

# **Probable Cause Panel Meeting December 8, 2004**

*On December 8, 2004, in [Disciplinary Cases](#), by Smith Thompson Law*

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## **I. Unlicensed Cases**

**Elodie Bethea**

**Rink Reynolds Diamond Fisher Wilson, P.A.**

**Case No. 2004-042170**

Probable Cause was found that Elodie Bethea of Jacksonville, Florida is employed by a licensed architectural firm and the firm's brochure lists Ms. Bethea as an interior designer. Ms. Bethea is not a licensed interior designer. A Notice and Order to Cease and Desist was issued, along with the request that she sign an affidavit stating she will refrain from using the title interior designer or words to that effect and she changed the advertising brochure deleting any references to interior design. If Ms. Bethea, fails to return the affidavit, an Administrative Complaint seeking fines will be filed.

**John Bodensiek**

**Case No. 2004-029505**

Probable Cause was found that John Bodensiek of Lake Worth, Florida is not licensed and entered into a contract to provide architectural services for restaurant improvements. A Notice and Order to Cease and Desist was issued and an Administrative Complaint seeking fines was filed.

**Brian J. Cote**

**Cote Architectural Services**

**Case No. 2004-029165**

Probable Cause was found that Brian J. Cote of Jacksonville, Florida is not licensed and contracted to perform architectural services for a twelve story condominium. Further, he is offering architectural services under Cote Architectural Designs and the building permit holds him out as an architect. A Notice and Order to Cease and Desist was issued and an Administrative Complaint seeking fines was filed.

**Glenn Dasher**

**Rink Reynolds Diamond Fisher Wilson, P.A.**

**Case No. 2004-042187**

Probable Cause was found that Glenn Dasher of Jacksonville, Florida is employed by a licensed architectural firm and the firm's brochure lists Mr. Dasher as an architect. Mr. Dasher is not a licensed architect. A Notice and Order to Cease and Desist was issued, along with the request that he sign an affidavit stating he will refrain from using the title architect or words to that effect

and he changed the advertising brochure deleting any references to architect. If Mr. Dasher, fails to return the affidavit, an Administrative Complaint seeking fines will be filed.

**Rafael Davila**  
**Case No. 2004-046356**

Probable Cause was found that Rafael Davila of Miami, Florida is not licensed and holds himself out as an architect and offers architectural services in an advertisement in Florida International Magazine and on his website. Further, Mr. Davila states on his website that a licensed architect is a principal of his business; however, the licensed architect never gave him permission to use his name. A Notice and Order to Cease and Desist was issued and an Administrative Complaint seeking fines was filed.

**Joel W. Johnson**  
**J.W. Johnson Design Consultants**  
**Case No. 2004-041400**

Probable Cause was found that Joel Johnson of Stuart, Florida is not licensed and contracted to provide architectural services for a church. The Building Department was concerned the building would collapse due to structural errors. It appears that Mr. Johnson used a licensed architect's seal to obtain a building permit without the architect's knowledge or permission. A Notice and Order to Cease and Desist was issued and an Administrative Complaint seeking fines was filed.

**Michael Kleinschmidt**  
**Rink Reynolds Diamond Fisher Wilson, P.A.**  
**Case No. 2004-042105**

Probable Cause was found that Michael Kleinschmidt of Jacksonville, Florida is employed by a licensed architectural firm and the firm's brochure lists Mr. Kleinschmidt as an architect. Mr. Kleinschmidt is not a licensed architect. A Notice and Order to Cease and Desist was issued, along with the request that he sign an affidavit stating he will refrain from using the title architect or words to that effect and he changed the advertising brochure deleting any references to architect. If Mr. Kleinschmidt, fails to return the affidavit, an Administrative Complaint seeking fines will be filed.

**Duane Kozchenko**  
**Rink Reynolds Diamond Fisher Wilson, P.A.**  
**Case No. 2004-042112**

Probable Cause was found that Duane Kozchenko of Jacksonville, Florida is employed by a licensed architectural firm and the firm's brochure lists Mr. Kozchenko as an architect. Mr. Kozchenko is not a licensed architect. A Notice and Order to Cease and Desist was issued, along with the request that he sign an affidavit stating he will refrain from using the title architect or words to that effect and he changed the advertising brochure deleting any references to architect. If Mr. Kozchenko , fails to return the affidavit, an Administrative Complaint seeking fines will be filed.

**Gary Mahan**  
**Rink Reynolds Diamond Fisher Wilson, P.A.**  
**Case No. 2004-042187**

Probable Cause was found that Gary Mahan of Jacksonville, Florida is employed by a licensed architectural firm and the firm's brochure lists Mr. Mahan as an architect. Mr. Mahan is not a licensed architect. A Notice and Order to Cease and Desist was issued, along with the request that he sign an affidavit stating he will refrain from using the title architect or words to that effect and he changed the advertising brochure deleting any references to architect. If Mr. Mahan , fails to return the affidavit, an Administrative Complaint seeking fines will be filed.

**Sand Castles Estate Homes, Inc.**  
**Case No. 2004-045742**

Probable Cause was found that Sand Castles Estate Homes, Inc. of Naples, Florida is not licensed and is offering architectural design in a brochure. A Notice and Order to Cease and Desist was issued, along with the request that Richard Spieth sign an affidavit stating he will refrain from offering architectural services and will change the brochure deleting all references to architectural or words to that effect. If Mr. Spieth, fails to return the affidavit, an Administrative Complaint seeking fines will be filed.

**Christine Seoane**  
**Case No. 2004-032790**

Probable Cause was found that Christine Seoane of Miami, Florida is not licensed and entered into a contract to provide architectural plans for a garage apartment. A Notice and Order to Cease and Desist was issued, along with the request that she sign an affidavit stating she will refrain from offering architectural services or use words to that effect. If Ms. Seoane, fails to return the affidavit, an Administrative Complaint seeking fines will be filed.

## **II. Licensed Cases**

**Ann Deveer**  
**Case No. 2004-0038441**

Probable Cause was found that Ann Deveer of Tallahassee, Florida is a licensed interior designer and was offering interior design services in an advertisement in the March 28, 2004 edition of the Tallahassee Democrat without a certificate of authorization. She had originally applied for a Certificate of Authorization on June 22, 2000 and paid the filing fee. The Department of Business and Professional Regulation returned the application on August 10, 2000 because it was incomplete. The firm continued to offer interior design services and reapplied for a certificate of authorization on August 12, 2004. An Administrative Complaint seeking discipline was filed.

**Robert W. Gray**  
**Case No. 2004-029156**

Probable Cause was found that Robert Gray of Jacksonville, Florida is a licensed architect and signed and sealed a set of plans for a twelve story condominium project that were prepared by an unlicensed draftsman. Further, the unlicensed draftsman contracted directly with the client. The Subject did not exercise proper responsible supervisory control for plans prepared outside of his office. An Administrative Complaint seeking discipline was filed.

**David Jass**

**Case No. 2004-043282**

Probable Cause was found that David Jass of Mount Dora, Florida, a licensed architect, signed and sealed a set of drawings that were prepared by an unlicensed drafting company without meeting with the client. Further, Mr. Jass had no contractual relationship with the client. The unlicensed drafting company contracted directly with the client to prepare the drawings. An Administrative Complaint seeking discipline was filed.

**Rink Reynolds Diamond Fisher Wilson, P.A.**

**Case No. 2004-042063**

Probable Cause was found that Rink Reynolds Diamond Fisher Wilson, P.A. of Jacksonville, Florida, a licensed architectural firm, held out many of its unlicensed employees as either architects or interior designers in an advertising brochure. An Administrative Complaint seeking discipline was filed.