

MINUTES  
BOARD OF ARCHITECTURE AND INTERIOR DESIGN

TELEPHONE CONFERENCE CALL

June 12, 2007

2:00 p.m. Eastern Time

Toll Free 888.808.6959 conference code 9218690

**Call to Order**

Roll Call – identify excused absences

The meeting began at 2:07 p.m.

Ms. Clark advised that a Chair should be elected based on the Ms. Grigsby appointment being rescinded.

Motion: Mr. Gustafson nominated Ms. Del Bianco as Chair.

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

Ms. Del Bianco called the meeting to order and the roll was called and Ms. Estes called roll.

Board Members Present:

Neil Hall

Joyce Shore

Sharon Del Bianco

Rosanna Dolan

Garrick Gustafson

Roymi Membiela

Board Member Absent:

Rick Gonzalez, unexcused

Others Present:

Mary Ellen Clark, Board Counsel

David Minacci, Prosecuting Attorney

Juanita Chastain, Executive Director

Terri Estes, Board Staff

Micky Jacob

Kim Headland

Mark Smith

Vicki Long

Emory Johnson

Les Smith

Dwight Chastain  
Janice Young

Mr. Hall requested that the board ratify his signature of the Smith, Thompson, Shaw and Manausa contract payment in Ms. Grigsby's absence. Mr. Hall found the contracts to be in order and signed for payment.

Motion: Mr. Gustafson moved that Mr. Hall's signature be approved and ratified.  
Second: Ms. Shore seconded the motion and it passed unanimously.

#### Election of Officers

Motion: Mr. Gustafson nominated Mr. Hall as Chair.  
Second: Ms. Membiela seconded the motion and it passed unanimously.

Motion: Ms. Shore nominated Ms. Del Bianco as Vice-Chair.  
Second: Mr. Hall seconded the motion and it passed unanimously.

Mr. Hall advised that he would not be able to attend the July board meeting.

#### **Ratification List**

##### Applicants

##### Architecture Endorsement applicants Items 1-55

Motion: Ms. Del Bianco moved to approve items 1-55 as presented.  
Second: Mr. Gustafson seconded the motion and it passed unanimously.

##### Architecture Exam candidates Items 56-66

Motion: Ms. Del Bianco moved to approve items 56-66 as presented.  
Second: Ms. Shore seconded the motion and it passed unanimously.

##### Architecture Business applicants Items 67-82

Motion: Ms. Del Bianco moved to approve items 67-82 as presented.  
Second: Mr. Gustafson seconded the motion and it passed unanimously.

##### Interior Design Endorsement applicants Items 83-97

Motion: Ms. Del Bianco moved to approve items 83-97 as presented.

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

Mr. Johnson commented that the department determined that there was a conflict of interest for him to review applications. He requested that the applicants he reviewed on this list be pulled until the conflict is resolved. Ms. Chastain advised that the individuals were licensed. Ms. Chastain advised that her efforts to obtain a contract for the interior design consultant reviewer brought to light that there may be conflict of interest since Mr. Johnson served as an expert witness for the Probable Cause Panel. Ms. Chastain advised that she contacted another licensed interior designer and was working to resolve the consultant issue.

Mr. Hall commented that Mr. Johnson had been reviewing applications for years. Ms. Chastain commented that no one questioned Mr. Johnson's review or integrity. She commented that when Ms. Grigsby was elected Chair last year she requested that Mr. Johnson serve as consultant and review the applications. She commented that she returned to the department and began the budget and contract process. She commented based on that effort the question of conflict was brought up.

Ms. Chastain advised that she contacted Mr. Butler and he agreed to serve as the consultant. Mr. Butler currently serves as the education consultant. Mr. Hall asked why the board was not notified of the change. Mr. Johnson commented that he was uncomfortable with his name attached to any of the applications since the department had questioned the conflict. Mr. Hall commented that the board should have been informed of the change as the rescinding of the other board appointments when they happened not after the fact.

Ms. Clark commented that the board authorized board staff to issue licenses based on consultant and attorney approval. She commented that the names on the list are licensed and the board ratifies the licenses. She commented that the conflict was not the applicants that were approved for licensure but the applicants that have been referred for discipline. She commented that Mr. Johnson refers the application to the Prosecuting Attorney as well as makes recommendation on disciplinary actions to the Prosecuting Attorney.

Ms. Clark commented that she did not see a conflict for the board to entertain Mr. Johnson's request and have a second review of the applications. She commented that she felt that the second review was unnecessary. Mr. Johnson commented that he had reviewed the applications as a volunteer and when his name was questioned by the department as a conflict he felt all of the applications he reviewed should be reviewed by the new consultant.

Ms. Clark commented that the second review would be a formality and that it was unlikely that an applicant that was licensed would challenge his review. Mr. Johnson commented that he felt this was an important issue because each licensed individual had the right to return to the department and question his recommendation. Ms. Del Bianco commented that individuals that were recommended for denial appear before the full board and they consider his comments and recommendation.

Mr. Johnson requested that all applications that he reviewed be pulled and re-reviewed by another consultant. Mr. Hall did not see a conflict of interest because Mr. Johnson could recuse himself

from the panel's review and the panel and the board makes the ultimate decision. Ms. Clark commented that only board members could be recused from voting. She commented that Mr. Minacci hires Mr. Johnson for his expert opinion specifically on interior design cases.

Mr. Hall asked why he was not on contract during the past year. Ms. Chastain advised that when Mr. Johnson was asked to review applications the board was already into a new budget year and there was not enough time to prepare it as a budget line item.

Ms. Clark advised that Mr. Johnson's name was on the licensed applicants and it could not be changed. She commented that the applications were public record and they are licensed and she doubted anyone would challenge the granting of the license. She commented that the board makes the decisions to deny an applicant and they are given hearing rights.

Ms. Clark commented that she did not share Mr. Johnson's concerns.

Interior Design – dual licensure  
Items 98-100

Motion: Ms. Del Bianco moved to approve items 98-100 as presented.  
Second: Ms. Shore seconded the motion and it passed unanimously.

Interior Design Business – Name Change  
Item 101

Motion: Ms. Del Bianco moved to approve item 101 as presented.  
Second Ms. Shore seconded the motion and it passed unanimously.

### **Discussion/For information**

Ms. Chastain advised that she, Mr. Gonzalez and Ms. Dolan would attend the upcoming National Council of Architectural Registration Boards (NCARB) meeting.

#### NCARB 2007 Resolutions

Resolution 07-1 – Rules of Conduct Amendment, Incorporating Architect's Primary Duty to the Public's Health, Safety, and Welfare

Resolution 07-2 – Bylaw Amendment, Member Board Executive (MBE) to Serve on the Board of Directors

Resolution 07-3 – Bylaw Amendment, Public Director to Serve on the Board of Directors

Resolution 07-4 – Bylaw Amendment, Treating CACB-Accredited Degrees the same as NAAB-Accredited Degrees for Prior Versions of the Architecture Registration Examination (ARE)

Resolution 07-5 – Rules of Conduct Amendments, Receipt of Compensation from more than one party and in connection with specifying or endorsing a product

Resolution 07-6 – Bylaw Amendment, Notice of Annual Meeting and Conference

Resolution 07-7 – Model Regulations Amendment, Continuing Education 12 Units to be in Health, Safety, and Welfare

Resolution 07-8 – Handbook and Model Law Amendment, ARE Timing: NCARB required Eligibility to complete the ARE (opposed)

Resolution 07-9 – Model Law Amendment – ARE Timing

Resolution 07-10 – Model Law Amendment – Adopting a Definition of Health, Safety, and Welfare

Resolution 07-11 - Model Regulations Amendment – Sustainable Design

Resolution 07-12 – Continuing Education Credit for NCARB Activities

Information on Resolution 07-9 – Model Law Amendment – Architecture Registration Examination (ARE) Timing

Mr. Hall commented that the resolutions were approved at the regional level. He commented that concerns were with the ARE Timing and Continuing Education. Ms. Del Bianco commented that she had a concern with Resolution with 07-12 because the courses were defined or approved as they determined.

Ms. Headland commented that they had a concern with Resolution 07-08 is that interns would be required to complete IDP before they are eligible for two parts of the examination. She commented that Resolution 07-09 was similar but it allowed interns to begin the examination process.

Ms. Chastain commented that this issue was discussed at the NCARB meeting in Orlando. She commented that making a candidate wait to test for two parts of the examination was not in line with Florida's statutes. She commented that Florida candidates were eligible to begin testing after completion of one year of IDP and in any order they choose. She commented that Florida candidates must pass all parts of the examination and complete IDP prior to licensure.

Ms. Chastain advised the board that California was opposed to Resolution 07-08 because they had similar examination and licensure requirements as Florida. She advised that she would be discussing the resolutions with California and Texas.

Ms. Long advised that California and Texas associations shared the same concerns as AIA Florida.

Motion: Ms. Del Bianco moved that the board representative oppose Resolution 07-08.

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

Ms. Dolan commented that she had a concern adding a public member to the board of directors and adding a Member Board Executive (MBE). She commented that NCARB was a private

organization and she was opposed to having a public member or MBE serve on the board of directors. Ms. Del Bianco commented that she disagreed.

The board did not have issue or comments with Resolutions 07-01 through 07-07 or 07-09 through 07-12.

The board supported all of the resolutions except 07-08.

Mr. Smith commented that he understood that each state only got one vote and he urged that Florida stress their objection to other states.

Ms. Dolan commented that there would be elections at the meeting, which would be Jeff Huberman and Peter Rasmussen for Second Vice-President and request direction for how Florida should vote.

Motion: Ms. Del Bianco moved to support Mr. Huberman.  
Second: Ms. Dolan seconded the motion and it passed unanimously.

### **Continuing Education Handbooks**

#### Architecture Handbook

Motion: Ms. Shore moved to approve the continuing education handbook as presented.  
Second: Ms. Del Bianco seconded the motion and it passed unanimously.

#### Interior Design Handbooks

Motion: Ms. Del Bianco moved to approve the continuing education handbook as presented.  
Second: Ms. Shore seconded the motion and it passed unanimously.

### **Discussion**

#### Construction Contract Administration (CCA) (e-mail)

Ms. Dolan commented that she contacted local legislators and the department's legislative office regarding the CCA. Ms. Dolan commented that if the board wanted the department to pursue or present the language to the Legislature they would need the language prepared and ready by the end of July. She commented that there was no guarantee that Secretary Benson would support or pursue the language. The board reviewed and discussed the 2006 Legislative Language Senate Bill 2060.

Ms. Long commented that the construction industry opposed the 2006 language. Mr. Hall commented that the language presented in 2006 was language that architects can use in their contracts and did not understand why they were opposing the language. Mr. Smith commented that they oppose the mandatory requirements compared to optional. Mr. Jacob commented that the current statute allows for Construction Contract Administration but it is not mandatory.

Mr. Hall commented that contractors use portions of the AIA contract. Mr. Jacob commented that AIA had standard contracts that were used by architects and others within the construction

industry. He commented that the contract is modified and some contracts were written by attorneys. Ms. Long commented that AIA could not speak to what contracts other professions were using.

Mr. Hall commented that the public sector gears the contract to their needs. He commented that AIA's contract was geared to architects. He commented that he was not sure why other industries opposed the CCA requirement. Mr. Jacob commented that the board was creating a mandate that requires someone to perform the service and currently it was an option. He commented that the opposing industries requested that AIA provide proof of why or how the requirement would protect the public compared to current requirements. He commented that AIA needed a smoking gun example to show why it should be a mandate. He commented that they needed to provide an example of a building failing because CCA was not performed on a project and it caused a loss of life or a substantial financial loss.

Ms. Long commented that the entire industry opposed the requirement and they were a powerful lobbying group. She commented that AIA would not support proposing the language this year. She commented that they would continue the feasibility studies and determine if there was any change in support.

Mr. Jacob commented that AIA would need to build a coalition. He commented that the board and licensed professionals would need to help with that effort both verbally and financially. He commented that they need to get the building officials and insurance industry on board. He commented that getting their support is great but they need active support. He commented that they needed strength in numbers to be successful.

Mr. Hall commented that Ms. Dolan made an effort to work with the department to pursue the language. Ms. Dolan commented that if the department did not support the language then the board would have to pursue sponsors for the bill. She commented that it would be helpful if the department would support the language.

Ms. Del Bianco asked AIA if they thought it would be beneficial to pursue the language through the department so other industries and the Legislature understood the wishes of the board. Ms. Long replied that it was the board's decision to pursue the language through the department but cautioned the board about opening their statute and thought they would draw the same opposing industries. Ms. Long commented that if the department proposed the language it would draw attention especially since the department regulated opposing industries. She commented that the opposing industries are sensitive to the language and would be watching for it in the future.

Mr. Jacob commented that AIA did not oppose the language but felt politically they would not get the support they needed to get the language passed. He commented that if they pursued the language they would have to make sure the Legislator that supported the language had backup during session. He commented that they needed members to put in the time and energy to support the language and the Legislator.

Ms. Del Bianco commented that they should wait until the associations felt it was time to move forward because they understood the lobbying realities.

Mr. Hall commented that the board will wait and monitor the issue. The board determined not to pursue the language through the department and let the associations gauge the issue to determine the appropriate time to move forward.

Motion: Ms. Del Bianco moved that the board keep the issue on the table and leave it in the hands of the associations.

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

Ms. Dolan will notify Mr. McBride with the department.

### **New Business**

No new business.

### **Old Business**

No old business.

### **Adjourn**

Motion: Ms. Shore moved to adjourn.

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

The meeting adjourned at 3:30 p.m.