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MINUTES

BOARD OF LANDSCAPE ARCHITECTURE

**RENAISSANCE FT. LAUDERDALE PLANTATION HOTEL
1230 SOUTH PINE ISLAND ROAD
PLANTATION, FL 33324**

**GENERAL BUSINESS MEETING
JULY 28, 2006**

CALL TO ORDER

Ms. Walter called the meeting to order at 9:00 a.m.

MEMBERS PRESENT

Collene Walter
Elizabeth Marshall - Beasley
Paul Davis
Philip Graham
Robert Bowden

MEMBERS ABSENT

Elizabeth Gillick – Excused

OTHERS PRESENT

Diane Guillemette, Board Counsel
Jessica Leigh, Prosecuting Attorney
Juanita Chastain, Executive Director
Linda Tinsley, Government Analyst
Official Reporting Service-Shelley Kelly-954.467.8204
Helen L. Cohen
James Towery
Trent Wieland
William Wilsher
Deanna Rennebaum
Linda Whitman
Deborah Strelkow
Pete Strelkow

MOTION: Mr. Davis made a motion to excuse Ms. Gillick's absence from the meeting due to a scheduling conflict.

47 **SECOND:** Mr. Graham seconded the motion and the motion passed
48 unanimously.
49

50 **DISCIPLINE**

51
52 **Manny F. Maestre: Case number 2005-042727**
53

54 Ms. Leigh advised the board that the Manny F. Maestre case was put on the
55 agenda in error.
56

57 Ms. Guillemette advised the board that Mr. Maestre's license was null & void,
58 therefore the case is unlicensed activity and the board does not have jurisdiction
59 over unlicensed activity.
60

61 **Donald S. Murikami: Case number 2004-008160**
62

63 Mr. Murikami was not present and was not represented by counsel.
64

65 Ms. Marshall-Beasley was recused due to her participation on the probable
66 cause panel.
67

68 Ms. Leigh presented the case as a Motion for Waiver. Ms. Leigh advised the
69 board that an administrative complaint against the Respondent was hand served
70 on May 4, 2006. Ms. Leigh stated that the Respondent was charged with
71 operating a Landscape Architecture business without a certificate of
72 authorization. Ms. Leigh advised the board that the Respondent had failed to file
73 an election of rights form or otherwise establish disputed issue of material facts in
74 response to the administrative complaint. Ms. Leigh stated that the Respondent
75 had failed to request a hearing within twenty one (21) days of receipt of the
76 administrative complaint therefore the Respondent had waived his right to a
77 hearing. Ms. Leigh requested that the board entertain a motion that Mr. Murikami
78 had waived his right to a hearing.
79

80 After discussion by the board the following motion was made.
81

82 **MOTION:** Mr. Davis made a motion that Mr. Murikami had waived his right to
83 a hearing.
84

85 **SECOND:** Mr. Bowden seconded the motion and the motion passed
86 unanimously.
87

88 Ms. Leigh advised the board that the Department requested that the board
89 entertain a motion adopting the findings of fact and conclusions of law as those
90 of the board.
91

92 Ms. Walter advised the board that in the past the board had established
93 precedence in certain situations such as those that voluntarily came forward or
94 were made aware through a sweep that they had been practicing without a
95 certificate of authorization. She stated that those individuals appeared before the
96 board to rectify their situation. She stated that this is the first time we have had a
97 situation where there had been no response. She stated that the corporation had
98 been in business since 1997 and is still a valid corporation.
99

100 Ms. Leigh advised the board that she needed a motion to adopt the findings of
101 fact and conclusions of law before the board determined the discipline.
102

103 **MOTION:** Mr. Graham made a motion to adopt the findings of fact and
104 conclusions of law as the board's findings of fact and conclusions of
105 law.
106

107 **SECOND:** Mr. Davis seconded the motion and the motion passed
108 unanimously.
109

110 Mr. Graham stated that the maximum penalty was five thousand dollars
111 (\$5000.00).
112

113 Ms. Guillemette advised the board that the board had to follow the disciplinary
114 guidelines. She stated that the guidelines for this offense are six (6) months
115 probation and a one hundred dollar (\$100.00) fine. Ms. Guillemette advised the
116 board that in order to go outside the guidelines the board had to state a specific
117 aggravating factor before they could impose a fine more than the one hundred
118 (\$100.00) dollars.
119

120 Ms. Walter advised the board that in past cases the board had required that the
121 back renewal fees be paid in addition to the fine.
122

123 Mr. Davis asked Ms. Leigh if the Respondent was still practicing.
124

125 Ms. Leigh stated that Mr. Murikami was still practicing.
126

127 After discussion by the board the following motion was made.
128

129 **MOTION:** Mr. Graham made a motion to impose a five hundred dollar
130 (\$500.00) fine, four hundred and seventy dollars and eighty five
131 cents (\$470.85) in costs and two thousand two hundred and
132 seventy five dollars (\$2275.00) in back renewal fees to be paid in
133 thirty (30) days.
134

135 **SECOND:** Mr. Davis seconded the motion and the motion passed
136 unanimously.
137

138 **PROBATION APPEARANCE**

139

140 **James Towery**

141

142 Mr. Towery was present at the meeting and was not represented by counsel.

143

144 Ms. Walter advised the board that Mr. Towery was making his last required
145 appearance before the board.

146

147 Mr. Towery advised the board that he had signed up with Red Vector to complete
148 his eight hour continuing education requirement. Mr. Towery stated that he had
149 moved to Ft. Myers and he was working for a design build company.

150

151 After discussion by the board the following motion was made.

152

153 **MOTION:** Mr. Davis made a motion to approve Mr. Towery's probation
154 appearance.

155

156 **SECOND:** Mr. Bowden seconded the motion and the motion passed
157 unanimously.

158

159 **DISCUSSION**

160

161 **Response to Douglas Fry of the Department of Environmental Protection**

162

163 Ms. Walter advised the board that a letter was sent from the Department of
164 Environmental Protection asking for interpretation of whether or not landscape
165 architects have the ability to prepare storm water management plans. Ms. Walter
166 stated that Ms. Guillemette had responded to Mr. Fry's letter and a copy of her
167 letter was in the agenda materials. Ms. Walter advised the board that Ms.
168 Chastain and Ms. Guillemette attended a meeting that was held with Department
169 of Environmental Protection and Ms. Walter asked Ms. Guillemette to give a re-
170 cap of the meeting. Ms. Walter stated that her understanding was that the
171 meeting went very well in regards to confirmation that landscape architects do
172 have the ability to practice stormwater management and the Department of
173 Environmental Protection will be going forward with revision to their rules.

174

175 Ms. Guillemette advised the board that the Department of Environmental
176 Protection has been well informed that landscape architects are willing to go to
177 the rules workshops to make sure that when rule language is developed that
178 landscape architects are given the ability to submit plans when they can. Ms.
179 Guillemette advised the board that the next meeting is August 14, 2006 in
180 Tallahassee.

181

182 Ms. Walter advised the board that after speaking to David Nam and Hilton
183 Meadows after the meeting they were very pleased with both Ms. Guillemette

184 and Ms. Chastain's representation on behalf of the board. Ms. Walter asked the
185 board to authorize Ms. Guillemette or Ms. Chastain to attend the August 14, 2006
186 Department of Environmental Protection rules workshop in Tallahassee on behalf
187 of the board. She stated that Ms. Guillemette could look at the rule language and
188 make sure that it does comply statutorily within the scope of practice for
189 landscape architects.

190

191 Ms. Marshall-Beasley advised the board that she would be willing to go to
192 Tallahassee on August 14, 2006 to attend the rules workshop.

193

194 **MOTION:** Mr. Graham made a motion to ask staff to attend the Department of
195 Environmental Protection's rules workshop on August 14, 2006 in
196 Tallahassee and to authorize Ms. Marshall-Beasley to attend and
197 represent the board.

198

199 **SECOND:** Mr. Davis seconded the motion and the motion passed
200 unanimously.

201

202 Mr. Davis advised the board that Ms. Guillemette wrote an excellent letter.

203

204 **Request for an Expert – Jessica Leigh**

205

206 Ms. Walter advised the board that Ms. Leigh had requested the services of
207 expert witnesses to act on behalf of the board.

208

209 Ms. Leigh advised the board that since the last newsletter went out she now has
210 three people on contract.

211

212 **REQUEST TO RE-SCHEDULE EXAM**

213

214 **Mark Booker**

215

216 Ms. Tinsley advised the board that Mr. Booker had contacted the board office
217 and asked to move his exam to December due to the loss of his job and financial
218 hardship.

219

220 After discussion by the board the following motion was made.

221

222 **MOTION:** Mr. Graham made a motion to approve Mr. Booker's request to re-
223 schedule his exam and he can re-schedule one time only.

224

225 **SECOND:** Mr. Bowden seconded the motion and the motion passed
226 unanimously.

227

228 **REVIEW OF CONTINUING EDUCATION COURSE/PROVIDER** 229 **APPLICATIONS**

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Ms. Marshall-Beasley advised the board that the Department of Community Affairs had offered a course, Florida Building Code Advanced Training: Residential Swimming Pools and should be flagged as an advanced course.

Ms. Walter asked if the Department of Community Affairs Course, Manufactured Buildings Program: Factory Built Schools, could be an advanced building code course.

Ms. Marshall-Beasley stated that she was not so sure that the Factory Built Schools course could be an advanced building code course.

After discussion it was the consensus of the board to leave the course Factory Built Schools, as an optional course.

MOTION: Ms. Marshall-Beasley made a motion to approve the following provider, course and renewal continuing education applications.

SECOND: Mr. Graham seconded the motion and the motion passed unanimously.

**CLARB (c2Ed)
Provider Application**

Introduction to Universal Design in Exterior Spaces – 8 hours

**Boral Bricks, Inc
Provider Application**

BIA Segmental Paving – 1 hour

Department of Community Affairs

***FBC Advanced Training: Residential Swimming Pools – 2 hours
Manufactured Buildings Program: Factory Built Schools – 2 hours***

University of Florida Program for Resource Efficient Communities

Low Impact Development Practices for Florida – 8 hours

School of Environmental Design

Porous Pavements - 13.5

Rep Services, Inc.

276 ***Designing Fun with Playgrounds & Park Amenities***
277 **PSMJ Resources, Inc**
278
279 ***CEO Strategic Planning Roundtable***
280
281 **CLARB/C2ED**
282
283 ***Concepts of Universal Design – 2 hours***
284 ***Inviting Disaster: The Battle Between Man and Machine – 2 hours***
285 ***Critical Issues in Construction Contract Administration – 2 hours***
286 ***Ethical Obligations and the Design Profession – 4 hours***
287 ***Developing Trust & Commitment in Project Teams – 2 hours***
288 ***Conflicts of Interest & Other Ethical Dilemmas – 4 hours***
289 ***Practical Advice for Design Professionals: Ethics Litigation &***
290 ***Contracts – 8 hours***
291 ***Applying State & Federal Accessibility Standards – 8 hours***
292 ***Critical Issues Facing engineers & Other Design Professionals – 4 hours***
293 ***NSPE Ethics forum: Navigating Professional Challenges – 4 hours***
294 ***An Examination of Unlicensed/Unlawful Practice – 4 hours***
295 ***Risk Management for Design Professionals – 4 hours***
296 ***Incorporating Bioengineering Techniques in Erosion and Sediment – 12***
297 ***hours***
298 ***Engineering Methods and Techniques for Improving Watershed Quality –***
299 ***8 hours***
300 ***Facing Residential Claims: Condos and Other Residential Projects – 2***
301 ***hours***
302 ***New Technologies in Landscape Plan-Inc. Artificial Intelligence – 2 hours***
303 ***Storm Water Management – Creative Techniques for Detention and***
304 ***Infiltration – 6 hours***
305 ***Planning and Design for Tourism and Revitalization – 8 hours***
306 ***Strategies for Safe and Sustainable Communities – 12 hours***
307 ***Process Safety Management – 2 hours***
308 ***Dispute Avoidance and Resolution – 2 hours***
309

310 Ms. Walter advised the board that she would like to re-order the agenda and go
311 to the addendum.

312

313 **MOTION:** Mr. Bowden made a motion to re-order the agenda to the
314 addendum.

315

316 **SECOND:** Mr. Graham seconded the motion and the motion passed
317 unanimously.

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APPROVAL OF APRIL 7, 2006 MINUTES

Mr. Graham advised the board that on page six (6) line two hundred and fifty nine (259) reads “providers should be submitting courses that would be approved for advanced.” Mr. Graham stated that it makes more sense amended to read, “ providers should be submitting courses that would be approved as advanced courses.”

MOTION: Mr. Bowden made a motion to approve the minutes as amended.

SECOND: Mr. Graham seconded the motion and the motion passed unanimously.

Ms. Walter advised the board that after reading the April 7, 2006 minutes she was reminded that she had offered to review existing continuing education courses to see if there were any providers the board wanted to contact in regards to submitting courses through the Florida Building Commission to seek advanced building code credit. Ms. Walter stated that provider Alan Weiss had a course, Lighting and the Florida Energy Code and Florida Chapter ASLA had a course, Landscaping with Hurricanes in Mind, that could be considered for advanced building code credit.

The board asked board staff to contact those two (2) providers and ask if they would consider going through the accreditation process with the Florida Building Commission.

REVIEW OF CONTINUING EDUCATION PROVIDER/COURSE APPLICATIONS

MOTION: Ms. Marshall-Beasley made a motion to approve the following provider and course applications.

SECOND: Mr. Graham seconded the motion and the motion passed unanimously.

**All Native, LLC
Provider Application**

Native Plant Use in the Landscape – 4-hours

RATIFICATION LIST

Ms. Walter reviewed the ratification list with the board.

367 **MOTION:** Mr. Graham made a motion to approve the ratification list as
368 presented.
369 **SECOND:** Ms. Marshall-Beasley seconded the motion and the motion passed
370 unanimously.

371
372 ***Certificate of Authorization***

373
374 *Covelli Design Associates, Inc., Flamingo Green, LLC, Green Consulting Group,*
375 *Inc., Horti Coastal Group, Inc., Landscape Designs LLC, Meroney Environment*
376 *Design Group, Inc. D/B/A Environment Design Group*

377
378 **Business Name Change**

379
380 *From: CCL/IBI Consultants, Inc.*
381 *To: IBI Group, Inc.*

382
383 **Exam**

384
385 *Ryan Cheff, Robert Farley, William Newcomb, Wei Qi, Stephen West*

386
387 **REPORTS**

388
389 **Chair's Report – Collene Walter**

390
391 Ms. Walter advised the board that she had attended the Florida Chapter ASLA
392 Conference in San Destin the beginning of July. She stated that the continuing
393 education courses were very well received and the conference was very well
394 attended. She stated that she had the opportunity to talk to licensees and
395 receive their questions and comments. She stated that the feedback on the
396 continuing education requirement was very good. Ms. Walter stated that she did
397 get some comments that she wanted to bring to the board's attention. She
398 stated that there was a lot of confusion on the applicability of certificates of
399 authorization. She stated that the confusion lies in when is a certificate of
400 authorization required for a partnership, limited liability corporation, etc. Ms.
401 Walter advised the board that she went to the board's web page and clicked on
402 frequently asked questions and there were two (2) choices, landscape architect
403 and business entity. Ms. Walter stated that the same response comes up for both
404 and it is a very general response. Ms. Walter asked Ms. Chastain if different
405 responses for each scenario such as the criteria for each kind of corporation
406 could be incorporated into the newsletter. Ms. Walter stated that that the next
407 question she got was how to rectify the situation if an individual is running a
408 business without a certificate of authorization. She stated that in answering that
409 question she followed the board's precedence that if people are self reporting the
410 board tends to be a little more lenient with the fees and fines but if you are found
411 through a sweep or other source there could be fines and penalties.

412

413 Ms. Walter stated that another question she had was in regards to continuing
414 education and recognizing that the profession is so diverse and that there are
415 other entities and organizations that offer courses such as ULI, AIA and other
416 associations that offer courses that are not approved by the board. She stated
417 that licensees have contacted these organizations and have asked the
418 organization to submit the courses for board approval and because of time
419 restraints and other reasons they have not submitted the courses. Ms. Walter
420 asked if a rule could be implemented that would allow an individual to submit
421 courses to the board individually for continuing education credits.

422
423 Mr. Graham stated that a more national approach to the approval process may
424 be the answer.

425
426 Mr. Davis stated that Landscape Architecture's continuing education approval
427 process is in the Statute. Mr. Davis stated that CLARB may approve continuing
428 education courses on a national level in the future.

429
430 Ms. Walter asked board staff to look into the statute and rule to see if the board
431 could consider a rule change to approve continuing education courses submitted
432 by individuals.

433
434 Ms. Guillemette advised the board that an individual could submit a petition for
435 waiver and variance asking for credit for a course that is not approved. She
436 stated that an individual could do that now.

437
438 Ms. Guillemette stated that she would look into crafting a rule where a course
439 could be approved on a one time basis.

440
441 Ms. Walter advised the board that she was asked at the conference about rolling
442 over continuing education courses to the next renewal cycle.

443
444 Ms. Chastain advised the board that it was specific in the statute that during the
445 two (2) year renewal period a licensee is required to have a certain number of
446 continuing education credits.

447
448 Ms. Walter advised the board that she was asked if a licensee could attend two
449 (2) board meeting in the same renewal cycle for credit.

450
451 Ms. Chastain advised the board that in the rule it states that two (2) hours of
452 continuing education credits in laws and rules of the board may be obtained per
453 biennium.

454
455 Mr. Graham advised the board that Ms. Walter gave a report at the ASLA
456 conference and she did a marvelous job and the board was very well
457 represented. He stated that it is important to bring the scope of what the board
458 does to the membership.

459 **Executive Director's Report – Juanita Chastain**

460

461 Ms. Chastain advised the board that in their material folders was a letter to Ms.
462 Walter from the Department's Deputy Secretary. She stated that the letter's
463 purpose was to explain the budget process and asking the board if they had any
464 comments. She stated that as of July 1, 2006 the per diem had been increased
465 to eighty dollars (\$80.00) per day, six dollars (\$6.00) for breakfast and eleven
466 dollars (\$11.00) for lunch and nineteen dollars (\$19.00) for dinner. Ms. Chastain
467 advised the board that she had prepared the travel budget for the year and it
468 included four (4) board meetings for the year and two (2) CLARB conferences.
469 Ms. Chastain advised the board that the third quarter financial report was in the
470 agenda materials. She stated that the profession was fiscally sound.

471

472 **Board Counsel's Report – Diane Guillemette**

473

474 Ms. Guillemette advised the board that in the rules report there were two (2) rules
475 that are in the works. Rule 61G10-12.002 (13), Florida Administrative Code, the
476 fee rule for the null & void application, had been adopted. She stated that she
477 wanted the board to re-consider filing Rule 61G10-12.00, Florida Administrative
478 Code, for the null & void application form. She stated that the Department had
479 developed their own form and the Department had sole authority over forms for
480 initial licensure. She stated because the Department had authority over the form
481 and if the board does not adopt it by rule the Department form will be used,
482 therefore the board does not need the rule. She stated that if the board takes no
483 action on the rule and leaves it alone the publication will expire and no further
484 action will be necessary.

485

486 It was the consensus of the board to leave the rule alone.

487

488 **Prosecuting Attorney's Report- Jessica Leigh**

489

490 Ms. Leigh advised the board that there was one (1) case set for probable cause,
491 one (1) case sent to an expert, two (2) confidential cases and one (1) public case
492 in legal.

493

494 **NEW BUSINESS**

495

496 Ms. Walter advised the board that a copy of House Bill 1123 was in their folder.
497 She stated that the Legislature re-enacted the sunset rule during the 2006
498 legislative session. Ms. Walter stated that it covers every Department of the
499 State including the executive office of the Governor. She advised the board that
500 the Department of Business and Professional Regulation is scheduled to have
501 the review completed by July 1, 2012. Ms. Walter stated that the Department will
502 have to submit all of their reports by January 1, 2011. Ms. Walter advised the
503 board that the purpose of the board is to protect the health safety and welfare of
504 the public and it is not to protect the profession of Landscape Architecture. Ms.

505 Walter stated that the board has a fine line to deal with but the board does a very
506 good job of keeping that in focus. She stated that the board has a good working
507 relationship with Florida Chapter ASLA who represents the profession and the
508 board balances that relationship very well. Ms. Walter stated that the legislation
509 gives definite criteria for review. She stated that the board and the Department in
510 the future will have to defend how the board protects the health, safety and
511 welfare of the public. She stated that self policing the profession and our
512 licensees will be a very important one in showing that we are protecting the
513 public interest. Ms. Walter advised the board that one of the items she had
514 identified in the legislation is public participation in rule making. She stated that
515 the board had open meetings and the board had invited licensees and the
516 general public to participate. She stated that the minutes are very strong and
517 represent the discussions of the board that have occurred. Ms. Walter stated
518 that the board needed to be in a position to well document the workings of the
519 board in the next three or four years.

520

521 Ms. Marshall – Beasley advised the board that the board may want to include in
522 the record that there is an international exam that is very specific and that is
523 dedicated to the health safety and welfare.

524

525 Mr. Davis advised the board that CLARB would be available to offer public
526 testimony to the legislature and provide exam information and information on
527 how licensure occurs in other states.

528

529 Deborah Strelkow asked the board if the newsletter could be sent by e-mail.

530

531 Ms. Chastain stated that the newsletter is posted on the web and is not sent by
532 e-mail.

533

534 Ms. Strelkow asked the board if the local Chapter of the ASLA could have a link
535 to the newsletter.

536

537 Ms. Walter stated that she would check with ASLA and see if they could have a
538 link to the newsletter.

539

540 **OLD BUSINESS**

541

542 Ms. Chastain advised the board that the next meeting was October 27, 2006 at
543 the Hyatt at the Orlando Airport. Ms. Chastain asked the board if they could set
544 the February meeting.

545

546 Ms. Marshall-Beasley asked if the board could meet in Miami and invite the
547 students from FIU.

548

549

550

551 After discussion the board scheduled the following meetings:

552

553 February 2, 2007 in Miami

554 May 4, 2007 in Sarasota

555

556 **MOTION:** Mr. Graham made a motion to adjourn.

557

558 **SECOND:** Mr. Bowden seconded the motion and the motion passed
559 unanimately.

560

561 The meeting adjourned at 11:30 a.m.

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