.

Motion: Mr. Ehrig moved that the board continue the case to the October meeting and request that Mr. Putnam appear before the board.
Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

DBPR vs. Harold F. Bergsten
Case Number 2008-040441
PCP: Rodriguez, Wirtz, and Gustafson

Mr. Bergsten was not present or represented by counsel. Mr. Gustafson was recused from the review of the case because he served on the Probable Cause Panel. The case was before the board based on the respondent, a licensed engineer, signing and sealing plans for a commercial project without the involvement of a license architect. The drawings were prepared by a draftsman that held the contract with the client. A one count administrative complaint was filed for aiding the unlicensed practice of architecture.

The panel recommended a \$5,000 fine plus costs. The settlement stipulation reflected a \$1,500 fine plus costs. The fine was reduced because this was a first time offense, the respondent agreed to comply, and was a licensed professional engineer and was unaware that he was aiding the unlicensed practice of architecture.

Mr. Minacci requested that the board approve the stipulation.

The board discussed that this was not his first offense based on his own admission. The board did not feel the settlement stipulation was sufficient for his admission of aiding unlicensed activity. Mr. Minacci commented that the stipulation was in line with prior penalties.

Motion: Mr. Ehrig moved that the board accept the stipulation as presented.
Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Unlicensed

DBPR vs. Danielle Hazlett and Designhouse of Jacksonville
Case Number 2008-027155
PCP: Rodriguez, Wirtz, and Gustafson

The respondent was not present or represented by counsel. Mr. Gustafson was recused from the review of the case because he served on the Probable Cause Panel. The case was before the board based on the respondent contracting to provide interior design services for a commercial project and offered services through a business entity without a license. A three count administrative complaint was filed for practicing interior design when not licensed, using the title interior designer when not licensed, and offering interior design services through a business entity without a certificate of authorization.

The panel recommended a \$15,000 fine plus costs. The settlement stipulation reflects a \$2,000 fine plus costs. The fine was reduced because this was a first offense and the respondent agreed to comply. Mr. Minacci requested that the board approve the stipulation as presented.

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

DBPR vs. Ron Renner
Case Numbers 2008-013652 and 2008-013659
PCP: Rodriguez, Wirtz, and Gustafson

Mr. Renner was not present or represented by counsel. Mr. Gustafson was recused from the review of the case because he served on the Probable Cause Panel. The case was before the board based on Mr. Renner's previous interior design license lapsed null and void March 1, 2005 and he held himself out as a licensed interior designer on a web site. The respondent teaches interior decorators and his web site provides information that decorators can perform some commercial applications therefore aiding unlicensed activity. A two count administrative complaint was filed for holding himself out as an interior designer when not licensed and aiding the unlicensed practice of interior design.

The panel recommended a \$10,000 fine plus costs. The settlement stipulation reflects a \$500 fine plus costs. The fine was reduced because he agreed to comply. Mr. Minacci commented that based on his presence in the community and workings with decorators it was best to resolve the case with a settlement stipulation. The board discussed a concern regarding him providing improper practice information to non-licensed individuals. Mr. Minacci commented that he worked with Mr. Renner on his web site and course materials to get it in compliance with the law.

Motion: Mr. Ehrig moved that the board accept the stipulation as presented
Second: Mr. Kuritzky seconded the motion and it passed unanimously.

DBPR vs. Richard Brookfield and Richard Brookfield Architect, PA
Case Number 2008-052525

PCP: Rodriguez, Wirtz, and Gustafson

The respondent was not present or represented by counsel. Mr. Gustafson was recused from the review of the case because he served on the Probable Cause Panel. The respondent offered architectural services on a web site through a business without a license. The respondent was issued a \$500 citation and disputed the citation. A one count administrative complaint was filed for offering architectural services through a business entity without a certificate of authorization.

The panel recommended a \$1,000 fine plus costs. The respondent requested a formal hearing but agreed to the original \$500 citation based on the business name containing the individuals name which causes confusion for the licensees whether they need the certificate of authorization or not.

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

DBPR vs. USONA Design and Thomas A. Knobel
Case Number 2008-020132

PCP: Rodriguez, Wirtz, and Gustafson

The respondent was not present or represented by counsel. Mr. Gustafson was recused from the review of the case because he served on the Probable Cause Panel. Mr. Kuritzky asked why only costs were imposed. Mr. Minacci responded that he appeared before the Probable Cause Panel and he recalled that Mr. Knobel did not put USONA Design on the title block someone else did.

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

DBPR vs. Deirdre L. Vouziers and Architecture & Engineering Works, LLC

Case Numbers 2008-031384 and 2008-031371

PCP: Rodriguez, Wirtz, and Gustafson

The respondent was not present or represented by counsel. Mr. Gustafson was recused from the review of the case because he served on the Probable Cause Panel. The respondent contracted to offer architectural services for a residence, used the title architect, and offered architectural services through a business entity. A three count administrative complaint was filed for practicing architecture when not licensed, using the title architect when not licensed, and offering architectural services through a business entity without a certificate of authorization.

The panel recommended a \$15,000 fine plus costs. The settlement stipulation reflected a \$5,000 fine plus costs. The fine was reduced because this was a first offense, the project was residential, a licensed design professional was involved in the project, and the respondent agreed to comply.

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

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

Recess

The meeting recessed at 1:45 p.m.

MINUTES

**Board of Architecture and Interior Design
Tampa Marriott Waterside Hotel & Marina
700 South Florida Avenue
Tampa, Florida 33602
813.221.4900**

**July 28, 2009
9:00 a.m.**

General Business

Call to Order

Ms. Shore, Chair, called the meeting to order at 9:07 a.m. There was a roll call and a quorum established.

Board Members Present:

John Ehrig
Rossana Dolan
Eric Kuritzky
Lourdes Solera
Garrick Gustafson
Wanda Gozdz
Joyce Shore
Aida Bao-Garciga

Board Members Absent:

E. Wendell Hall, excused
Mary Jane Grigsby, excused
Roymi Membiela, excused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Anthony Spivey, Executive Director
Terri Estes, Government Analyst
Vicki Long, AIA Florida
Steve Jernigan, AIA Florida
Richard Logan, AIA Florida
Michael Wirtz
Miguel Rodriguez
Linda Noble Welch
Lisa Posin

Jeff Iwankow
Erica Smedley Cox
Leesa Nero
Barbara Stott
Coren Weiss
William Brown
Brigid Haskins
Rita Scholz
Karen Lane
Lisa Posin
Debra Attenbernd
Lindsay Ishman
Chris DeLashmutt
Johanna Goldust Seldes
Michelle Earley
Peter Tagliarini
Jon Glogau, Attorney General's Office

Court Reporter: Sandra Davis Camp, Argus Reporting/Bay Park Reporting, 4010
W. State Street, Tampa, Florida 33609. Telephone 813.490.0003

Review and Approval of Meeting Minutes

January 7-8, 2009 General Business Meeting, Tallahassee

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

May 6, 2009 Probable Cause Panel Meeting Minutes, Fernandina Beach

Motion: Ms. Gozdz moved that the board approve the meeting minutes as
presented.
Second: Mr. Gustafson seconded the motion and it passed unanimously.

May 7-8, 2009 General Business Meeting, Fernandina Beach

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

Continuing Education

The Construction Specifications Institute (CSI) request for board recognition as a
provider whose courses are accepted without pre-review

Jeff Iwankow and Erica Smedley Cox were present from The Construction Specifications Institute.

Ms. Clark commented that CSI requested to be treated in the same manner as AIA which would require the handbook to be changed. She reviewed the definition of an automatic provider.

Mr. Iwankow commented that their program was similar to the AIA review and approval process of courses. He commented they review content development, qualifications and minimum standards for presenters/instructors, presenters/instructors ability to teach classes remain current/relative with course content. Mr. Iwankow commented that he reviews the courses as well as a dedicated individual with an educational background. He commented that they audit courses and provide corrective action guidance.

Mr. Iwankow commented that local chapters are required to have their courses reviewed on the national level prior to receiving an approval number for tracking purposes.

Mr. Iwankow reported that CSI Chapters are reviewed and approved through AIA CES. He reported that the education standards for CSI and AIA CES are reviewed based on the standards set forth by the International Association for Continuing Education and Training.

Mr. Iwankow reported that CSI tracks continuing education courses for attendees at no charge regardless of whether they are a member. He reviewed the process in more detail from start to finish.

Mr. Ehrig commented that CSI provided quality courses. He voiced some concern regarding out of state courses, health, safety, and welfare course determination, and course tracking.

Mr. Iwankow reported that CSI national reviewed courses for health, safety, and welfare designation and assigned local chapters the course approval numbers. The board discussed that CSI national reviewed and approved courses like AIA national.

The board reviewed the CSI continuing education tracking system, reporting and issuing of transcripts to attendees.

Mr. Jernigan with AIA Florida commented that they were concerned with courses offered by CSI on the local level not being related to the architectural profession. He commented that CSI offers courses to multiple professions such as construction, electrical, etc.

The board discussed that the courses would be market driven and by word of mouth. The courses are re-reviewed when more than 25% of the course content changes. Mr. Ehrig commented that he felt that CSI met the preferred status like AIA.

Motion: Ms. Solera moved that the board approve CSI national as an automatic provider whose courses are accepted without pre-review for architecture and interior design.

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

Motion: Ms. Solera moved that Rule 61G1-24.002, Florida Administrative Code, be noticed for rule development.

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

Reinstatement of a Null and Void License due to Hardship

Lisa Loren Posin

Lisa Posin was present and sworn in by the court reporter. The board reviewed the accident and illness information provided in the agenda. Ms. Posin reported that she maintained her continuing education and when she was audited for continuing education she provided the attorney an updated mailing address in 2005. She reported that she did not receive the renewal notice.

Motion: Mr. Ehrig moved that the board reinstate Ms. Posin's license based on illness and hardship.

Second: Mr. Kuritzky seconded the motion.

The board mentioned that her letterhead reflected architectural detailing and it should be corrected.

The question was called, the motion passed with Aida Bao Garciga opposed.

Application Review

Jose Ismael Allendes

Ms. Estes provided a letter that Mr. Allendes requested that his application be withdrawn from review and postponed to the next meeting.

Ratification Lists

Licensure

Motion: Mr. Ehrig moved that the board approve the licensure ratification list as presented in the agenda.

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

Continuing Education (handout)

Motion: Ms. Solera moved that the board approve the continuing education ratification list dated May 7-July 22, 2009.

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

Architecture Discussion

Use of the AIA appellation (Eric Kuritzky)

This item was withdrawn from the discussion.

Responsible Supervision for documents produced from a remote location
Mr. Kuritzky commented that he had a concern with supervision over documents produced out of the country. The board discussed that responsible supervision was addressed in Rule 61G1-23, Florida Administrative Code. Mr. Minacci reviewed the disciplinary process regarding documenting responsible supervision.

NCARB Board of Directors meeting minutes April 2009

NCARB Region 3 Regional Director's Report June 2009

NCARB News Clips June 2009

NCARB Southern Conference Board of Director's meeting minutes June 2009

NCARB Southern Conference General Session meeting minutes June 2009

Mr. Ehrig briefly reviewed the NCARB information provided. He commented that AIA Florida would address and demonstrate the NCARB six-month Intern Development Program (IDP) 2.0 rule. He commented that NCARB had received positive feedback regarding the IDP electronic reporting process.

Interior Design Discussion

NCIDQ Resolutions

NCIDQ examination and fee changes (handout)

Ms. Shore briefly reviewed the NCIDQ information provided. She reported that the NCIDQ examination would change in the Spring of 2010 and the fee would increase.

Office of Attorney General – Jonathan Glogau

Update on Lawsuit filed by the Institute for Justice Challenging Interior Design Practice Act

Eva Locke, Pat Levenson, Barbara Vanderkolk Gardner, National Federation of Independent Business (NFIB) vs. the Florida Board of Architecture and Interior Design

Items provided for the discussion:

1. Summons in a Civil Action May 26, 2009
2. Complaint for Declaratory and Injunctive Relief May 26, 2009
3. Plaintiffs' Corporate Disclosure Statement May 26, 2009
4. Defendants' Answer June 20, 2009
5. Plaintiffs' Motion for Preliminary Injunction and Brief in Support July 17, 2009
 - a. Declaration of Clark Neily
 - b. Declaration of Clark Neily in Support of Plaintiffs' Motion for Preliminary Injunction, Exhibit 1
 - c. Declaration of Barbara Vanderkolk Gardner
 - d. Declaration of Barbara Vanderkolk Gardner in Support of Plaintiffs' Motion for Preliminary Injunction Exhibit 1
 - e. Declaration of Eva Locke
 - f. Declaration of Patricia Levenson
 - g. Declaration of Natasha Younts
 - h. Declaration of Natasha Younts in Support of Plaintiffs' Motion for Preliminary Injunction, Exhibit 1
 - i. Declaration of Natasha Younts in Support of Plaintiffs' Motion for Preliminary Injunction, Exhibit 2
 - j. Declaration of Nancy Stehle
 - k. Declaration of Nancy Stehle in Support of Plaintiffs' Motion for Preliminary Injunction, Exhibit 1

Mr. Glogau with the Attorney General's Office commented that he was assigned to defend the board regarding the lawsuit. He reported that a complaint was filed by the Institute of Justice on behalf of non-licensed individuals. He commented that the complaint challenged the Constitutional validity of the statute, the title and licensing aspect. He commented the title aspect was challenged based on the First Amendment, freedom of speech. The statute allows individual to practice interior design in residential spaces without a license then they can not be prevented from calling themselves what they are, interior designers. Commercial speech can be regulated to a certain extent and the Plaintiffs claim the statute goes beyond the regulatory ability. The Plaintiffs also claim that "words to that affect" are unconstitutionally vague.

Mr. Glogau reported that the Plaintiffs' claim there is no rational reason for requiring a license for an individual to perform interior design services in a commercial space which addresses the second aspect of the lawsuit regarding licensure. The Plaintiffs claim that the licensing statute violates the Commerce Clause which allows an individual to practice from state to state with no barriers.

Mr. Glogau reported that he filed an answer and the Plaintiffs' filed a Preliminary Injunction that addressed the title aspect of the lawsuit. The Preliminary Injunction is a request to the Court that prevents the board from enforcing that particular part of the statute pending resolution of the lawsuit. The Courts presume that any censorship that may be unconstitutional creates irreparable harm when dealing with the First Amendment.

Mr. Glogau reported that he had not filed a response and had a hearing scheduled September 3, 2009.

Mr. Glogau reported that the Plaintiffs contacted him to discuss whether the board would consider not enforcing the title aspect of the law. If the board agrees then there would be no need for a hearing regarding the Preliminary Injunction. He commented if the board agreed not to enforce the title aspect of the law then they would save the money because they would not have to have a hearing regarding the Preliminary Injunction. In addition, if the Judge sided with the Plaintiffs regarding the Preliminary Injunction then that aspect of the lawsuit would be finished because he would not change his ruling later. He reminded the board that if they loose the lawsuit they will pay the Plaintiffs' attorneys fees.

Mr. Glogau commented that there may be some middle ground. The Judge had read the file and was familiar with the case already. Mr. Glogau commented that if an individual was legally practicing residential interior design then they should be able to call themselves residential interior designers. He suggested that the board consider allowing individuals to call themselves residential interior designers, residential space planner, etc. providing they use "residential". The middle ground was it differentiated between residential and licensed commercial interior design.

Mr. Glogau commented that if the Plaintiffs did not agree to that middle ground then when he appeared for his scheduled hearing September 3, 2009 he would make the residential interior design suggestion to the Judge at that time. He commented that he felt there was a First Amendment problem with the current statutory language.

Mr. Glogau commented that the First Amendment basically says; if what you say is truthful and not misleading then you have got to be able to say it. He commented that if it is truthful when an individual says residential interior design but it could be potentially misleading if an individual simply says interior design because that could imply the individual is licensed to work in a commercial space.

Mr. Kuritzky asked if the board had the ability to incorporate residential interior designer by rule. Ms. Clark replied that the board could argue that they have statutory authority to define residential interior designer by rule and clarify that an individual that uses the title residential interior designer does not violate the law.

Ms. Clark reviewed the rule noticing development to implementation could take 90 days. She reminded the board that the Joint Administrative Procedures Committee (JAPC) would review the rule language for statutory authority. The board discussed the potential rule language development and the impact on the lawsuit.

Mr. Glogau commented that if the board instructed him that going forward the board would interpret the language “or words to that effect” would not include residential interior design which he could present that to the Court. He commented that he could present to the Court that going forward the board would interpret the language “or words to that effect” to not include residential interior design the board could get a Preliminary Injunction and then a Judge would tell them how to interpret a statute.

Ms. Clark commented that the board had always had the duty to interpret the statutes including “or words to that effect”. She commented that they had a reasonable chance to define by rule residential interior design that would not be “or words to that effect”.

Mr. Kuritzky asked if defining residential interior design would establish a precedent for future disciplinary cases. Ms. Clark replied that the board should immediately cease investigating and prosecuting cases that are interior design, interior designer or words to the effect in residential applications. She commented that the cases should not be dismissed but held until the lawsuit was resolved.

Mr. Glogau commented that Mr. Minacci could document and track cases but cautioned him not to cease and desist orders and prosecute cases pending the lawsuit.

Ms. Dolan suggested defining common areas in condominiums.

Mr. Ehrig commented that other states used the title “registered” or “licensed” interior designer to resolve the issue. Mr. Glogau commented that the current statute has “registered” interior designer and if the board wins the licensure part of the lawsuit then that would survive. He suggested for the Preliminary Injunction using residential interior designer.

Ms. Clark commented that the board could work on a rule immediately as opposed to a statute. Mr. Glogau commented that the Plaintiffs were residential designers and defining residential interior designer would allow them to use the title residential interior designer. He commented that offered some middle ground.

The board discussed operating based on the Preliminary Injunction language and begin rule making to define residential interior design. Ms. Clark commented that the board could interpret or define less restrictive and she did not believe the Joint Administrative Procedures Committee (JAPC) would have an issue with less restriction.

Ms. Sholz commented that Chapter 481.201(5), Florida Statutes, defines interior decorator services and describes the services an unlicensed person can do and asked why not just call them interior decorator. Ms. Clark replied that Chapter 481.229(6) (a), Florida Statutes, allows an unlicensed person to perform interior design services in residential applications. She commented that was the language being challenged as unconstitutional.

The board discussed the use of the exemption and how it describes decorating services for residential applications. The board discussed that the Plaintiffs want to use titles that require licensure.

Mr. Glogau commented that there are some people that believe there is no need for regulation or licensure. He commented that the statute says an individual can perform interior design in a residential space, the Supreme Court says you can't stop an individual from using the language to describe truthfully what they do.

Michael Wirtz, Probable Cause Panel member, commented that residential interior design clearly classifies what an unlicensed person could do. He commented that defining residential interior design would eliminate problems with some cases regarding interior design for residential applications.

Steve Jernigan, AIA Florida, commented that Chapter 481. 223(c), Florida Statutes, addresses architect, architecture, or words to that effect and had a concern with residential drafters being able to use residential architect. Mr. Glogau commented that the lawsuit did not address architects or architecture.

Ms. Solera commented that the exemption allows an individual to describe interior design services for residential applications and the board could not defend that language.

The board discussed architectural issues and permitting requirements.

Ms. Posin commented that the Institute for Justice had gone after many states and they were going after non licensure not just the title. She suggested that the board give up the title act to keep the licensure law.

The board requested that Ms. Clark notice Rule 61G1-11.013 for rule development and bring draft language defining residential interior design for review and approval. The board discussed that the Prosecuting Attorney suspend prosecution of unlicensed interior decorators that advertise or practice residential design.

Motion: Mr. Ehrig moved that Ms. Clark notice Rule 61G1-11.013 for development.

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

Motion: Mr. Ehrig moved that the board instruct Mr. Minacci to suspend prosecution of any activity by an unlicensed individual that relates only to residential interior design until resolution of lawsuit.

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

The board discussed that Mr. Minacci could investigate but not prosecute until the lawsuit was resolved. The board instructed Mr. Minacci not to prosecute an individual that used the title interior designer and only performed residential design.

Ms. Dolan commented that architect and interior design were common words and regulating the usage of the words was a problem. She commented that the word "Realtor" was copyright title. The board discussed the usage of the appellation CPA.

Michelle Early, licensed Interior Designer, commented that it was unfair that an unlicensed individual could use the title Interior Designer because they have not met the qualifications to use the title. The board discussed the use of "licensed" or "registered" interior designer opposed to interior designer.

Ms. Posin commented that the Institute of Justice was after taking away the licensing provision.

Ms. Young commented that Mr. Glogau was informed about the Institute of Justice and the issues regarding interior design. She commented that she thought there was case law regarding the architecture licensing and title provision.

The board thanked Mr. Glogau.

General Discussion

Legislative Input

Mr. Spivey commented that the department was seeking Legislative Input for the upcoming session.

Mr. Kuritzky commented that he would like to see the board accept other state board approved courses. Ms. Clark commented that his issues could be addressed by rule in the handbook. LEED AP, US Green Building Counsel, and other Licensing Boards be automatic accepted

Mr. Rodriguez commented that there was a danger just bringing in organizations without a review process because the information may not be specific to the board's requirements and guidelines.

Mr. Kuritzky commented that the Construction Industry Licensing Board (CILB), the Building Code Administrators and Inspectors Board (BCAI), etc. courses would apply to architects and interior designers.

Mr. Spivey commented that the department streamlined the application process through Legislative Input. He commented that the department was looking for input to assist individuals to get back to work and make it easier to obtain licensure but not reduce the minimum requirements.

Budget – Life Cycle of Funds

Mr. Spivey provided a brief overview and outline on how to read the Department's Financial Statements and the Life Cycle of Funds. The board discussed lowering the cost for renewals or offering a fee waiver based on the current economic situation.

Copy of the Privatization Renewal Contract

There was no discussion on this item.

Accepting other board's approved continuing education for renewal

Mr. Kuritzky requested that the Building Code Administrators and Inspectors (BCAI) Board and the Construction Industry Licensing Board (CILB) be added to the rule as an automatic approved provider.

Mr. Jernigan requested that any other boards approved as automatic providers be boards that automatically accept the Board of Architecture and Interior Design's approved courses. Ms. Estes commented that BCAI accepts BOAID's approved courses.

Motion: Mr. Kuritzky moved that the Building Code Administrators and Inspectors Board and the Construction Industry Licensing Board be approved as automatic provider and courses.

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

Mr. Rodriguez commented that the department should champion all construction related professions accept the approved courses by all construction related boards.

Direction from the board on how to handle final orders and citations that require completion of the Florida Building Core course

Mr. Minacci commented that there were a number of individuals that have final order and citations pending the completion of the core course. He requested direction from the board on how to handle those cases. Ms. Clark commented

that the individual should petition the board to have their license reinstated. The board decided to handle the requests on an individual basis.

Rules Report and Discussion

Ms. Clark reviewed Rules 61G1-21.004, 22.002, and 22.003.

Ms. Clark commented that Rule 61G1-22.003 generated a letter from the Joint Administrative Procedures Committee (JAPC). She commented that she drafted a response to JAPC and the draft was provided for board review.

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

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

Ms. Clark commented that she would notice for rule development Rules 61G1-24.002 and 61G1-11.013.

Continuing Education Review Training

Demonstration of the electronic provider and course transmittal
Using the Continuing Education Handbook to review courses and assign approval number

Mr. Ehrig provided an overview of the process. The board members agreed to review the application electronically.

Application Review

Christopher Cook-Yarborough

Mr. Cook-Yarborough was not present or represented to counsel. The application was for continuing education and

Motion: Ms. Solera moved that the board deny the continuing education application based on 61G1-24.002, Florida Administrative Code, because it does not enhance the knowledge of architecture.

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

Review of Meeting Minutes

February 7, 2009 Telephone Conference Call

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

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

March 9, 2009 Telephone Conference Call

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

Reports

Chair's Report

Ms. Shore had no report.

Executive Director Report

Mr. Sprivey requested that the board members obtain a zero balance bill for travel reimbursement.

AIA Florida

Ms. Long, Mr. Jernigan, and Mr. Logan were present. Mr. Jernigan welcomed the board to the Conference. He commented that students would shadow AIA members to determine if architecture is a profession of interest. He commented that the economy has affected membership and licensure.

Mr. Jernigan thanked Mr. Ehrig for his work and public service with the Florida Foundation for Architecture.

Mr. Jernigan reported that AIA National required their members to obtain four hours of continuing education in Sustainability.

Mr. Jernigan reported that AIA was given the responsibility as the liaison for the Intern Development Program (IDP) between the educators and NCARB. Nathan Butler is the state coordinator as the IDP liaison.

Mr. Jernigan reported that AIA Florida was working to assist with the examination candidates prepare for the examination.

Mr. Jernigan reported that they were working to adopt some guidelines for the local building officials for emergency preparedness. He reported that they were reaching out to other licensed construction professionals to work together. He commented that Mississippi had a tri-fold flyer that provided information as to what professionals can do what, not to do, and identified some overlap within the professions.

Mr. Logan provided a handout and reported that AIA Florida opposed the proposed language for the Florida Building Code relating to Section 106, Construction Documents. He commented that they were against interior designers being included and provided information as to why they opposed their inclusion. He commented that the Commission compromised by eliminating any references to specific design professionals and adopted the language from the 2009 International Building Code.

Mr. Logan reviewed sections in Chapter 481, Florida Statutes regarding construction plans and permitting documents. He commented that architects value the knowledge of interior designers however AIA Florida contends that only licensed architects and engineers are qualified to prepare, sign and seal construction documents for the purposes of obtaining a building permit.

Ms. Long reported on AIA Florida's efforts on the 2009 Legislation. She requested that the board carefully consider not opening the Florida Statutes for the upcoming Session. She reported on the AIA Florida's list of items for the upcoming Session.

Mr. Rodriguez provided an overview on the blue cover certification program and Broadly Experienced Architect (BEA) process through the National Council of Architectural Registration Boards.

Mr. Rodriguez commented that the BEA was established to allow a candidate to equate practice experience to education. He commented that the candidate submits an application and NCARB reviews the education as well and pin points weaknesses. He commented that the candidate submits a dossier to demonstrate how their experience made up for the weaknesses identified in their education. He commented that the dossier must describe the responsibilities over all projects and convince the committee of professionals that they obtained the required education through experience. The Committee reviews the dossier and interviews the individual. He commented that It is the most rigid and difficult method to receive the NCARB certification.

Mr. Rodriguez commented that if another option for licensure was needed the BEA would be the best route to consider. He commented that in 1969 Florida had a five year requirement in the statutes. He commented that June 30, 1984 was the date that NCARB changed their requirements to the National Architectural Accreditation Board (NAAB) five year degree and began a grandfathering provision.

Prosecuting Attorney's Report – David K. Minacci

Audit Report – Year Ended October 31, 2008

Licensed Architecture Legal Cases

Licensed Interior Design Legal Cases

Unlicensed Architecture Legal Cases
Unlicensed Interior Design Legal Cases
Licensed/Unlicensed Investigative Cases
Fines Chart
Billable Hours April 2009
Billable Hours May 2009
Billable Hours June 2009
Board Meeting Results May 7, 2009
Press Releases/Speaking Engagements/Other Correspondence

Mr. Minacci commented that the information was provided in the agenda and he would answer questions.

Future Board Meetings

October 28, 2009 – Probable Cause Panel Meeting, Miami
October 29-30, 2009 – General Business Meeting, Miami

The board set the following dates for 2010.

January 27, 2010 Probable Cause Panel Meeting
January 28-29, 2010 General Business Meeting
Location: St. Augustine area

May 10-11, 2010 General Business Meeting
May 12, 2010 Probable Cause Panel Meeting
Location: Pensacola area

August 16, 2010 Probable Cause Panel Meeting
August 17-18, 2010 General Business Meeting
Location: Ponte Vedra

November 1, 2010 Probable Cause Panel Meeting
November 2-3, 2010 General Business Meeting
Location: Naples

New Business

No new business.

Old Business

No old business.

Adjourn

The meeting adjourned 1:12 p.m.