

MINUTES

Board of Architecture and Interior Design

**The Breakers Palm Beach
One South County Road
Palm Beach, Florida 33480
888.273.2537**

**July 17, 2012
9:00 a.m.**

General Business

Call to Order

Mr. Ehrig, Chair, called the meeting to order at 9:05 a.m.

Roll Call

Board Members Present:

John Ehrig, Chair
Francisco "Frank" Costoya
Miguel Rodriguez
Jonathan Toppe
Aida Bao-Garciga
Wanda Gozdz

Board Members Absent:

Warren Emo, unexcused
J. Emory Johnson, excused
Kenan Fishburne, excused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Anthony "Tony" Spivey, Executive Director
Mary Alford, Government Analyst, Board staff
Trent Manausa
Peter Jones

Mr. Ehrig commented that Mr. Emo had been absent numerous times and his board appointment may be in jeopardy based on the rules.

A quorum was established and staff was introduced.

Court reporter: Apex Reporting Group, 12 E 7th Street, Suite 702, Ft. Lauderdale, Florida 33301. Telephone 954.467.8204.

Discussion

Rules Report

Ms. Clark reviewed the summary rules report. The report reflected rules the board previously voted upon and there were a few items that required further action.

Ms. Clark reported that Rule 61G1-12.004, disciplinary guidelines, language was approved at the May meeting and had been published with no comments from the Joint Administrative Procedure Committee (JAPC) or the Office of Fiscal Accountability and Rule Review (OFARR) and should be effective in the next 30 days.

Ms. Clark reported that Rule 61G1-13.001, experience requirements, the language was approved at the May meeting but the board would discuss the rule later in today's meeting.

Ms. Clark reported that Rule 61G1-16.001, seals, the language was approved at the May meeting and was submitted to OFARR for comments.

Ms. Clark reported that the changes to Rule 61G1-16.005, procedures for signing and sealing electronically transmitted plans, were effective.

Ms. Clark reported the Rule 61G1-17.001, professional fees for architects, the language was approved at the May and June meeting and had been published. Provided there are no comments from JAPC or OFARR the language should be effective in the next 30 days.

Ms. Clark reported that Rule 61G1-17.002, professional fees for interior designers, the language was approved at the February meeting with changes at the May and June meeting. This rule is on the agenda for discussion later in today's meeting.

Ms. Clark reported that the changes to Rule 61G1-21.002, organization and administration, were effective May 28, 2012.

Ms. Clark reported that Rule 61G1-21.006, inactive or delinquent interior designers who desire to reactivate, the language was approved at the May meeting and it was submitted to OFARR for comments.

Ms. Clark reported that the change to Rule 61G1-21.008, definition of a complete application, were effective May 28, 2012.

Ms. Clark reported that Rule 61G1-24.001, continuing education for architects, the language was approved at the May meeting and Mr. Spivey would review the Statement of Estimated Regulatory Costs (SERC) later in today's meeting.

Ms. Clark reported that Rule 61G1-24.002, continuing education approval of subjects and providers, involved review of the continuing education handbooks which were on the agenda for later in today's meeting.

Ms. Clark reported that the changes to Rule 61G1-24.003, definition of a complete application, were effective May 28, 2012.

Ms. Clark reported that Rule 24.004, inactive or delinquent architects who desire to reactivate, the language was approved at the May meeting and was submitted to OFARR for comments.

Rule 61G1-13.001, Experience Requirements

Proposed language that was approved in May and a new draft of proposed language was provided for board review. Ms. Clark commented that she recommended repeal based on the legislative changes and felt there was no longer a need for rule 13.002, 13.0021, or 13.003. She reported that based on some concerns raised at the May meeting, she worked with Mr. Ehrig, Mr. Rodriguez, and staff to create the proposed language presented for board review.

Mr. Rodriguez commented that the elimination of rule 13.0021 (2) allows for a licensed architect in another state that was not required to complete NCARB IDP to document an equivalency of 5 years of architecture practice in another state which would meet the law requirement. The proposed language allows this provision to be added to rule 13.001. He commented that the language was changed from a 5 year equivalency to 10 years practice as equivalent to a three year internship that is required in Florida.

Ms. Clark commented that she felt the previous rule language, equivalency of 5 years of architecture practice in another state, was only applicable to NCARB endorsements not state or direct endorsement. Mr. Rodriguez commented that the new statute allows the board to create language by rule. He commented that there are licensed individuals that were not required to complete NCARB IDP and the rule change would make it impossible for them to complete NCARB IDP now or receive NCARB certification. He commented that the board should allow a licensed and experienced architect an avenue for endorsing from another state when that individual is not NCARB certified.

Mr. Rodriguez commented that moving forward, regardless of how the language was applied in the past, the board should allow an avenue for licensed architects from other states that were not required to complete NCARB IDP or want to pay to receive NCARB certification an avenue for licensure in Florida. He

commented that imposing the NCARB IDP or NCARB certification was an impediment or obstacle.

Mr. Ehrig commented that 10 years was pulled from the new legislative language for 10 year residency. He commented that the board was trying to simplify the requirements to be in line with NCARB to allow for reciprocity from state to state.

Mr. Rodriguez commented that the previous board opined 5 years of licensed practice was a reasonable amount of time required to accumulate the required years of experience through an IDP program. He commented that the prior board gave the 5 years thought and this board was imposing 10 years based on legislation that will expire in 6 months. He commented that imposing 10 years is not simplifying the process and NCARB is not the only avenue for licensure. He commented that the IDP requirement is 3 years of experience for licensure with a 5 year Bachelor of Architecture degree. Ms. Bao-Garciga commented she agreed with Mr. Rodriguez.

The board discussed the consequences and difficulties of an individual that is licensed in another state where that state administered their own IDP program and did not require NCARB IDP; that licensed individual would have difficulty obtaining NCARB certification now based on the NCARB IDP 6 month reporting rule.

Ms. Clark commented that since 1999 the boards rule had required NCARB IDP. Mr. Spivey asked about individuals that were approved for examination under the old law that required only 2 years of IDP for a Masters of Architecture. Mr. Ehrig commented that NCARB administered the IDP based on the old Florida law which required 2 years of NCARB IDP for a Masters of Architecture. NCARB would validate completion of 2 years of NCARB IDP to Florida to allow individuals with a Masters degree to gain licensure in Florida but would not receive an NCARB certificate until they completed 3 years of NCARB IDP. He reviewed some of the perceived unintended consequences based on the new statutory language changes. Mr. Ehrig commented he was not inclined to change the requirements to meet one individuals needs to gain licensure prior to completing the 3 years required for completion of NCARB IDP.

Mr. Ehrig commented that individuals could petition the board for a rule waiver regarding the requirement to complete the NCARB IDP which is 3 years or 5600 hours. He commented that if individuals do not complete the NCARB IDP then they could be denied in another state without completing NCARB IDP. Mr. Ehrig commented the individuals must complete 5600 hours of NCARB IDP moving forward for individuals taking the examination that have not been licensed.

The board decided to table the issue regarding the completion of 2 years of NCARB IDP for individuals with a Masters of Architecture.

Motion: Mr. Rodriguez moved that the board approve the proposed language for Rule 61G1-13.001 as presented.
Second: Mr. Toppe seconded the motion and it passed unanimously.

Motion: Mr. Rodriguez moved that the proposed rule would not have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200, 000 in the aggregate in Florida within 1 year after the implementation of the rule.
Second: Mr. Costoya seconded the motion and it passed unanimously.

Ms. Clark requested that Mr. Spivey prepare an updated SERC checklist.

Mr. Ehrig reviewed the changes to Chapter 481.211, F.S., regarding the removal of the requirement that an individual wait one year after graduation to sit for the examination which put the law in line with NCARB's examination requirements allowing individuals to begin the examination immediately after graduation. He commented that NCARB administered the NCARB IDP based on the law that required 2 years of NCARB IDP for individuals with a Masters in Architecture and 3 years of NCARB IDP for individuals with a Bachelors of Architecture. The changes removed that language and an individual has questioned the board about the potential negative impact to individuals with a Masters of Architecture now having to complete 3 years of NCARB IDP.

Mr. Ehrig reviewed the options that NCARB allows for gaining experience including experience as far back as high school. Mr. Rodriguez commented that there were individuals in process for many years trying to complete the examination and internship to obtain licensure. Mr. Rodriguez suggested that the board do nothing and deal with each applicant on a case by case basis or provide a clause to complete the process by a deadline date and after that date they are subject to the current rules.

Mr. Ehrig requested that this item be placed on the agenda in October and allow staff an opportunity to research the possible number of individuals that this could impact.

Rule 61G1-13.002, Credit of Experience
Rule 61G1-13.0021, Intern Development Program
Rule 61G1-13.003, Educational Requirements
Ms. Clark recommended repeal of the rules in their entirety.

Motion: Mr. Toppe moved that Rule 61G1-13.002, 13.0021, and 13.003 be repealed in their entirety.
Second: Mr. Rodriguez seconded the motion and it passed unanimously.

Motion: Mr. Costoya moved that the proposed rule would not have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200, 000 in the aggregate in Florida within 1 year after the implementation of the rule.

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

Rule 61G1-17.001, Professionals Fees and Penalties for Architects
Ms. Clark had no recommendations regarding this rule. The proposed language is pending review and comments from OFARR. No action needed.

Rule 61G1-17.002, Professional Fees and Penalties for Interior Designers
Ms. Clark commented that the language was approved in February, May, and June and it was published in the Florida Administrative Register. She recommended that the board allow the existing changes to proceed and then make changes after it's adopted.

The proposed language addressed examination reviews for the NCIDQ examination. Mr. Spivey provided information from Mr. Ashoo with the Bureau of Education and Testing that there was no provision offered by NCIDQ to allow for examination reviews. The board asked Mr. Spivey to research the issue with NCIDQ. Ms. Bao-Garciga commented that she would like to be able to review her exam because she received a pass notice then received a fail notice.

Ms. Clark commented that the rule language would proceed as approved. She suggested that the board consider, in the future, if the exam can not be reviewed then they would readdress and remove the language that allows for an exam review or the board has to consider a different examination to meet the licensure requirements. Mr. Spivey commented that the NCIDQ web site reflects they do not allow for examination reviews. Mr. Ehrig suggested that the board should consider a different examination. Ms. Clark suggested that the Mr. Spivey contact NCIDQ to see if they can create a review process for Florida.

Motion: Ms. Bao-Garciga moved that the copy of the contract with NCIDQ be placed in the board's materials and that NCIDQ be contacted to appear before the board or respond in writing why they do not allow examination reviews and if they would be willing to create a review process for Florida.

Second: Mr. Costoya seconded the motion.

Mr. Spivey asked for direction as far as the language moving forward because the NCIDQ web site reflects they do not allow examination reviews. Ms. Clark recommended that the language proceed as allowing for an examination review and readdress the language after additional research is done by staff.

The question was called and the motion passed unanimously.

Mr. Ehrig commented that Mr. Spivey should contact them about allowing for Florida reviews otherwise Florida will look at administering a different examination.

Rule 61G1-21.002, Organization and Administration

Ms. Clark recommended that the language be repealed based on the new statutory changes delegating authority to the department to review and approve continuing education provider and course applications and the fact that the monitoring of continuing education is addressed in the handbooks.

Mr. Ehrig commented that he had concerns with staff reviewing the content and determining the proper length of time granted for course content and asked if there was a process in place for staff to utilize a professional for additional input. Mr. Spivey commented that the department was in the process of creating guidelines to address Mr. Ehrig's concerns.

Motion: Ms. Bao-Garciga moved that the board repeal Rule 61G1-21.002 in its entirety.

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

Motion: Mr. Toppe moved that the proposed rule would not have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200, 000 in the aggregate in Florida within 1 year after the implementation of the rule.

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

Ms. Clark requested Mr. Spivey complete the SERC checklist.

Rule 61G1-21.003 (handbook forthcoming)

Rule 61G1-24.002 (handbook forthcoming)

This item was tabled for discussion later in today's meeting.

Rule 61G1-21.005, Reporting Continuing Education Hours

Ms. Clark commented that the rule language was obsolete and recommended that the rule be repealed.

Motion: Ms. Gozdz moved that the board repeal Rule 61G1-21.005 in its entirety.

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

Motion: Mr. Toppe moved that the proposed rule would not have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any entity (including

government) in excess of \$200, 000 in the aggregate in Florida within 1 year after the implementation of the rule.

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

State of Estimated Regulation Cost (SERC) Rule 61G1-24.001

Mr. Ehrig briefly described how the figures were determined for the SERC. After discussion the following motion was made.

Motion: Mr. Toppe moved that the board approve the SERC as presented.

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

2012-2013 Regulatory Plan

Ms. Clark commented that this item was for information only and no action was needed.

Interior Design Continuing Education Handbook review

Ms. Clark commented that the changes to the handbook reflect the statutory changes for the department to review and approve providers and courses.

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

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

Rule 61G1-21.003, Continuing Education – Approval of Subjects and Providers for Interior Design

Motion: Ms. Bao-Garciga moved that Rule 61G1-21.003 be noticed for rule development and update the rule by incorporating the revised handbook.

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

Motion: Mr. Toppe moved that the proposed rule would not have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200, 000 in the aggregate in Florida within 1 year after the implementation of the rule.

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

Ms. Clark requested that Mr. Spivey prepare a SERC checklist.

Architecture Continuing Education Handbook review

Mr. Ehrig commented that he worked closely with staff and Ms. Clark regarding the handbook changes.

Mr. Ehrig briefly reviewed the changes regarding the architecture handbook of which included defining continuing education hours (CEH), changes regarding

House Bill 887 and the department reviewing providers and courses, removing the optional credit hours and allowing only for structured health, safety, and welfare (HSW) courses, increasing the number of hours required for renewal from 20 to 24 hours, updating the Florida Building Commission reference, defined renewal cycle and reporting cycle (January through December), and changed the word log of learning to transcripts. Many of the changes were made to align with NCARB's continuing education requirements.

Mr. Rodriguez supported all of the changes with the exception of the 12 hours required per year in stead of 24 hours per biennium. He commented that many other states are moving towards that requirement but have not as yet. He commented that he had a concern with individuals that may have family issues that would prevent an individual from obtaining 12 per year but could obtain the 24 hours prior to renewal. He commented that he was not sure that the board had statutory authority to change the requirement from biennial to annual.

Mr. Jones questioned why the board was changing to the hour requirements from biennial to annual. Mr. Ehrig replied that the language was in line with NCARB's continuing education requirements and eventually the goal was to be in line with all other licensure states.

Ms. Bao-Garciga commented that many individuals will wait until just prior to the renewal and annually could create a hardship. Mr. Toppe commented that the current language allows for individuals to complete all their hours prior to the renewal cycle.

Mr. Rodriguez commented that leaving the language to allow for biennial hours instead of annual is a benefit to licensees. He commented that even if Florida was in line with NCARB's requirements other states would not accept reciprocity from Florida because of the Florida Building Code advanced requirement. He requested that the board reconsider.

Motion: Mr. Toppe moved that the board amend the language in the definitions to read as, "at the time of licensure renewal an architect will attest to completing 24 hours for the prior reporting cycle".
Second: Mr. Costoya seconded the motion.

Ms. Clark commented that changing the language to biennial instead of annual there were additional changes through out the document that must be made as well. The board requested that the document be updated and returned for review.

Mr. Manausa asked if the language was left annually, would an individual that was audited for continuing education completed 20 hours the first year and 4 hours the second year if they would be penalized. Mr. Ehrig replied in the affirmative because they would be required to complete 12 hours the first year

and 12 hours the second year. Mr. Manausa commented that if the language changed to annual then the board would have to update their disciplinary rules. Mr. Ehrig replied and agreed that the disciplinary language must be updated.

Mr. Spivey commented that if an individual did not complete the 12 and 12 annually then they should not renew and they could be out of work or working on a delinquent license because they would not be able to comply.

Mr. Ehrig briefly reviewed the research NCARB completed in order to get all of the states aligned regarding the number and category of hours.

The question was called the motion passed, with Mr. Ehrig opposed.

Rule 61G1-24.002, Continuing Education – Approval of Subjects and Providers for Architecture

Mr. Ehrig requested that Ms. Alford update the document, bring the draft for tomorrow's agenda for review and approval.

Apply Now – Streamline applications effective July 1, 2012

- a. Licensure by Endorsement with 10 year Florida Residency
- b. Licensure by Exam – NCARB Direct Registration
- c. Licensure by NCARB Endorsement
- d. Hot Topics for Licensure by Exam – NCARB Direct Registration (information purposes only)

Mr. Ehrig requested that the instructions referenced for background questions be corrected for forms AR 1 and AR 6. Mr. Spivey commented that the department was streamlining the application processing in line with the Governor's initiative to remove items that are not required by statute or rule.

Motion: Mr. Costoya moved that the board approve DBPR AR 1, DBPR AR 6, and DBPR AR 7 with the effective date of July 1, 2012 with noted typographical corrections on forms DBPR AR 1 and DBPR AR 6.

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

Public Service Announcements (PSA)

PSA Entry Form

PSA How to Submit

PSA Video Release Form

PSA Web Content

Mr. Spivey reviewed the power point presentation prepared by Sandi Poreda, Communications Director. The PSA contest was set up in three phases; phase one announce the contest, phase two Florida Media Kick off, and phase three announce the contest winners and media coverage.

Students and professionals were the target audience regarding unlicensed activity. The goal is to use social media to cut costs. Mr. Spivey reviewed the contest deadline and guidelines. He commented that the goal was to obtain \$1,000 from each professional association to fund the contest prizes.

Contestants must be students currently pursuing an architecture or interior design degree. The suggested panel of judges would include two board members, one department member, two professional licensees, and one celebrity judge (one per profession).

The board discussed the target audience and the need for clarity regarding the message being geared toward the public not the licensed professionals.

Mr. Jones commented that based on the recent AIA Florida contest he felt the board would receive some imaginative and clever entries. He commented that AIA Florida would assist the board or department in promoting the contest.

The board discussed the associations utilizing the PSA on their web sites.

Mr. Ehrig wanted to make sure that the students understood the message and that the message is focused. Mr. Minacci provided some scenarios regarding unlicensed activity.

The board discussed utilizing other students to assist with the PSA such as communications, video productions, journalism, etc. The board discussed that the public should understand the value of hiring a license professional and that is what should come through in the PSA. Mr. Rodriguez commented that there was a PSA about texting and driving that had no audio and the message was understood.

Mr. Toppe commented that the discussion was helpful to develop the instructions, direction, and message for the PSA. Mr. Jones suggested two videos one for the professional and one to the public about hiring a professional.

The board discussed the following suggestions for focusing the PSA, “is the professional you hired, licensed”? The video should answer a question, is the public hiring licensed professionals? Mr. Costoya suggested the PSA discuss, what is architecture? and why the public should use a licensed architect? Why hiring a licensed professional is important and why hiring an unlicensed person is dangerous.

The board directed Mr. Toppe and Ms. Fishburne to work with Ms. Poreda to work on defining the focus of the PSA. The team submitting the PSA should include an architect or interior designer but the team could utilize other disciplines within the school or university. The board discussed having a celebrity judge for each profession.

Old Business

No old business.

New Business

No new business.

Recess

The meeting recessed at 2:23 p.m.

MINUTES

Board of Architecture and Interior Design

**The Breakers Palm Beach
One South County Road
Palm Beach, Florida 33480
888.273.2537**

**July 18, 2012
9:00 a.m.**

General Business

Call to Order

Mr. Ehrig, Chair, called the meeting to order at 9:06 a.m.

Roll Call

Board Members Present:

John Ehrig, Chair
Francisco "Frank" Costoya
Miguel Rodriguez
Jonathan Toppe
Aida Bao-Garciga
Wanda Gozdz

Board Members Absent:

Warren Emo, unexcused
J. Emory Johnson, excused
Kenan Fishburne, excused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Anthony "Tony" Spivey, Executive Director
Mary Alford, Government Analyst, Board staff
Trent Manausa
James D. Looney
Joann Munro
Grace D. Sullivan
Rachelle Peloso
Douglas Feldman
Peter Jones
Nancy Bredemeyer

Jennifer Lang
Nancy Desantis
Gosia Fedele
Susan Morgan
Jane Howard
Ann Huff
Diane Perera
Doug Brown
Tammy Dalton
Shelley Siegel
Roy Siegel
Voytek Faber

A quorum was established and invocation given.

Court reporter: Apex Reporting Group, 12 E 7th Street, Suite 702, Ft. Lauderdale, Florida 33301. Telephone 954.467.8204.

Disciplinary Cases

Settlement Stipulations

Unlicensed

DBPR vs. All Architecture, Inc. and Majed M. Hawari
Case Number 2010-053536 and 2012-009901
PCP: Rodriguez, Wirtz, and Hall

Mr. Rodriguez was recused from the review of the case based on his participation with the probable cause panel. Ms. Diane Perera was present to represent the respondents. The case was before the board based on the respondent providing architectural services on a commercial project when not licensed and provided those services through a business entity without a certificate of authorization. Probable cause was found and a three count administrative complaint for practicing architecture when not licensed, using the title architect when not licensed, and offering the services without a certificate of authorization.

The panel recommended a \$15,000 fine plus costs. The settlement stipulation reflects a \$5,000 fine plus costs. The fine was reduced because the respondent received improper advice from prior counsel and that he now understands the statutes and rules. Mr. Minacci requested that the board approve the stipulation as presented.

Mr. Toppe asked if All Architecture, Inc. was still in business. Ms. Perera confirmed that the All Architecture, Inc. business is closed.

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

Licensed

DBPR vs. Scott D. Weinkle
Case Number 2011-020389
PCP: Hall, Shore, and Gozdz

Ms. Gozdz was recused from the review of the case based on her participation on the probable cause panel. Mr. Weinkle was not present or represented by counsel. The case was before the board based on the respondent signing and sealing plans of insufficient quality and standards and the respondent failed to perform legal obligations under the contract. Probable cause was found and a two count administrative complaint was filed for failing to perform a legal obligation and signing and sealing plans of insufficient detail.

The panel recommended a reprimand, \$2,000 fine plus costs, and 2 two years probation. The settlement stipulation reflects the panel's recommendation.

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

Unlicensed

DBPR vs. Corner Stone Design Group, Inc. and Edward P. Tafelski
Case Number 2011-010695
PCP: Hall, Shore, and Gozdz

Ms. Gozdz was recused from the review of the case based on her participation on the probable cause panel. The respondent was not present or represented by counsel. The case was before the board based on the respondent providing design services on a commercial project when not licensed and offered the services through a business entity without a certificate of authorization. Probable cause was found and a two count administrative complaint was filed for practicing architecture without a license and offering architectural services through a business entity without a certificate of authorization.

The panel recommended a \$500 fine plus costs. The settlement stipulation reflects the panel's recommendation.

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

DBPR vs. Thomas L. Hanson and TL Hanson & Associates Consulting Engineers, Inc.

Case Number 2011-010709

PCP: Hall, Shore, and Gozdz

Ms. Gozdz was recused from the review of the case based on her participation on the probable cause panel. The respondent was not present or represented by counsel. The case was before the board based on the respondent being a licensed engineer that signed and sealed a commercial project for a client. Probable cause was found and a one count administrative complaint was filed for aiding the unlicensed practice of architecture.

The panel recommended a \$500 fine plus costs. The settlement stipulation reflects the panel's recommendation. Mr. Minacci commented that Mr. Hanson and his attorney appeared before the probable cause panel and now understands the statutes and rules.

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

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

DBPR vs. The Kirouac Group and Shawn Kirouac

Case Number 2011-027213

PCP: Hall, Shore, and Gozdz

Ms. Gozdz was recused from the review of the case based on her participation on the probable cause panel. The respondent was not present or represented by counsel. The case was before the board based on the respondent being a licensed general contractor that contracted architectural services in a design build contract and offered the service through a business entity without a certificate of authorization. Probable cause was found and a five count administrative complaint was filed for practicing architecture without a license, using the title architect without a license, and offering architectural services through a business entity without a certificate of authorization.

The panel recommended a \$5,000 fine plus costs. The settlement stipulation reflects a \$2,500 fine plus costs. Mr. Minacci commented that the settlement stipulation was reduced because design professionals were involved in the project and the contract was poorly worded. He commented that he worked with the respondent and respondent's attorney to properly word future contracts. He requested that the board approve the settlement stipulation as presented.

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

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

DBPR vs. Looney & Associates, LLC and James Looney

Case Number 2012-008115

PCP: Hall, Shore, and Gozdz

Ms. Gozdz was recused from the review of the case based on her participation on the probable cause panel. The respondent was not present or represented by counsel. The case was before the board based on the respondent offering architectural services through a business entity without a certificate of authorization. This was a second offense. Probable cause was found and a one count administrative complaint was filed for offering architectural services through a business entity without a certificate of authorization.

The panel recommended a \$2,500 fine plus costs. The settlement stipulation reflects the panel's recommendation. Mr. Minacci requested that the board approve the settlement stipulation as presented.

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

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

Looney & Associates, LLC

Certificate of Authorization application review

Motion: Mr. Rodriguez moved that the board approve the certificate of authorization application as presented.

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

DBPR vs. Rahimuddin S. Rahimi

Case Number 2011-046664 and 2011-048465

PCP: Hall, Shore, and Gozdz

Ms. Gozdz was recused from the review of the case based on her participation on the probable cause panel. The respondent was not present or represented by counsel. The case was before the board based on the respondent being a licensed engineer that signed and sealed a commercial project for a client that held the contract and was not a licensed professional. Probable cause was found and a one count administrative complaint was filed for aiding the unlicensed practice of architecture.

The panel recommended a \$1,000 fine plus costs. The settlement stipulation reflects the panel's recommendation. Mr. Minacci requested that the board approve the settlement stipulation as presented.

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

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

Voluntary Relinquishment

DBPR vs. Tony K. Cheung

Case Number 2011-039635

Ms. Gozdz was recused from the review of the case based on her participation on the probable cause panel. Probable cause was found and a three count administrative complaint was filed for negligence in the practice of architecture, certifying work beyond his ability to perform, and a title block violation.

Mr. Minacci commented that Mr. Cheung decided to voluntarily relinquish the license in lieu of defending the allegations.

Motion: Ms. Bao-Garciga moved that the board approve the voluntary relinquishment.

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

Petition for Waiver/Variance of Rule 61G1-22.001 and 22.002

Jennifer Lang – Interior Design Endorsement

Ms. Lang was present and sworn in by the court reporter. Ms. Clark reviewed the petition for waiver of rules 61G1-22.001(2), 22.002(1) and 22.002(4), Florida Administrative Code. The petition was filed May 22, 2012.

Ms. Lang explained that she had a direct working relationship with a licensed architect and provided letters from Mr. Pope that verified two plus years of experience.

Motion: Ms. Gozdz moved that the board approve the request for waiver/variance from rules 61G1-22.001(2), 22.002(1), and 22.002(4), Florida Administrative Code.

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

Request for Reinstate of Null and Void License due to Hardship

Gerald Butler

Mr. Spivey commented that Mr. Butler provided an e-mail request to withdraw the reinstatement application and amend the application to apply by NCARB endorsement.

General Discussion

Florida Building Code core course alternate requirements

Mr. Costoya presented a grid of advanced courses that were considered eligible to satisfy the core course requirement which is no longer available. After discussion the following motion was made.

Motion: Mr. Rodriguez moved that the board approve the list of Florida Building Code advanced courses provided by Mr. Costoya as substitute courses for licensees that did not complete the four hour

Florida Building Core course as long as the licensee completes four hours of the advanced courses.

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

NCARB Direct Registration Contract

Mr. Spivey briefly reviewed the NCARB Direct Registration Contract that was effective July 1, 2012 and was for information purposes only.

Apply Now – Streamline applications effective July 1, 2012

Licensure by Endorsement with 10 year Florida Residency

Licensure by Exam – NCARB Direct Registration

Licensure by NCARB Endorsement

Hot Topics for Licensure by Exam – NCARB Direct Registration

Mr. Ehrig commented that the board reviewed the above listed items July 17, 2012.

Review and Approval of Meeting Minutes

May 1, 2012 – Probable Cause Panel (ratify)

Motion: Ms. Gozdz moved that the board ratify the probable cause panel meeting minutes.

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

May 2-3, 2012 – General Business Gainesville, Florida

Mr. Ehrig requested that due to portions of the tape being inaudible the meeting should be transcribed by the court reporter.

June 4, 2012 – Telephone Conference Call

Motion: Ms. Gozdz moved that the board approve the June 4, 2012 meeting minutes as presented.

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

Ratification List(s)

Licensure

Mr. Spivey presented that licensure ratification list.

Motion: Ms. Gozdz moved that the board approve this list as presented.

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

Continuing Education

Mr. Spivey presented the continuing education list.

Motion: Mr. Rodriguez moved that the board approve the April 20-July 5, 2012 continuing education ratification list as presented in the agenda materials.

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

Reports

Board Correspondence

Mr. Spivey commented that the correspondence was from Mr. Johnson, a board member, regarding comments and concerns to the continuing education handbooks. The correspondence was placed on the agenda for information.

Ms. Clark commented that if board members receive correspondence from the public they should forward it to Mr. Spivey to handle whether to handle by staff or place on the board agenda.

The board briefly discussed receipt of an anonymous letter and that the letter was not to be discussed until it had been handled through the proper channels.

Chair's Report – John Ehrig

Mr. Ehrig reported that he, Mr. Rodriguez, and Mr. Spivey attended the NCARB Annual Meeting. He reported that NCARB was analyzing the length of time it takes an individual to complete the seven part exam and the three year internship program.

Mr. Ehrig commented that the board was streamlining the rules based on the future of the profession and provided electronic signing and sealing as an example.

Executive Director's Report – Tony Spivey

Mr. Spivey reported that he was thankful to attend the NCARB Annual Meeting because it was informative and educational.

Financials and Projections

Mr. Spivey presented the financials and projections based on a request at the May meeting for one time renewal fee waivers for or application fee reductions. Mr. Costoya commented that he would prefer to leave the fees alone. The board briefly reviewed the conservative fine projections based on the downturn of the economy and lack of construction.

Ms. Clark recommended that the board ask the department to consider a waiver of licensure renewal fee based on Chapter 455.219(1), Florida Statutes.

Motion: Ms. Bao-Garciga moved that the board request the department to approve a one time licensure renewal fee waiver of \$50.00, pursuant to Chapter 455.219(1), Florida Statutes.

Second: Ms. Gozdz seconded the motion.

Mr. Rodriguez commented that the board must consider that renewals are every other year. He commented that based on the projections he did not think the board would recover financially from the one time licensure waiver. Mr. Costoya agreed and it would be irresponsible based on the projections. Mr. Toppe commented that he would rather the budget remain as is and the board maintain the ability to participate in the national meetings. Mr. Feldman suggested the board have a waiver for continuing education or sponsor a continuing education course for no charge to help the licensees.

After discussion the question was called and the motion failed.

Continuing Education Handbooks

Based on changes suggested at yesterday's meeting, Mary Alford updated the architecture handbook to change the hours required from per year to biennial. Mary pointed out the changes in the "definitions" and "requirements" sections as requested. The board reviewed the handbook on a projector in order to move forward with rules.

Motion: Mr. Costoya made a motion to approve the handbook as presented.
Second: Mr. Toppe seconded the motion and it passed unanimously.

Motion: Ms. Gozdz moved that Ms. Clark proceed to amend the language as needed in Rule 61G1-24.002.
Second: Mr. Toppe seconded the motion and it passed unanimously.

Motion: Mr. Costoya moved that the proposed rule would not have an adverse impact on small business or be likely to directly or indirectly increase the 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.

Ms. Clark asked the board if eliminating optional hours, log of learning, self study courses; and increasing the number of hours that it would have an adverse impact on small business in order to complete the required continuing education hours. Mr. Ehrig commented that it would impact the licensees.

Mr. Rodriguez commented that he did not think the change in the structure of the courses would have an impact to small business.

The motion was called and passed with Mr. Ehrig opposed.

Presentation Public Service Announcements (PSA)

PSA Entry Form
PSA How to Submit
PSA Video Release Form
PSA Web Content

Mr. Toppe and Ms. Fishburne were appointed to work with the department regarding the Public Service Announcements. Mr. Spivey commented that the contact was to heighten unlicensed activity awareness and provide a low cost option to advertisements. A contest was created to involve architecture and interior design students to assist with the PSA, encourage licensure, and deter unlicensed activity. Mr. Spivey provided a brief overview of the contest dates and content requirements.

Mr. Toppe commented that the focus on why it is important to hire a licensed professional to deter unlicensed activity, that the teams utilize other disciplines such as journalism, public relations, etc. when creating the PSA, and have two judging panels for each of the professional disciplines.

Mr. Ehrig commented that the PSA would be available on the department's web page for the associations to link to their web pages.

AIA Report – Vicki Long

Mr. Peter Jones, current President of AIA Florida, reported that the two Intern Development Program (IDP) coordinators were added to serve the South Florida area. Mr. Butler delivered an IDP presentation to second year students at Broward College at Florida Atlantic University and he will attend the NCARB IDP Conference in Chicago.

Mr. Jones reported that the Legislature completed the reapportioning the Legislative Districts. He reported that all seats were up for election this year and along with term limits it was an ongoing task to education the new Legislative members. He reported that they foresee an additional amount of time to articulate AIA Florida's views such as the Consultant Competitive Negotiations Act (CCNA) and the Fairness and Liability. He reported that they were monitoring the elections.

Mr. Jones reported that they have not received push back regarding the recent changes to Chapter 481, Florida Statutes. He reported that they receive complaints about engineers practicing architecture and those are referred to Mr. Minacci. He reported that they would be electing new officers for AIA Florida at this meeting.

Mr. Jones encouraged the board to include the state colleges in the PSA contest to connect the students through the bridging process from education to internship development program to licensure.

IDAF – Doug Feldman

Mr. Feldman reported he would reach out to International Interior Design Association (IIDA) and American Society of Interior Designers (ASID) regarding the PSA contest. He reported that job opportunities were looking up.

Prosecuting Attorney's Report – David K. Minacci

Open Licensed/Unlicensed Cases

Fines Chart – Summary

Fines Chart – Unlicensed

Fines Chart – Licensed

Billable Hours April 2012

Billable Hours May 2012

Board Meeting Results May Board Meeting

Press Releases/Speaking Engagements/Other Correspondence

Mr. Minacci reported that he provides an hour presentation to schools of architecture and interior design programs regarding licensure and discipline. He offered to provide information about the PSA when he does his presentations.

Future Board Meetings

The board set the following future board meetings.

Telephone Conference Call

August 21, 2012 at 2:00 p.m.

October 22, 2012 – Probable Cause Panel

October 23, 2012 – General Business

Panama City, Florida

January 23, 2013- Probable Cause Panel

January 24-25, 2013 – General Business

Location to be determined

May 22, 2013 – Probable Cause Panel

May 23-24, 2013 – General Business

Location to be determined

August 5, 2013 – Probable Cause Panel

August 6-7, 2013 – General Business

Hilton Orladndo Bonnett Creek, Orlando

November 13, 2013 – Probable Cause Panel

November 14-15, 2013 – General Business

Location to be determined

New Business

No new business.

Old Business

Mr. Spivey will provide an update on the continuing education audit at the October meeting. Mr. Ehrig requested that the associations remind individuals to respond to the board when they are audited.

Adjourn

Mr. Ehrig thanked the audience for attending.

Motion: Mr. Rodriguez moved that the meeting be adjourned.

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

The meeting adjourned at 11:59 a.m.