

MINUTES
BOARD OF ARCHITECTURE AND INTERIOR DESIGN

TELEPHONE CONFERENCE CALL

February 17, 2009
2:00 p.m. Eastern Time

Toll Free 888.808.6959 Conference Code 9218690

Call to Order

Ms. Shore called the meeting to order at 2:00 p.m.

Roll Call – identify excused absences

Board Members Present:

John Ehrig
Joyce Shore
E. Wendell Hall
Rossana Dolan
Eric Kuritzky
Lourdes Solera
Wanda Gozdz
Garrick Gustafson
Roymi Membiela

Board Members Absent:

Mary Jane Grigsby, excused

Others Present:

Mary Ellen Clark, Board Counsel
David Minacci, Prosecuting Attorney
Juanita Chastain, Executive Director
Terri Estes, Government Analyst
Emory Johnson
Dwight Chastain
David Butler
Kamal Paul
Kevin Whitehead
Other Interested Parties

Court Reporter: Jeff Babcock, For the Record Reporting, Inc., P. O. Box 12042, Tallahassee, Florida 32317-2042, Telephone 850.222.5491.

Disciplinary Case

DBPR vs. Alvah Breitweiser
Case Number 2000-003544

PCP: Wirtz and Hall

Mr. Minacci presented the case and commented that Mr. Breitweiser was on probation for five years and his probation was ending soon. The Probation Committee had concerns regarding plans that were submitted for review and they requested that his probation be extended 12 months. Mr. Minacci reviewed the original final order, suspension, and probation requirements. Mr. Breitweiser entered into a settlement stipulation agreeing that his probation be extended for 12 months and Mr. Minacci requested that the board approve the settlement stipulation presented.

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

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

Application Review

Kamal Paul – architect examination candidate

Mr. Paul was present. Ms. Chastain commented that Mr. Paul applied for and was approved for examination but Mr. Paul contacted the board office because he was requesting approval for licensure through NCARB. Ms. Chastain commented that Mr. Paul took an examination in New Foundland but was exempt from certain portions of the examination based on education. Mr. Paul is not licensed in any other state.

Ms. Clark reviewed the multiple avenues for licensure by endorsement under 481.213(3), Florida Statutes. Board staff confirmed that his education and experience was acceptable, however, the examination was not equivalent because portions were exempt. Mr. Paul was licensed in multiple states based on his NCARB record through reciprocity. NCARB issued Mr. Paul's certificate based on an alternate route which required education, training, and/or examination. Florida requires education, training, and examination.

The board determined that he had not taken a valid equivalent examination as required by the statutes. Mr. Paul insisted that he completed the examination and requested the opportunity to present proof of completing the required exam in an effort to be approved for licensure. The board authorized staff to apply his application fee from examination to endorsement if he was able to provide additional information regarding the examination.

After discussion no action was taken.

Kevin Whitehead –architect examination candidate

Mr. Whitehead was present. The application was before the board based on an affirmative answer to the background questions. Mr. Whitehead commented that he had counseling and has had no more incidents since 2002.

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

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

Carolina Maestre – interior design examination candidate

Ms. Maestre was not present. The application was before the board based on Mr. Butler's denial recommendation because she does not meet the educational requirements. Ms. Maestre is currently approved for architecture examination based on her architecture degree.

Motion: Mr. Ehrig moved that the board deny the application per Chapter 481.209(2), Florida Statutes.
Second: Mr. Kuritzky seconded the motion and it passed unanimously.

Discussion

Division of Administrative Hearings (DOAH) Final Order Case 08-1827F

Mr. Minacci commented that he lost the case and was required to pay attorney fees. He provided a brief synopsis of the case including the investigation and administrative complaint. The respondent did not respond to the initial investigation and the Probable Cause Panel found probable cause to file the administrative complaint for failure to respond to the investigation. The case was re-reviewed by the Probable Cause Panel and closed but the Administrative Law Judge did not take the closure into consideration. Therefore, the respondent was awarded attorney's fees.

Continuing Education Review Process

The board discussed the review process and the need to reference the statute or rule for courses that are recommended for denial. The board requested that the application processor notify them by e-mail when the courses are mailed.

Pascale Duwat – update on her request for the board to remove her unlicensed case from the internet

Ms. Chastain reported to the board that the department's position was all unlicensed activity cases remain public but it was the board's decision because of the privatization contract. Probable Cause was found to issue a notice to cease and desist which she signed.

The board discussed the provision for licensed individuals to request that cases be expunged after two years but that provision does not apply to unlicensed cases.

Motion: Ms. Gozdz moved that the board remove the case from Mr. Minacci's web site.
Second: Mr. Ehrig seconded the motion.

Mr. Minacci commented that all cases are listed on his web site and the board has always directed him in the past to leave it on his web site. All cases licensed or unlicensed are published on Mr. Minacci's web site with no cases ever being removed. Mr. Minacci commented that he had received similar requests in the past and the board's position was to leave the information published.

Ms. Gozdz requested that the board leave the information on the web site for a set period of time and then remove it the reference. She commented the case being referenced on his web site was damaging Ms. Duwat's business.

Ms. Chastain commented the disciplinary cases were public record on the department's web site permanently. Ms. Gozdz commented that the economic times should be considered and Ms. Duwat's business was being affected and she should not be punished forever.

The motion failed. The board determined that they wanted to treat everyone the same.

For Information

Rule 61G1-22.002, Florida Administrative Code proposed language

Rule 61G1-22.003, Florida Administrative Code proposed language

There was no discussion and Ms. Shore requested that the board review for suggestions at the next meeting.

NCARB letters from Kristine Harding, Alfred Viadurri, Jr., and Blake Dunn

There was no discussion.

Future Board Meeting dates

Hampton Inn & Suites Amelia Island

May 6, 2009 at 9:00 a.m. – Probable Cause Panel Meeting

May 7-8, 2009 at 9:00 a.m. – General Business Meeting

Tampa Marriott Waterside Hotel

July 27, 2009 at 9:00 a.m. – Probable Cause Panel Meeting

July 28-29, 2009 at 9:00 a.m. – General Business Meeting

Miami Regency Miami

October 28, 2009 at 9:00 a.m. – Probable Cause Panel Meeting

October 29-30, 2009 at 9:00 a.m. – General Business Meeting

New Business

Senate Bill 1542

Ms. Chastain reported to the board that Senate Bill 1542 was filed to change the date for the NCARB endorsement from June 30, 1984 to June 30, 2000. She reported that Senator Bennett was sponsoring the bill. The board discussed how the change would effect the education requirement.

Mr. Ehrig commented that he had heard of a bill being proposed that would eliminate the Attorney General's Office from providing counsel to the board and the department would create a section to provide department attorneys to the board. Ms. Chastain commented that she was not aware of that bill but would look into the issue and report back to the board at a future board meeting.

Ms. Gozdz commented that she attended a meeting in Ft. Lauderdale and a national firm or association was in attendance that was spearheading a movement and Civil Suit against the state regarding the interior design profession. Ms. Shore commented that the interior design profession was aware of the situation.

The board discussed the need to meet on a telephone conference call as soon as possible to address legislative proposals.

The board set a March 19, 2009 telephone conference call at 10:00 a.m.

Old Business

No old business.

Adjourn

The meeting adjourned at 3:40 p.m.