



46 **MOTION:** Mr. Graham made a motion to approve the minutes as presented.  
47 **SECOND:** Ms. Walter seconded the motion and the motion passed  
48 unanimously.  
49

50 **October 22, 2004**

51  
52 **MOTION:** Mr. Graham made a motion to approve the minutes as presented.  
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54 **SECOND:** Ms. Walter seconded the motion and the motion passed  
55 unanimously.  
56

57 **December 10, 2004**

58  
59 Ms. Walter advised the board that on page 32 line 286 the word committee  
60 should be commit.  
61

62 **MOTION:** Ms. Walter made a motion to approve the minutes with the  
63 correction.  
64

65 **SECOND:** Mr. Graham seconded the motion and the motion passed  
66 unanimously.  
67

68 **Discipline**

69  
70 **James M. Towery: Case number 2004-021039**

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72 Mr. Higgins advised the board that he pulled the case due to the lack of a board  
73 quorum.  
74

75 **Informal Hearings for Application Denials**

76  
77 **Libra Design Group, Inc.**

78  
79 Mr. Brian Davis was present at the meeting and was represented by counsel, Mr.  
80 Edwin Bayo. Mr. Brian Davis was sworn in by the court reporter.  
81

82 Mr. Bayo advised the board that Mr. Davis had submitted his application for a  
83 certificate of authorization in October. He stated that Mr. Davis in the process of  
84 setting up his corporation he obtained a web site. Mr. Bayo stated that it was  
85 unfortunate that the timing was wrong and when the application arrived at the  
86 Department the web page had been up for a week. He stated that this complaint  
87 was submitted by board staff and not by the public. Mr. Bayo advised the board  
88 that he had looked at the board's disciplinary guidelines and there is not a  
89 specific guideline for this violation. He stated that the minor violation rule states  
90 that practicing with an inactive license for less than two (2) months constitutes a

91 violation. Mr. Bayo stated that the web designer was more efficient than Mr.  
92 Davis anticipated. Mr. Bayo stated that Mr. Davis learned a valuable and costly  
93 lesson during this process.

94  
95 Mr. Graham asked Mr. Davis if he had control over the web designer.

96  
97 Mr. Davis advised the board that it was basically a timing issue.

98  
99 Ms. Marshall-Beasley asked Mr. Davis how he practiced before.

100  
101 Mr. Davis stated that he was practicing before as a sole practitioner.

102  
103 After discussion by the board the following motion was made.

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105 **MOTION:** Ms. Walter made a motion to approve the application and to fine  
106 Mr. Davis \$500.00.

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

110  
111 **Mario Nievera Design, Inc.**

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113 Mr. Nievera was present at the meeting and was represented by counsel Ms.  
114 Maura Ziska. Mr. Nievera was sworn in by the court reporter.

115  
116 Ms. Ziska advised the board that about a year ago there were a couple of  
117 complaints filed with the DBPR stating that Mr. Nievera was not signing and  
118 sealing his plans properly. Mr. James Towery was signing and sealing his plans  
119 and he did not know that Mr. Towery had to be a part of the corporation. Ms.  
120 Ziska did not know if those issues had been resolved and if they had not, she  
121 wants some guidance on how they can be resolved.

122  
123 Mr. Higgins advised the board that there were three outstanding cases involving  
124 Mario Nievera Design. He stated that two of the cases were unlicensed practice  
125 and had been resolved and the Final Orders are on the Secretary's desk to be  
126 signed.

127  
128 Ms. Guillmette advised the board that the Towery case could not be resolved  
129 today because of a board quorum problem.

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

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133 **MOTION:** Ms. Walter made a motion to postpone the matter until the board  
134 can hear the Towery case and the unlicensed activity cases are  
135 resolved.

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

Ms. Guillmette asked Ms. Ziska if her client agreed to postpone the hearing.

Ms. Ziska stated yes and Mr. Nievera agreed.

Ms. Ziska asked the board if they met once a month.

Ms. Gillick advised Ms. Ziska that the board met quarterly and they have telephone conference calls in between meetings.

The board directed staff to set up a telephone conference call for March 4, 2005 at 10:00 a.m.

### **Application Review**

#### **James Keith Gartin – Endorsement Candidate**

Mr. Gartin was present at the meeting and was sworn in by the court reporter. He was not represented by counsel.

Ms Chastain advised the board that Mr. Gartin's application was before them because Mr. Gartin answered yes to prior disciplinary action on his Georgia license. She advised the board that his Georgia license had been re-instated with a consent order and a fine.

**MOTION:** Ms. Walter made a motion to approve Mr. Gartin's application for licensure.

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

#### **Jeffrey Lee Jennings – Six Year Candidate**

Mr. Jennings was present at the meeting and was sworn in by the court reporter. He was not represented by counsel.

Ms. Gillick advised the board that Mr. Jennings plans were at the meeting for the board to review.

Ms. Chastain advised the board that Mr. Jennings had answered yes to previous disciplinary action. Ms. Chastain advised the board that the incident occurred in 1991.

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After the board reviewed Mr. Jennings's plans the following motion was made.

**MOTION:** Mr. Graham made a motion to approve Mr. Jennings's application for licensure.

**SECOND:** Ms. Walter seconded the motion and the motion passed unanimously.

**Ryan P. Thompson – Endorsement Candidate**

Mr. Thompson was present at the meeting and was sworn in by the court reporter. He was not represented by counsel.

Ms. Chastain advised the board that Mr. Thompson applied by endorsement and he answered yes to the question on the application, have you ever been convicted of a crime and found guilty. She stated that he had completed all sanctions except the one (1) year probation that will be complete in April 2005.

After discussion by the board the following motion was made.

**MOTION:** Ms. Walter made a motion to approve Mr. Thompson's application for licensure.

**SECOND:** Ms. Marshall-Beasley seconded the motion and the motion passed unanimously.

**D'Asign Source & Co., Inc. – Certificate of Authorization**

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

Ms. Chastain advised the board that Mr. Stoddart applied for a Certificate of Authorization for D'Asign Source & Co., Inc. Ms. Chastain advised the board that Mr. Stoddart answered yes to the question, has the company ever been a defendant in civil or criminal litigation. She advised the board that a letter from D'Asign's counsel was included in their agenda materials.

Mr. Graham stated that according to the letter both matters had been resolved.

Ms. Gillick stated that the matters were not directly related to the practice of Landscape Architecture.

After discussion by the board the following motion was made.

226 **MOTION:** Ms. Walter made a motion to approve the application for D'Asign  
227 Source & Co., Inc.

228

229 **SECOND:** Ms. Marshall-Beasley seconded the motion and the motion passed  
230 unanimately.

231

232 **Jeremy R. Floyd – Six Year Candidate**

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234 Mr. Floyd was present at the meeting and was sworn in by the court reporter. He  
235 was not represented by counsel.

236

237 Ms. Gillick advised the board that Mr. Floyd applied as a six year candidate and  
238 the plans were available for the board's review.

239

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

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242 **MOTION:** Ms. Walter made a motion to approve Mr. Floyd's application.

243

244 **SECOND:** Ms. Marshall-Beasley seconded the motion and the motion passed  
245 unanimately.

246

247 **Review of Continuing Education Courses and Providers**

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249 **University of Florida Cooperative Extension**

250 ***Certificate Course in Horticulture – 24 hours***

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252 Ms. Walter advised the board that the course was submitted by the University of  
253 Florida Cooperative Extension. She stated that the course was a certificate  
254 course in horticulture and it was being considered for twenty four hours (24) of  
255 credit. She stated that the information provided was thorough and complete.

256

257 **MOTION:** Ms. Walter made a motion to approve.

258

259 **SECOND:** Mr. Graham seconded the motion and the motion passed  
260 unanimately.

261

262 **Florida Department of Community Affairs**

263 ***Assessment of Building Code Performance – 2 hours***

264

265 Ms. Walter advised the board that the Department of Community Affairs  
266 submitted these courses for optional credit.

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

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270 **MOTION:** Ms. Walter made a motion to recommend approval.

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

***Streamlining the Building Regulatory Process- 1 hour***

Ms. Walter advised the board that after reviewing the agenda it appeared that the request for two (2) hours was changed to one (1) hour.

**MOTION:** Ms. Walter made a motion to approve the course for one (1) credit hour optional.

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

***Residential Construction Mitigation Program's Coastal Monitoring Initiative – 1 hour***

Ms. Walter advised the board that this course was for one (1) optional credit hour.

**MOTION:** Ms. Walter made a motion to approve.

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

***National Flood Insurance Program's 50% Rule - 1 hour***

Ms. Walter advised the board that this course was requesting one (1) hour of optional credit.

**MOTION:** Ms. Walter made a motion to approve.

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

***Mobile Homes and Hurricanes – 1 hour***

Ms. Walter advised the board that the request was for one (1) hour of optional credit.

**MOTION:** Ms. Walter made a motion to approve.

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

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***Disaster Contractors Network – 1 hour***

Ms. Walter advised the board that the request was for one (1) hour of optional credit.

**MOTION:** Ms. Walter made a motion to approve.

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

***2004 Building Code, Residential – 4 hours***

Ms. Walter advised the board that the 2004 Building Code, Residential Course was for four (4) hours of advanced building code credit.

**MOTION:** Ms. Walter made a motion to approve as an advanced building code course.

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

***Florida Chamber’s Environmental Network  
Growth Management & Environmental Permitting Short Course – 16 hours***

Ms. Walter advised the board that the board had approved this course in the past. She stated that it was not a renewal because the content and the speakers had been changed.

**MOTION:** Ms. Walter made a motion to approve the course for sixteen hours (16) hours for optional credit and for laws and rules credit.

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

***University of Florida IFAS Extension Lake County  
Provider Application***

Ms. Walter advised the board that the University of Florida Extension Service of Lake County submitted a provider application and the application was complete.

**MOTION:** Ms. Walter made a motion to approve.

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



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***Expanding Your Plant Palette – 4 hours***

Ms. Walter advised the board that a course application had been submitted for four (4) hours of optional credit.

**MOTION:** Ms. Walter made a motion to approve.

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

**Pine Hall Brick Company, Inc.  
*Provider Application***

Ms. Walter advised the board that the provider application was complete.

**MOTION:** Ms. Walter made a motion to approve the provider application for Pine Hall Brick Company, Inc.

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

***Advanced Clay Paving – 1 hour***

Ms. Walter advised the board that the course application was complete.

**MOTION:** Ms. Walter made a motion to approve.

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

**Cherry Lake Tree Farm – Renewals**

Ms. Walter asked the board if they would consider a ratification list for course renewals.

Mr. Graham asked Ms. Walter if she would review the courses.

Ms. Walter stated that she would review.

Mr. Graham agreed to the ratification list for course renewals.

Ms. Gillick stated she agreed to the ratification for course renewals.

406 Ms. Walter asked that staff bring one copy of the course application to the  
407 meeting.

408  
409 **MOTION:** Ms. Marshall Beasley made a motion to accept the ratification list  
410 for the following course renewals.

411  
412 **SECOND:** Mr. Graham seconded the motion and the motion passed  
413 unanimately.

414  
415 ***Sucessful Compliance with Tree Ordinances – 2 hours***

416 ***Avoiding the Lawyer’s Food Chain – 2.5 hours***

417 ***Plant Appraisals – 2.5 hours***

418 ***New Varieties& Cultivars Short Course – 2 hours***

419 ***Florida Grades and Standards Short Course – 2 hours***

420 ***Performance After Transplant – 1.5 hours***

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422 **Discussion**

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424 **Request to Re-Schedule Exam**

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426 **Katy W. Harrell**

427

428 Ms. Gillick advised the board that the there was a request in the agenda  
429 materials from Ms. Katy Harrell to re-schedule the exam.

430

431 Mr. Graham stated that her situation was one that she could have controlled very  
432 easily and he would have to say no to her request.

433

434 **MOTION:** Mr. Graham made a motion to deny the request.

435

436 **SECOND:** Ms. Walter seconded the motion and the motion passed  
437 unanimately.

438

439 **G. Kevin White**

440

441 Ms. Gillick advised the board that there was a request in the agenda materials  
442 from Mr. G. Kevin White to re-schedule the exam.

443

444 Ms. Guillemette advised the board that she checked the statute and the rules to  
445 see what authority the board had. She advised the board that if the examination  
446 is scheduled with the examination provider the Department pays. She stated that  
447 if the board allows the candidate to re-schedule the Department picks up the  
448 second fee. Ms. Guillemette advised the board that she wanted to bring to their  
449 attention 481.307, F.S., fees, “The examination fee shall be in the amount that

450 covers the cost of obtaining and administering the examination". She stated that  
451 if the board wants to continue to look at the requests fine or they can say no.

452

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

454

455 **MOTION:** Ms. Walter made a motion to deny Mr. White's request to re-  
456 schedule the exam.

457

458 **SECOND:** Ms. Gillick seconded the motion and the motion passed  
459 unanimously.

460

### 461 **Senior CLARB Exam**

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463 Ms. Chastain advised the board that Ms. Dumas advised her that CLARB no  
464 longer had the senior exam. She stated that rule 61G10-11.006, F.A.C. –  
465 Approval of CLARB Senior Examination needed to be amended or repealed.

466

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

468

469 **MOTION:** Mr. Graham made a motion to repeal rule 61G10-11.006, F.A.C.

470

471 **SECOND:** Ms. Walter seconded the motion and the motion passed  
472 unanimously.

473

### 474 **Rules**

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#### 476 **61G10-12.001 – Application and Examination Fees**

477

478 Ms. Guillemette advised the board that the proposed language was in the  
479 agenda material. She stated that these were changes that were requested by  
480 the Department.

481

482 Ms. Guillemette advised the board that section three (3) did not make sense and  
483 she suggested that the word retake be eliminated.

484

485 The board agreed.

486

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

488

489 **MOTION:** Mr. Graham made a motion to amend sub section three (3) to  
490 eliminate the word retake and approve the language for rule  
491 61G10-12.001, F.A.C.

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493 **SECOND:** Ms. Marshall-Beasley seconded the motion and the motion passed  
494 unanimously.

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Ms. Guillemette advised the board rule 61G10-18.001, F.A.C. – Continuing Education Credit Requirements, would be adopted February 23, 2005.

Ms. Guillemette advised the board that the language for Rule 61G10-18.002, F.A.C. – Board Approval of Continuing Education Providers, was submitted which addressed first time provider applications or providers that failed to renew. She stated that Ms. Printy had sent a letter to the board stating that the information requested by the rule be requested of all providers. Ms. Guillemette advised the board that the language had been changed to reflect all providers and that she spoke to Ms. Printy by phone and she approved the amended language. She advised the board that the form mentioned in the rule had to be attached to the rule when the rule was submitted to show that the questions were on the form.

After discussion by the board the following motion was made.

**MOTION:** Ms. Marshall-Beasley made a motion to approve the change to rule 61G10-18.002, F.A.C. and direct board counsel to submit the notice of change.

**SECOND:** Ms. Walter seconded the motion and the motion passed unanimously.

#### **Ratification List**

**MOTION:** Ms. Marshall-Beasley made a motion to approve the following Certificate of Authorization applications.

**SECOND:** Ms. Walter seconded the motion and the motion passed unanimously.

Miller Sellen Conner & Walsh, Inc., A2Group, Inc.

**MOTION:** Ms. Marshall-Beasley made a motion to approve the following Temporary Certificate of Authorization

**SECOND:** Ms. Walter seconded the motion and the motion passed unanimously.

Margaret Bors

**MOTION:** Ms. Walter made a motion to approve the following endorsement application.

540 **SECOND:** Mr. Graham seconded the motion and the motion passed  
541 unanimously.

542

543 John D. Haas, Jr.

544

545 **MOTION:** Ms. Walter made a motion to approve the following exam  
546 application.

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548 **SECOND:** Ms. Gillick seconded the motion and the motion passed  
549 unanimously.

550

551 Margaret Bors

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### 553 **Reports**

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#### 555 **Vice Chair's Report - Liz Gillick**

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557 Ms. Gillick advised the board that Jeff Castor had informed her that the two (2)  
558 bills regarding electronic signing and sealing had been assigned to committee  
559 and are moving along.

560

#### 561 **Executive Director's Report – Juanita Chastain**

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563 Ms. Chastain advised the board that the financial report was in the agenda  
564 materials and she stated that everything looked fine.

565

566 Ms. Gillick stated that the figures look fine but they are lower than last year.

567

568 Ms. Chastain stated that the sweep is the reason they are lower.

569

570 Ms. Chastain advised the board that the newsletter was in their folders for their  
571 review.

572

573 Ms. Walter asked Ms. Chastain if she had heard anything on the Building  
574 Commissions attempt to draft rules to allow accreditors to approve continuing  
575 education.

576

577 Ms. Chastain stated that she had talked to Ila Jones about the rule and there will  
578 be a rule hearing in March and the rule should be effective in April. She stated  
579 that Ms. Jones had advised her that accreditors could register be approved on  
580 line.

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#### 582 **Prosecuting Attorney's Report – Brian Higgins**

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584 Mr. Higgins reviewed his report with the board.

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Ms. Walter asked if the sweep for unlicensed activity was on going.

Ms. Chastain stated it was.

Ms. Gillick asked Mr. Higgins if they had one of the smallest percentages of unlicensed activity.

Mr. Higgins stated that it is over 55% of their total cases.

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

Ms. Guillemette advised the board that at the last board meeting there was a query can a respondent waive the recusal of a board member that served on the probable cause panel. She stated that she did some research and she provided the board with a hand out of 455.225 (6), F.S., disciplinary proceedings. Ms. Guillemette advised the board that the duty of excusing a member of the probable cause panel is the board's duty rather than a due process right of the respondent. Ms. Guillemette stated that her analysis of this was no, a probable cause panel member becoming able to discuss a case to make a quorum is not appropriate under board rules.

### **New Business**

Ms. Chastain advised the board that the next board meeting would be at the Casa Monica in St. Augustine on April 22, 2005. She asked the board to look ahead and pick future meeting dates.

After discussion by the board the following meeting dates were scheduled.

April 22, 2005, St. Augustine, August 5, 2005 in Orlando and October 6, 2005 in Ft. Lauderdale in conjunction with the ASLA National meeting.

### **Old Business**

Ms. Walter advised the board that there were two vacant positions on the board and this causes quorum problems.

Ms. Chastain advised the board that she has had contact with the Governor's office and the Department and explained that the board is interested in consumer members for the board. She stated that she understands it is due to the lack of applications that they have not been filled.

**MOTION:** Ms. Marshall-Beasley made a motion to adjourn.

629 **SECOND:** Ms. Gillick seconded the motion and the motion passed  
630 unanimously.

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632 The meeting adjourned at 10:50 a.m.

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