

BOARD OF LANDSCAPE ARCHITECTURE
Minutes

Telephonic Conference Call
850.488.5778 or Suncom 278.5778

July 9, 2003
General Board and Business Meeting
9:00 A.M.

Call to Order

Mr. Davis, Chair, called the meeting to order at 9:00 a.m.

Board Members Present:

Paul Davis, Chair
Philip Graham
Elizabeth Anne Gillick
Collene Walter

Board Member Absent:

Elizabeth Marshall-Beasley

Others Present:

Rosanna Catalano, Board Counsel
Charlie Pellegrini, Prosecuting Attorney
Juanita Chastain, Executive Director
Brett Nein, Carter & Burgess, Inc.
Jeff Caster

Application Review

Carter & Burgess, Inc.

Mr. Nein was present. Ms. Estes commented that the reason this application was before the board was because of the litigation listed on the application. She commented that staff did not feel comfortable approving the application, therefore, it was referred to the full board for review. Mr. Davis asked if the litigation was in Florida. Mr. Nein replied in the negative.

Mr. Nein commented that this was a large firm and handled large projects. He commented that none of the litigations have hindered the firm financially. He commented that the company had approximately 2300 employees throughout 30 offices throughout the states. He commented that there was a mixture of professions, i.e. architects, engineers, etc. He commented that there were 3 offices within Florida.

Ms. Gillick asked how many cases were still pending. Mr. Nein replied that there were 7 cases pending. Ms. Gillick asked how long Mr. Nein had been with the firm and his position. Mr. Nein

replied that he had been with the firm since March 17, 2003 and he was a Vice-President of the firm.

MOTION: Mr. Graham moved to approve.

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

Review of Continuing Education Providers and Courses

PSMJ Resources – Provider application
Project Managers Bootcamp course
Principals Bootcamp course
High Impact Proposals course
Breakthrough Presentations course
CEO Mergers & Acquisitions Forum course
CEO Strategic Planning Forum course
Successful Financial Management course
Secure the Government Market course

Ms. Walter presented the provider and course applications. She commented that she reviewed the application and visited their web site. She commented that they have been in operation for approximately 30 years and target architects, engineers, and landscape architects. She commented that the provider application was complete and the firm appeared to be reliable.

MOTION: Ms. Walter moved to approve the provider application.

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

Ms. Walter presented the courses and commented that the outlines were detailed and they meet the requirements for the number of hours requested.

MOTION: Ms. Walter moved to approve all courses for the number of hours requested.

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

Design Arts Seminars – Provider #1051 **Concepts in Landscape and Outdoor Lighting Design**

Ms. Walter presented the course and commented that the application was complete. She commented that the course details lighting issues for accessibility and outdoor safety lighting. She commented that they are requesting 8 hours but they are eligible for 10 hours in a lecture format.

MOTION: Mr. Graham moved to approve the course.

SECOND: Ms. Gillick seconded the motion and it passed unanimously.

**Florida Nurserymen & Growers Association – Provider #2460
FNATs Short course**

Ms. Walter presented the course and commented that it was approved last year. She commented that they are requesting 13 hours of credit and it was a 2-day seminar. She stated that the application was complete and they meet the requirements.

MOTION: Ms. Walter moved to approve the course.

SECOND: Ms. Gillick seconded the motion and it passed unanimously.

Ratification List (e-mail/fax)

Ms. Estes read the list for the record.

MOTION: Ms. Gillick moved to approve the ratification list as presented.

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

Discussion

**Florida Nurserymen & Growers Association (FNGA), “Florida Certified Landscape Design”
– Rosanna Catalano**

Ms. Catalano commented that the spirit in which they wrote the letter was not received. She commented that the letter upset the attorney for FNGA and she assured him it was not written in a threatening manner. She commented that the board wanted to make FNGA aware that this designation could be problematic. Ms. Catalano commented that the attorney wanted the board to come and speak with them. She commented that she did not think that was possible due to the Sunshine Law. She commented that she did not believe they could send someone unless the board designated a representative and the meeting was publicly noticed.

Mr. Davis commented that the letter that was sent served the purpose. He commented that FNGA was going to do what they were going to do. Mr. Graham commented that there did not appear to be much more they could do. Ms. Catalano commented the next step would be to file a complaint. She commented that Mr. Cauthen spoke with Mr. Igleis within the Economic Crimes Unit regarding the issue.

Ms. Gillick commented that the letter appears to have served the purpose. Ms. Catalano commented that if the board did not want to pursue this matter she would hold the file and notify the Economic Crimes Unit of the board’s decision. Mr. Pellegrini confirmed that if a complaint were filed against an individual regarding this issue the complaint would be filed with the unlicensed activity unit within the department. Ms. Chastain commented that she would forward a copy of this information to the unlicensed activity unit within department.

Mr. Graham commented that he was concerned with the term of “Florida Certified” because it was misleading to the public. He commented that if it was an FNGA certification then that is how the term should read. The board discussed and felt that FNGA has very good programs. Ms. Gillick commented that having Florida in the term it is misleading. She commented that the board is not

challenging or disputing the credibility of their programs that enable that designation through FNGA. She commented that it was grossly misleading by using "Florida Certified".

Ms. Walter commented that maybe they should let it lie. Mr. Graham commented that he had a concern that if they continue and there are complaints filed then there maybe consumer harm. He commented that they should respond to the board's concern. Ms. Catalano commented that the original letter was very specific in supporting their programs but the issue was "Florida Certified".

Ms. Catalano commented that she would contact Mr. Cauthen and let him know that the board was not going to pursue the matter. The board extended an invitation to Mr. Bolusky to attend the next available meeting. Mr. Caster commented that he was disappointed that the board was not going to pursue the issue. He commented that the designation that FNGA is using is confusing to the public and weakens the board and his personal landscape license.

Mr. Caster commented that at the last meeting that the board crafted the letter based on the recommendation of the Economic Crimes Unit, Mr. Iglesias. He commented that maybe the next step would be to have Mr. Iglesias take a look at the issue again and get their opinion. Ms. Catalano commented that she has been instructed to notify Mr. Iglesias that the board is not going to pursue this issue. Mr. Davis commented that until there is sufficient evidence that the term is being misused he did not feel that if it went to court the board might not fair to well. He commented that if there was proof of public harm then they might have a stronger case. Mr. Graham commented that the way it is now that there is potential public harm.

Ms. Gillick asked if it was possible for ASLA to monitor this issue. Mr. Graham asked Mr. Caster if ASLA have a liaison or designee to FNGA. Mr. Caster replied in the negative or not that he was aware. Mr. Nam commented that Keven Cavioli has begun dialogue with FNGA.

Mr. Davis reconfirmed that Ms. Catalano would contact Mr. Cauthen and notify him of the board's decision.

Mr. Nam commented that his understanding was that the Attorney General's office wanted to see preliminary activity by the board regarding this issue before taking any action or performing an investigation. He commented that on the face that it appears that the designation FNGA is using is misleading and inappropriate. He commented that if at some point in the future if a complaint is filed by a consumer will the Attorney General's office require the board to write additional letters and be involved with the discipline or investigation.

Ms. Catalano commented that her recollection of the conversation with the Economics Crimes Unit was that this could be a potential problem, confusing and a consumer issue. The Economic Crimes Unit suggested that the board could file a complaint. She commented that the board decided to write a letter instead of filing a complaint. She continued by stating that the Economic Crimes Unit has not required the board to do anything. She commented that she was not sure that the board would ever be aware of consumer harm but they informed the three most likely areas that a complaint would be lodged.

Mr. Nam suggested to the board that they correspond back to the FNGA and Department of Agriculture regarding their concerns. Mr. Davis commented that the board feels the letter that was sent reflects their position on the issue.

After discussing further. The board asked Mr. Graham to draft a response letter to FNGA from the Chair for review at the August meeting so there is a record of the board's concerns and room for dialogue.

Letter to Dr. Nelson – Rosanna Catalano

For board information.

Sunshine Law and WD Childers – Rosanna Catalano

For board information. Ms. Gillick commented that she refers callers or contacts to the board staff.

Florida Building Code Modifications Update – Paul Davis

Ms. Walter commented that the requests were not being received well. She commented that the Technical Advisory Committee reviewed the modifications and there were not enough votes for the modifications to move forward to the Florida Building Commission to vote on the modifications.

Mr. Nam commented that he attending the Technical Advisory Committee (TAC) meeting and they voted the modifications down 6 to 4. He commented that the Administrative TAC is composed of commission members and other TAC's are non-commission members. He commented that the Administrative TAC provided a negative recommendation to the Florida Building Commission. He commented that there was some time between now and the Commission meeting for the board to work toward a positive recommendation.

Mr. Graham commented that maybe the TAC does not know what landscape architects do or understand the need for recognition. Mr. Nam commented that they would have a better opportunity to receive support of the modifications on the front end. He recommended sending the TAC and Florida Building Commission a letter regarding the issue as well as sending a representative to the Commission meeting in August. Mr. Nam commented that Appendix F was considered by the Plumbing TAC and there was so much opposition that they tabled the issue.

Ms. Walter commented that by looking at the make up of the Commission, she agreed with Mr. Graham that they probably do not have an idea of what a landscape architect does. Mr. Nam commented that he felt they did not want to know. He commented that the attorney for the Florida Building Commission spoke positively on behalf of landscape architects and the TAC still did not receive favorably. Mr. Nam commented that they almost seemed hostile regarding the recognition of landscape architects. He commented that landscape architects are required to take the core course and are regulated by statute and that was reasons to be recognized in the code.

After discussion the board determined that they should send a simple but specific letter outlining the need to recognize landscape architects to the Florida Building Commission. Ms. Walter was requested to draft a letter for review. The board determined that they should also pursue the electronic submission during the 45-day comment time frame.

Architect Seal Landscape Architecture Plans – Rosanna Catalano

For board information.

Memo regarding granting licensure with conditions – Rosanna Catalano

For board information.

Certificate of Authorization – Rosanna Catalano

Ms. Catalano commented Ms. Estes brought this issue to her attention. She commented that there is not requirement for a certificate of authorization for fictitious name. She commented that she did not believe they have statutory authority to include this requirement in the rule and they might want to let the department's legislative affairs office know about this issue for language development. She commented that she would look into the possibility of rule language.

Ms. Catalano commented that the board should let Ms. Chastain know if they are interested in this language being included in the department's legislative packet. Mr. Graham commented that ultimately they need to have this corrected. Ms. Gillick asked if it was advisable to open the statute. Mr. Davis commented that recently the board has not been in favor of opening their statute due to adversaries. After discussion the board determined that they did not want to open the statute to accomplish this issue.

MOTION: Mr. Graham moved to pursue rule development.

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

Landscape Architecture Sweep – May/June 2003 – Juanita Chastain

For board information.

For the Boards information

CLARB – Computer Administration of the LARE to begin in August

CLARB – Correspondence from CLARB regarding fees for Computer Administration of LARE

CLARB – excerpt for web page, acceptance of grades

Ms. Estes asked the board if they would accept the examination grades without modification from the CLARB through computer based testing. Mr. Davis commented that they would treat the grades as if the candidate took the examination in another state.

Letter to Richard Browdy – Juanita Chastain

For board information.

Board Member Advice – Rosanna Catalano

Ms. Catalano commented that the financial disclosure forms were due August 1, 2003.

New Business

No new business.

Old Business

No old business.

Adjourn

MOTION: Ms. Gillick moved to adjourn.

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

The meeting adjourned at 10:44 a.m.