

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF FLORIDA
3 TALLAHASSEE DIVISION

4 Civil Action No.: 4:09cv193-RH/WCS

5
6 EVA LOCKE, et al.,
7 Plaintiffs,
8 vs.
9 JOYCE SHORE, et al.,
10 Defendants.

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12
13 DEPOSITION OF JOYCE SHORE

14
15 Tuesday, November 24, 2009
16 2:20 p.m. - 4:15 p.m.

17
18 1825 Griffin Road
19 Dania, Florida

20
21 Reported By:
22 Janet C. Marshall
23 Registered Professional Reporter
24 Certified Shorthand Reporter
25 Notary Public, State of Florida

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1 (Thereupon, Plaintiff's Exhibits No. JS1 and JS2
2 were marked for identification.)

3 P R O C E E D I N G S

4 Thereupon:

5 JOYCE SHORE

6 having been first duly sworn or affirmed, was
7 examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MR. NEILY:

10 Q. Good afternoon, Miss Shore.

11 A. Good afternoon.

12 Q. My name is Clark Neily. I'm one of the
13 attorneys that represents the plaintiffs in the lawsuit
14 that was filed back in May challenging what I will refer
15 to as sort of, in shorthand, the Florida Interior Design
16 law, but it's the provisions of Florida law that fall
17 under Chapter 481 of the Florida statutes that basically
18 regulate both the use of interior design related
19 terminology and also the practice of certain kinds of
20 interior design in Florida. Do you understand that?

21 A. I do.

22 Q. Have you ever been deposed before?

23 A. No, I haven't.

24 Q. It's a pretty straightforward process, but
25 there is a couple of things that will make everybody's

1 life easier I think if we both do these thing.

2 The first one is try to avoid talking over each
3 other. That means if you just let me finish my
4 question, then I will go ahead and let you finish your
5 answer and we won't have kind of an overlap that
6 sometimes occurs in conversation. It makes it much
7 easier to get a clean record. Okay?

8 A. Certainly.

9 Q. Another point is in normal conversation we
10 sometimes respond to one another nonverbally or
11 sometimes we use sounds that aren't really words and
12 that makes it difficult to get a clean record. So if
13 you respond to my questions using actual words, that
14 would be helpful. All right?

15 A. I'm not sure I quite understand that.

16 Q. Don't shrug your shoulders or nod your head.

17 A. I see. Can I spell it out?

18 Q. Absolutely. I would appreciate that. The
19 other thing is if I ask you a question that you don't
20 understand, let me know that instead of trying to answer
21 the question that you don't really feel you understand.
22 That way we will make sure we have a clear understanding
23 between each other. All right?

24 A. Certainly.

25 Q. Presently you serve as the chair of the

1 Florida Board of Architecture and Interior Design,
2 correct?

3 A. That is correct.

4 Q. How long have you had that position?

5 A. Since January of last year. January of 2009.

6 Q. And before that you were sort of just a
7 regular board member?

8 A. That is correct.

9 Q. How long did you serve as -- I probably will
10 refer to the Board of Architecture and Interior Design
11 as the board or the state board. Do you understand
12 that?

13 A. Yes, I do.

14 Q. How long were you a member of the state board
15 before you assumed the position of chair?

16 A. Six years.

17 Q. So you were appointed to the board in January
18 of '03?

19 A. I have to count. Let's see. I really think
20 it was '02 because my term is up October of '10. So it
21 has been -- that would be eight years.

22 Q. Then I will tell you that I don't think
23 anything is going to turn on the exact date. If you
24 would give me a general idea of your duties as chair of
25 the state board.

1 A. As chair of the state board I conduct the
2 meeting. I from time to time write a newsletter. I
3 have to approve the billing for the prosecuting
4 attorney. And other than that, I can't think of any
5 other responsibilities.

6 Q. You chair what meeting?

7 A. The Board of Architecture and Interior Design.

8 Q. And how often does the board meet?

9 A. Four times a year, but then we do have
10 telephone conference calls.

11 Q. Are those sort of ad hoc or also scheduled at
12 particular times?

13 A. They are very scheduled and there is a notice
14 that is given before each one.

15 Q. Do you serve on any panels or committees in
16 your capacity as board chair?

17 A. I serve on a task force for reviewing
18 continuing education courses.

19 Q. Anything else?

20 A. That is all. Excuse me. One more. I am the
21 State of Florida's representative to NCIDQ, National
22 Council for Interior Design Qualification.

23 Q. My understanding is that board members sort of
24 take turns serving on what is called the probable cause
25 committee or panel. Is that your understanding?

1 A. That is correct.

2 Q. And did you at some time during your tenure on
3 the board serve on the probable cause panels?

4 A. I have not.

5 Q. Is there any particular reason why you have
6 not served on one?

7 A. Not that I am aware.

8 Q. I described a moment ago in very summary terms
9 two aspects of Florida's interior design law. I'm going
10 to refer to those as the title aspect and the practice
11 aspect.

12 What I mean by those terms is the title aspect of
13 Florida's law is essentially the one that says you have
14 to have a license in order to use the term "interior
15 designer" or words to that effect. Do you understand
16 that?

17 A. I do.

18 Q. And you knew before today that was a provision
19 of Florida law, correct?

20 A. That is correct.

21 Q. What I refer to as the practice aspect of the
22 law is the one that says that you have to have a state
23 license in order to perform certain kinds of interior
24 design services. And you understand that as well?

25 A. I do.

1 Q. And you knew that Florida regulated the
2 practice of interior design before today, correct?

3 A. I did.

4 Q. In addition to being the chair of the state
5 board, you are yourself a working interior designer,
6 correct?

7 A. That is correct.

8 Q. In other words, you haven't put your business
9 on hold simply because you have been on the board,
10 correct?

11 A. That is correct.

12 Q. And you understand that in your capacity as --
13 well, you were licensed I believe --

14 I looked up your license just this morning. It
15 says on the Florida DBPR's website you were licensed on
16 August 10, 1989. Does that sound about right to you?

17 A. Probably, yes.

18 Q. So you are a state licensed interior designer
19 here in Florida, correct?

20 A. That is correct.

21 Q. And you understand as a state licensed
22 interior designer here in Florida, the licensing law
23 that we have been discussing applies to you as an
24 interior designer, is that correct?

25 A. That is correct.

1 Q. Are you generally familiar with that law?

2 A. I feel so.

3 Q. I have sort of two different versions of kind
4 of your CV or what you do. I marked them both. I will
5 just work with both of them.

6 Unfortunately I didn't bring an extra copy of this.
7 Maybe we can put this out in the middle of the table.
8 This one I printed from your website. This is -- I will
9 represent to you it comes from your website. The title
10 of the particular page is our services. I marked that
11 as JS1. Do you see that?

12 A. Uh-huh.

13 Q. Is that yes?

14 A. Yes.

15 Q. I understood what you meant. On paper it
16 might be confusing.

17 I also marked as Exhibit JS2 the curriculum vitae
18 that we were provided by the board's counsel in this
19 case. That is the one I didn't bring extra copies of,
20 but I will put it out there in the middle of the table.

21 Let me ask you to take a look at Exhibit JS1 first
22 and tell me, does that appears to be a printout from
23 your website for Joyce Shore Interiors, Inc?

24 A. It does.

25 Q. Is JS2, does that appear to be a copy of your

1 current curriculum vitae?

2 A. It does.

3 Q. I just have a couple of questions about it. I
4 would like to know a little bit more about your company
5 Joyce Shore Interiors.

6 Give me if you could like a ten or twenty second
7 summary of what the company does.

8 A. I am basically a high end residential
9 designer. I do commercial work. I have done realtors
10 offices. I have done a series of CMI's or the magnetic
11 MRI imaging, so I have a variety of background. Most of
12 my work is high end residential.

13 Q. Would you be able to sort of estimate the
14 percentage of residential versus commercial or does it
15 just vary so much?

16 A. It really varies from year to year. This year
17 has been more residential. Remodeling, that type of
18 thing.

19 Q. Okay. I have spoken to some interior
20 designers who say that occasionally the residential work
21 they do will lead to commercial opportunities.

22 Maybe you do a house for a doctor or lawyer or some
23 other professional, and he or she really likes the job
24 you did and "Can you come in and do my offices?"

25 I see you are nodding your head. Does that happen

1 sometimes?

2 A. It does.

3 Q. Have you ever gotten any business that way?

4 A. I have.

5 Q. Looking at JS1 which is "Our Services", is
6 this a pretty good sort of summary or description of
7 what Joyce Shore Interiors, Inc. does in terms of the
8 services it provides?

9 A. I would say so.

10 Q. I want to ask you a couple questions to get a
11 better sense of what you do.

12 One of the items under the areas of design
13 expertise that I focused on possibly because I'm so
14 disappointed with my own is home theaters.

15 Is this a particular specialty of yours? Because I
16 haven't seen this listed on most interior designers'
17 websites. I was curious if that is something you have
18 sort of developed a personal expertise with.

19 A. Generally with those types of things, because
20 the new technology comes out so rapidly you almost have
21 to work with it on a daily basis to understand and know
22 what is new and how to do it.

23 But what I have usually done is if I have a client
24 who is doing a media room, we consult with someone else
25 who really specializes in that field. In designing a

1 room though, I don't work so much with the technical
2 aspect as putting up acoustical coverings on the wall,
3 being sure that acoustics are good, seating, those types
4 of things.

5 Q. I'm sorry. I misunderstood you. That is
6 something you specialize in or --

7 A. Is it not something I specialize in because I
8 feel is it more technical and, as I said, new things
9 come out so rapidly.

10 Q. You mentioned seating in the same breath with
11 acoustic tiles I think. Are those both fairly
12 technical?

13 A. What I was referring to is not acoustical
14 tile, but sometimes in a media room you do have a lot of
15 sound and especially with all of the speakers in the
16 room and so on.

17 Sometimes there is problems and there are
18 acoustical wall coverings for instance that you can put
19 on the walls just so that the sounds bounce better,
20 those types of things.

21 Q. I see. Are there like specialty providers or
22 manufacturers who specialize in that kind of material?

23 A. There is.

24 Q. You work with them?

25 A. I do.

1 Q. Are any of them located outside the State of
2 Florida that you ever do business with?

3 A. Are you referring to acoustical paper
4 manufacturers?

5 Q. I sort of had this impression that maybe the
6 people at the top end of that business might be located
7 out in California for some reason. I don't know why I
8 thought that.

9 A. Not necessarily, but there are wall covering
10 companies. One of the problems in Florida is we do not
11 have a lot of manufacturers here. Because we do not,
12 most of the things do have to come if from out of state.

13 Q. Are you referring specifically to acoustic
14 systems or is that across the board?

15 A. Across the board.

16 Q. If the manufacturer is out of state and they
17 are selling acoustic tiles for example, do they have a
18 representative who kind of comes with the physical
19 products and shows you how to install or do they send
20 like a diagram or schematic? How does it work?

21 A. It would depend on what it is. Yes, usually
22 in the wall covering they will tell you some of the ways
23 they feel it should be adhered and will give you some
24 instructions. But, again, it depends on who the
25 manufacturer is.

1 Q. Are those instructions ever graphic in nature?

2 Here is the room and this is how you put this.

3 A. No. They are more concerned about the
4 adhesive you use especially because that is heavier.
5 They will be very specific about using such and such,
6 preparing the walls in such a manner. Those type of
7 things.

8 Q. I just thought based on my limited
9 understanding of how acoustics works it might be
10 important to get the placement of the panels just right
11 in a room.

12 A. It is.

13 Q. How do they convey that? How do you know?

14 A. They don't. That is what a designer does or
15 someone who is an expert in that area.

16 Q. I notice at the top of your areas of design
17 expertise, art/antiques. Do you see that?

18 A. Yes.

19 Q. Can you give me any examples of art or
20 antiques that you have -- I don't know what the right
21 term is -- that you have specified or purchased for a
22 client recently?

23 A. Not recently, no.

24 Q. Can you tell me like one of the more memorable
25 pieces you ever helped somebody acquire?

1 A. I really can't. I mean when we say art, I do
2 have a background in art so I am quite familiar with
3 art. So I have advised clients whether or not it was a
4 Picasso, a Matese or whatever.

5 I can't remember any case in which we were
6 purchasing those types of items.

7 Q. On the top line of Exhibit JS1, it says,
8 "Joyce Shore Interior Design is a full design firm that
9 offers design, consultation, renovation and space
10 planning services to residential and commercial
11 clients." Do you see that?

12 A. Yes.

13 Q. I was just wondering if in your mind there is
14 a distinction between design and consultation because I
15 notice both words are used in that sentence.

16 From your perspective is one different than the
17 other?

18 A. It is.

19 Q. Can you just elaborate on that a little for
20 me?

21 A. To me when someone asks to consult with me,
22 sometimes I will go to their home and they will get out
23 their Benjamin Moore paint samples for instance and ask
24 me then to select colors for a room they are using, or
25 they might ask a variety of questions like that.

1 So with those types of services I charge an hourly
2 fee, but if they ask me to design something, whether or
3 not it's a wall unit, whether or not it's a piece of
4 furniture, area rug that we could design, that is the
5 difference.

6 Q. The first part of what you described, a person
7 kind of pulling out those paint samples, is that
8 something that could happen in both a residential and
9 commercial setting?

10 A. It most definitely can.

11 Q. I was somewhat struck by a sentence down near
12 the bottom under the "Design Team" about three lines
13 down.

14 It says, "What I love most about what I do is the
15 opportunity to use my creativity to transform spaces."
16 Do you see that?

17 A. Yes.

18 Q. Is that a fair reflection of what in fact you
19 love most about what you do?

20 A. I would say so. Certainly there are many
21 other aspects of my job that I enjoy very much.

22 Q. What is it about the creativity you like so
23 much?

24 A. I think it's just being able to use that side
25 of the brain and to find things that are different, but

1 still, again, finding the client's needs and satisfying
2 them, but making it functional as well as creative.

3 Q. What are some examples of how you employ
4 creativity in your work?

5 A. I did a Key West style home that is on the
6 website since you have seen it. And I know that the
7 client was tired of looking at just plain old wall units
8 and wanted that Victorian feel. So I did a lot of
9 different designs to satisfy their needs because as you
10 can imagine, not only do they have a large screen TV,
11 but then there is a DVD, on and on. You try to
12 encompass that, but still making it like different than
13 just a big box.

14 Q. When you move into the commercial setting,
15 does the creativity sort of drop out of it and it
16 becomes simply technical or can creativity come into it
17 in a commercial setting as well?

18 A. I feel that it can because frequently I have
19 done conference rooms, things like that. Yes.

20 Q. How so?

21 A. You can put wood paneling on the walls. You
22 can do different things, a tray ceiling where it goes up
23 at an angle. There's many ways of transforming the
24 space to make it look more interesting rather than just
25 a plain box as this room is.

1 Q. I show you another page I printed from your
2 website. I have a couple questions. I will mark this
3 as JS3.

4 (Thereupon, Plaintiff's Exhibit No. JS3 was marked
5 for identification.)

6 BY MR. NEILY:

7 Q. This says "Combination Engineer and Artist" up
8 at the top. Do you see that?

9 A. Yes.

10 Q. Is that actually kind of how you consider
11 yourself, a combination engineer and artist?

12 A. Also as a therapist and a mind reader. What
13 happens frequently, a client will tell you they want
14 pink and green and they really mean purple and yellow.
15 So sometimes you have to figure out just what they have
16 in mind.

17 Or they will tell you they want to be casual
18 elegance, and so what does casual elegance mean?

19 Q. Different things to different people?

20 A. Exactly. Because of all that, we do try to --
21 you have to read their minds.

22 Q. I will show you what is marked Exhibit JS4. I
23 represent that is a 1995 article from the Sun-Sentinel.

24 (Thereupon, Plaintiff's Exhibit No. JS4 was marked
25 for identification.)

1 Q. The headline is "Focus Pocus".

2 A. Boy, you dug.

3 Q. It's so easy now with computers.

4 A. It is. You do understand I didn't write it.

5 Q. I got that, but you are quoted in it.

6 About two-thirds of the way down the page, do you
7 see where it says "Prescription: For the focal point,
8 Shore selected a large screen with a Picasso inspired
9 design painted on burlap." Do you happen to remember
10 doing that?

11 A. I have to read this a minute.

12 Q. Sure. Take your time please.

13 A. I do remember doing this with the Sun
14 Sentinel. There was a column that had been developed by
15 ASID in which -- in conjunction with the Sun Sentinel.
16 The idea was that each month they would focus on another
17 design principle.

18 So on this one it was just every room needs a focal
19 point. I honestly do not remember. It sounds pretty
20 ugly, Picasso design painted on burlap.

21 Q. In the bottom of the next paragraph, it says,
22 "A pair of giraffes adds a touch of whimsy and
23 neutralizes the china cabinet."

24 I have to say as a personal aside, I was sort of
25 gladdened by that because I have a wooden duck in my

1 apartment that I think adds a touch of whimsy.

2 A. The thing with this -- what happened is you
3 would go to their home and would be working with their
4 furnishings. Most of these were just average people who
5 wrote in and said I need some help.

6 So frequently I remember in this situation we went
7 to Carl's which is a local furniture store, borrowed the
8 things. What they did is they would take a before and
9 after photo.

10 So the giraffes did give it a lot of whimsy. I
11 mean when you have Picasso on burlap --

12 MS. CLARK: This was before they had reality
13 TV.

14 A. Exactly. It was quite popular though and the
15 series ran for quite a long time.

16 Q. Out of curiosity, I realize that maybe you
17 used the word and maybe you didn't. What does whimsy
18 mean in that sentence?

19 A. Whimsy to me means fun basically. It's a
20 little unusual and just whimsical.

21 Q. To me I think what I'm trying to say with my
22 duck and a couple other features, I know I seem to take
23 myself really seriously, but not all the time.

24 A. Yes.

25 Q. I'm curious. Is that the kind of touch you

1 might apply in somebody's office for example to help
2 them communicate a message to people who come into their
3 office?

4 A. Are you asking me whether or not I would apply
5 whimsy?

6 Q. Not necessarily, but help them to communicate
7 a particular feeling or message when someone comes into
8 their office let's say for the first time.

9 A. Definitely.

10 Q. How might you help somebody do that?

11 A. There are a variety of ways. One way is more
12 than color. We study the psychology of color and we
13 frequently -- blue is restful. Frequently attorneys
14 will paint their office in a blue to give it a calming
15 effect. But some offices will say that I want it to
16 look as if I made it in life.

17 So I would do more detailing, maybe the wood
18 paneling that I mentioned before. More expensive wall
19 coverings for instance, richer colors, more expensive
20 rugs, that type of thing.

21 MS. CLARK: Mr. Neily, you are not seeking a
22 consultation for your office, are you?

23 MR. NEILY: I will jump ahead real quick. No
24 I won't. Guilty as charged, but not with you.

25 Q. One other question. If you turn to the next

1 page --

2 A. Are we still on the whimsical article?

3 Q. Exhibit 4. There is a statement that "Browns
4 and golds are the in look right now." That would have
5 been '95. What does it mean for something to be sort of
6 the in look?

7 A. Just like when you go buy clothing, you will
8 find that different years, different colors are in
9 vogue. So it means no more than there are trends and
10 that's why you go buy new clothing is because your ties
11 get wider. They get narrow. Same with lapels. And the
12 furniture industry attempts to do the same thing so you
13 will be eager to purchase.

14 Q. Is that something that is part of the sort --
15 let me put it this way.

16 In your view is that something that would be part
17 of the expertise or ability that a good designer would
18 bring to the package? In other words, they are out
19 there trying to figure out what is in so they can
20 communicate that to people.

21 A. I do not feel so because some of my clients
22 who like to invest more money in their interiors don't
23 want it to be trendy.

24 Certainly you have seen bathrooms that were done in
25 turquoise or yellow and you know immediately that the

1 house was built in the 60's and 70's, something like
2 that.

3 So as a designer I point out what the trends are
4 because you also point out that it can become looking
5 trendy. So we try to find things like that, that are
6 more universal that people cannot tell immediately. But
7 on the other hand you do have to be aware of what the
8 color trends are.

9 Q. So you might be aware of the color trend, but
10 recommend -- and in fact, I think you go on to say that
11 more and more clients are going for a timeless look.

12 A. Correct.

13 Q. If you would go back to Exhibit JS1, that one
14 that says "Our Services", I have one more question about
15 that.

16 A. Okay.

17 Q. I couldn't find anywhere on your website
18 including that page where you use the word decorator to
19 describe yourself.

20 Do you consider yourself to be an interior designer
21 or interior decorator?

22 A. I personally have never felt the word
23 decorator insulting. Some of the earliest people in our
24 profession, Elsie de Wolfe for example -- she was one of
25 the first interior decorators and she was very proud and

1 probably was one of the first people who started in our
2 profession.

3 Q. In terms of how you consider yourself, do you
4 consider yourself to be an interior designer or interior
5 decorator?

6 A. I think of myself as an interior designer, but
7 I do a lot of interior decorating also.

8 Q. I will tell you, my impression is there is not
9 really a very bright line between them, if they even
10 mean different things. But I would like to know your
11 sense of that.

12 A. I feel the difference is that because I am an
13 interior designer and I do commercial work, that I have
14 to be aware of the ADA disability act, I have to be
15 aware of fire and codes. I have to be aware of ingress
16 and egress. Because of that I feel that there is a
17 difference.

18 Q. Okay.

19 A. But there are also times that I do no more
20 than decorating.

21 Q. Just to clarify that sentence, there are times
22 when you perform no other services than decoration
23 services?

24 A. Correct, in a residential.

25 Q. I have been working on this sort of issue for

1 between three and four years. I have formed a very
2 strong impression that some people consider the term
3 interior decorator to be at least potentially a putdown
4 or a pejorative or implication that that person isn't as
5 qualified as some other person. Do you think it can
6 carry that connotation?

7 A. In my personal opinion I think a lot of where
8 you live and I think what the acronym is there -- I
9 think in some areas of the country decorating does not
10 have the same significance as maybe it would in the
11 people you are working with.

12 Q. Have you ever heard the term dolly decorator?

13 A. I have.

14 Q. It's an insult, right?

15 A. Again, it would depend on how you are looking
16 at it.

17 Q. Do you ever make drawings to go with your
18 work?

19 A. Definitely.

20 Q. Another thing I sort of have gotten the
21 impression about, but I would like to know your sense,
22 there can be different kinds of drawings or different
23 projects and even different stages of a project. Is
24 that true?

25 A. That is true.

1 Q. For example, when I renovated my condominium,
2 I spent about eight months trading drawings back and
3 with the architect.

4 Is that common for a client to trade drawings back
5 and forth with the designer as they share ideas? Is
6 that a common thing?

7 A. That is very common.

8 Q. Is that helpful to you as a designer to go
9 through that process?

10 A. It is.

11 Q. Why is that?

12 A. It is helpful because of several different
13 reasons. I find that generally we are more concerned
14 with the interiors than what an architect does.

15 Usually I'm given a floor plan and we will really
16 lay out furniture. Sometimes you will find if you move
17 a window a foot, you have room to put your sofa, your
18 bed, your king size bed or whatever.

19 Usually the best projects are those in which we
20 both work together.

21 Q. I don't know if you use these terms or not,
22 but I heard the terms "presentation drawing" versus
23 "design drawing". Does that make sense?

24 A. Most definitely does. The difference is that
25 presentation is the pretty pictures that we give the

1 client. So it could be a rendering of what your home
2 will look like. It could be a color board. Are you
3 familiar with that term?

4 Q. I have had it explained to me. Does it have
5 the sort of fabrics and finishes on it?

6 A. Fabrics and finishes. Sometimes they even do
7 elevation. Elevation means you are looking straight on
8 a wall. And if I were doing an elevation of the wall
9 here, I would show the two mirrors. I would show the
10 wainscot. I should show the chair rail and baseboard.

11 So it helps to give a visual impression to the
12 client because frequently clients cannot imagine what
13 things are going to look like. They cannot visualize.

14 Working drawings are the things that I would give
15 to the contractor or whoever is doing the work
16 illustrating exactly where I want that chair rail
17 mounted.

18 Exactly with it are specifications, and the
19 specifications would say that the chair rail is from --
20 just from a certain company. Federal Millwork. That is
21 the difference.

22 So that frequently you cannot be on the job site 24
23 hours a day. So if people have accurate drawings to
24 show this information, then we know there are less
25 mistakes. That is the difference between the two types

1 of drawings.

2 Q. Thank you. That was helpful. Let's just talk
3 a little bit about the different sort of positions you
4 have had and so forth.

5 Let's start with your education. I noticed there
6 is a little clipping here about the day you were
7 installed. That is an interesting verb. Installed as
8 president of the ASID. I will just show that to you.
9 Mark that as Exhibit JS5.

10 (Thereupon, Plaintiff's Exhibit No. JS5 was marked
11 for identification.)

12 BY MR. NEILY:

13 Q. It looks like I got that from your website as
14 well. Do you recall this web page somewhat?

15 A. I remember this, yes.

16 Q. The last paragraph, I wanted to use that to
17 lead into your educational background.

18 It says you studied art education at Ohio State
19 University and taught art in the public school system
20 for five years. Is that true?

21 A. That is correct.

22 Q. Did you receive a degree from Ohio State?

23 A. I did. I had a five-year degree called
24 bachelor of science in art education.

25 Q. It goes on to say in 1978 you moved to Florida

1 and decided to apply art training to a related
2 profession, interior design. After taking a variety of
3 design courses she passed the NCIDQ.

4 I want to ask you about those design courses.
5 Where did you take those design courses?

6 A. I went to BCC, Broward Community College. I
7 took some at the Art Institute.

8 Q. That is the one here in Fort Lauderdale?

9 A. Correct.

10 Q. Did you receive a degree in interior design?

11 A. No, I did not.

12 Q. Did you receive a certificate in interior
13 design?

14 A. No, I did not.

15 Q. Do you possess either a degree or certificate
16 in interior design?

17 A. No, I do not.

18 Q. When did you take the NCIDQ exam for the first
19 time?

20 A. I believe it was about 1989. I'm not positive
21 that was the date, but roughly. I think it was earlier
22 than that now that I think about it. I honestly do not
23 remember.

24 Q. Do you know whether you had passed it?

25 A. I did pass.

1 Q. Did you pass it the first time?

2 A. No, I did not.

3 Q. I get the impression most people don't. Do
4 you happen to know?

5 A. I think that the percentage has gotten higher
6 than when I had taken it originally. It was very
7 strenuous because it was a two-day exam, and the last
8 day we had to do a lighting reflective ceiling plan. We
9 had to do an elevation. We had to do specifications,
10 and we had to do both commercial and residential space.

11 What happened is that you started at 8 o'clock in
12 the morning. It was over at 6:00, and there really was
13 not enough time to do it all. I remember most people
14 brought their lunch and their drinks and never left
15 their drafting table because of the time element. Since
16 those days the exam has changed.

17 Q. In what manner?

18 A. Several different things. First of all, every
19 five years they do an analysis of the profession to see
20 what interior designers really do, and they take that
21 information and come up with a new exam. So that does
22 change every five years.

23 Q. That's something I imagine you keep abreast of
24 given your position as the state representative to
25 NCIDQ?

1 A. NCIDQ is changing their exam in April of 2010
2 and coming out with a new one.

3 Q. My understanding is that NCIDQ is also making
4 the requirements to sit for the exam a bit more
5 stringent and they are moving in that direction. Is
6 that your understanding as well?

7 A. There has been discussion in that way, yes.

8 Q. Specifically from the NCIDQ website I read
9 that they are planning to phase in a requirement that
10 you have to have a four-year degree in interior design
11 in order to sit for the NCIDQ. I see you nodding. Is
12 that your understanding as well?

13 A. I think that eventually that is the goal they
14 would like to reach. It is not happening this year or
15 next year.

16 Q. In order to become licensed in Florida, my
17 understanding is that you have to take and pass the
18 NCIDQ exam as part of the requirements. True?

19 A. That is true.

20 Q. It is also my understanding that NCIDQ is a
21 private testing organization. Is that your
22 understanding?

23 A. It is correct.

24 Q. Among other things NCIDQ has its own
25 requirements for who can sit for the NCIDQ exam,

1 correct?

2 A. Correct.

3 Q. The State of Florida does not have the ability
4 to waive or alter those requirements, does it?

5 A. Not really. Being a representative, we do
6 vote on things. So I guess if you go through that
7 process, that if it was necessary to change, it could.
8 But it would have to go through the whole political
9 process.

10 Q. Political process meaning within NCIDQ?

11 A. Correct.

12 Q. So you have held some leadership positions
13 with different industry organizations, correct?

14 A. I have.

15 Q. One, the American Society of Interior
16 Designers. ASID.

17 A. That is correct.

18 Q. Another is the Interior Design Association
19 Foundation.

20 A. Correct.

21 Q. And I believe you were past president of IDAF.

22 A. Yes.

23 Q. Is that true?

24 A. That is true.

25 Q. When did you serve as president for IDAF?

1 A. I honestly am not sure. I was president of
2 the ASID in 1994, '95. Then I was a past president '95
3 and '96. Then I was on the national board of ASID in
4 '97 and '98. So it was probably 1999, 2000.

5 Q. When you were president of IDAF.

6 A. About those years.

7 Q. I have to ask. In the first sentence of the
8 clipping JS5, it says you were installed as the 1994,
9 1995 president of the American Society of Interior
10 Designers Florida, south chapter, by state
11 representative Jack Tobin.

12 A. Yes.

13 Q. Chairman of the house committee on business
14 and professional regulation. Do you see that?

15 A. I do.

16 Q. I'm just curious. Why would a state
17 representative have installed you as the president of
18 this organization?

19 A. As a president you can ask anyone to do the
20 installation.

21 Q. So this was at your request?

22 A. I'm not positive that it was really my
23 request. I honestly do not remember.

24 Q. Do you know why someone, whether it was you or
25 someone else, asked the chairman of the house committee

1 on business and professional regulation to install you
2 as president of the Florida South Chapter of ASID in
3 1994?

4 MR. GLOGAU: Objection. Speculation.

5 A. I really don't know.

6 Q. Did it seem unusual? I'm not really trying to
7 nitpick. I'm generally curious why a state legislator
8 would be tapped to perform this function. I don't get
9 it.

10 A. On the other hand I have seen state
11 legislators cut ribbons to open a store. So why do they
12 do that?

13 I would assume that the more public exposure that
14 they have, perhaps they have votes. There could be a
15 variety of reasons I would think.

16 Q. Touche. Let's put the rest of the cards on
17 the table. 1994 was the year that the Florida Interior
18 Design Law was transformed from just being a title act
19 into being a full blown practice act. My understanding
20 is that it was the committee on Business and
21 Professional Regulation that was involved in that
22 transformation. Do you think that might have had
23 something to do with it?

24 MR. GLOGAU: Objection. Speculation?

25 A. What I find is that -- did we object?

1 MR. GLOGAU: You can answer it if you can.

2 A. To me it sounds like as if you were trying to
3 make it sound as if it was a payback.

4 Q. I'm sorry, I'm not.

5 A. To thank him or pay him back for this, that we
6 brought him to a meeting. I don't feel it was that at
7 all. If anything I think it was just that why can't you
8 get to know your politicians? I really feel there was
9 nothing sinister in inviting him. I feel that's what
10 you were insinuating.

11 Q. Well, it appears that the mind reading
12 aspect -- maybe it would be better if you were designing
13 my room. I don't mean to imply. That sounds --

14 I really was trying to get at whether a
15 relationship had been sort of established between ASID
16 which I understand was a moving force behind the effort
17 to expand the law, and representative Tobin's committee.
18 That's really all I was asking. Not whether there was
19 some shady thing going on.

20 Did you guys get to know that guy as a result of
21 the lobbying process?

22 A. I was never a part of the lobbying process in
23 that sense. So I honestly cannot answer that question.

24 Q. Okay. We will move on.

25 A. I was going to say when I think back, most of

1 the lobbying occurred in the North Florida chapter
2 instead of South Florida because North Florida was so
3 much closer to Tallahassee.

4 Q. That's consistent with my understanding as
5 well.

6 We discussed earlier that you served in leadership
7 positions for these organizations, correct?

8 A. Correct.

9 Q. Let me ask you first, is there any particular
10 reason why you decided to take on that role?

11 In my experience when you sign up for something
12 like that, it ends up taking up quite a bit of your
13 time. So there is commitment there. I'm just curious
14 why you decided to make that commitment.

15 A. I have always felt that having been a teacher
16 originally, I believe in giving back to the community.
17 So that I felt that it would help that way.

18 Plus ASID does give a lot of courses and I feel
19 that those days they were giving leadership training,
20 other things that I feel that has been beneficial for
21 even my business.

22 So there were a variety of reasons. Once you get
23 involved with an organization, you start developing
24 friends there. It was just all those reasons.

25 Q. In order to be effective in those roles, was

1 it important to you or did you make an effort to sort of
2 kind of keep your finger on the pulse of what issues
3 were of concern to the interior design community?

4 A. I think to be a good leader that you always
5 have to have a pulse of what is going on in the
6 community.

7 Q. Were there particular ways in which you tried
8 to do that?

9 A. ASID does send out a survey asking what is
10 important in the membership. In the year I was
11 president, they discussed --

12 One of the interior designers always wanted
13 additional business. So one of the things that was set
14 up was this column with the Sun Sentinel.

15 We also put together a TV show with a network in
16 Miami called Doctor Design. No, it was Blueprint For
17 Design. We tried to have a better newsletter to
18 communicate better with our membership.

19 That was more of the goals because that was the
20 type of things that the membership wanted for people to
21 understand what interior designers did.

22 MS. CLARK: We have been going for a little
23 bit more than an hour. Any time you feel the need
24 to take a break, let us know.

25 Q. Would you like a break?

1 A. I can keep going. Thank you though.

2 Q. Turning your attention back to JS5 which is a
3 clipping about you being installed as president of ASID,
4 there is a quote there from you talking about one aspect
5 of being an ASID officer.

6 It says, "We want to educate the public about the
7 value of using a professional interior designer,
8 particularly an ASID designer." Do you see that?

9 A. Yes.

10 Q. Why particularly an ASID designer?

11 A. Again, as I just mentioned, our membership
12 would like to have more business. So because of that
13 ASID has spent a lot of money trying to tell -- until we
14 had a lot of programs like HDTV, there was so many
15 people who really did not understand what an interior
16 designer's role was. Through most of the 90's I would
17 say it was trying to tell the public what interior
18 designers did because for many years it had only been
19 the wealthy who were able to afford using an interior
20 designer.

21 Q. Do you still make an effort to keep your
22 finger on the pulse of issues that are of concern to
23 members of the interior design community?

24 A. I would guess so, yes. I am still a member of
25 ASID, but not being on a board or whatever I'm not as

1 familiar as I was ten years ago.

2 Q. My understanding is ASID has different
3 membership --

4 A. Levels.

5 Q. -- levels. What level are you?

6 A. I'm a professional. Anyone who has passed the
7 NCIDQ is a professional member.

8 Q. I see. I know from the summary in JS5, your
9 very brief biography, that says you moved from Ohio to
10 Florida in 1978, correct?

11 A. Correct.

12 Q. Let's say you were living in Ohio now and you
13 moved to Florida, given the credentials that you
14 possessed at the time -- strike that.

15 Given the credentials you possess right now, do you
16 know whether you would be eligible for licensure in
17 Florida as an interior designer?

18 A. I would not.

19 Q. Why is that?

20 A. Because I do not have a degree in interior
21 design.

22 Q. Is that something you make it a point to make
23 sure that potential customers know or not when they come
24 and talk to you about possibly hiring you?

25 A. That was a continuation of the question

1 before. Does that mean that because I don't have a
2 degree --

3 Are you asking me since I do not have a degree in
4 interior design, do I tell clients that?

5 Q. Yes.

6 A. I feel that even though I do not have a
7 degree, that since I passed the NCIDQ, because I keep
8 current with all of the courses, because I recently
9 became LEED AP, which is green design. I am also in
10 CAPS, certified aging in place.

11 I have always tried to stay abreast of what is
12 going on in the profession. So I don't think that to
13 tell them that I do not have a degree, that I feel that
14 I am qualified.

15 Also mentioning the NCIDQ, I really did before I
16 took that test sat down and read every book that was on
17 their list.

18 Q. It's an extensive list, isn't it?

19 A. It is.

20 Q. Think all those certifications you described
21 to me, LEED AP, and so forth, those are all private
22 certifying bodies in the sense they are not run by the
23 government.

24 A. Correct. LEED AP is sponsored by the United
25 States Green Building Council. Even though the name US

1 is in it, it is a private organization.

2 Q. I notice you got the ASID medalist award.

3 A. Yes.

4 Q. Was that for a particular project or effort of
5 some kind?

6 A. It was for community service and -- I'm not
7 positive exactly what it was for. Above what normally
8 one would do.

9 Q. You also got something called the Bud Merle
10 Award for service to the profession and community. Do
11 you remember that?

12 A. Yes, I do.

13 Q. Do you recall what that was for?

14 A. Same type of thing. You had to give a
15 portfolio and it was based on your design ability as
16 well as community service as well as -- I think that was
17 it.

18 Q. The last thing I was going to ask, you are on
19 the Advisory Board of the Art Institute of Fort
20 Lauderdale?

21 A. That is correct.

22 Q. What does that involve?

23 A. It's just -- the Art Institute is CIDA
24 accredited. Part of that is being, just like I
25 mentioned with NCIDQ, they want to stay current with

1 what is going on in the profession. So they have
2 meetings to basically be sure that their curriculum is
3 current with today.

4 Q. I have heard and I have actually spoken with a
5 number of interior design students who express a lot of
6 concern about being able to go out and find a position.

7 I call it apprenticeship. I know that is not the
8 usual term, but essentially a position that will enable
9 them to qualify for the experience component of the
10 licensure requirements in Florida.

11 Have you ever heard of students expressing that
12 concern?

13 A. Honestly having been associated as you well
14 know with the Art Institute of Fort Lauderdale as a
15 teacher, the Art Institute was always quite proud that
16 most times 98 percent of their students found work.

17 Now in this latest economy it is probably more of a
18 concern, but for years if you looked at those statistics
19 you will find that it was a very, very high percentage.
20 Almost 100 percent.

21 Q. From the Fort Lauderdale Art Institute?

22 A. Yes. So I cannot speak of any other because
23 that's the only one that I know.

24 (Thereupon, Plaintiff's Exhibit No. JS6 was marked
25 for identification.)

1 BY MR. NEILY:

2 Q. I will show you what has been marked as
3 Exhibit JS6. I represent to you that is another article
4 from the Sun Sentinel, also from 1995. I bracketed with
5 highlighting the part I want to call your attention to.
6 It looks like a series of quotes from you as to how
7 somebody might go about finding an interior designer.
8 Do you see that?

9 A. Yes.

10 Q. There is a quote that says, "You should ask
11 friends for referrals and check with professional design
12 organizations. When you have a list of names, check out
13 the designer's background carefully."

14 That is a quote from you, correct?

15 A. Correct.

16 Q. It goes on to say, "At ASID we ask that a
17 client interview several designers. If they are not
18 happy, we will give them more until they find the right
19 one."

20 "Shore adds that clients need to ask the right
21 questions such as requesting a list of the designer's
22 previous clients with whom they can speak and providing
23 a specific timeframe and budget."

24 Are those things -- do you think that people have
25 been receptive to that advice and do potential interior

1 design customers engage in those kind of activities to
2 check up on their interior designers they are thinking
3 about hiring?

4 A. I feel that they do. For instance, if you
5 were talking about your home and working with an
6 architect, I find that sometimes projects can be three
7 or four years long by the time you start with the
8 architect and do all the drawings and do construction
9 work. So you get to know your client very well.

10 Some clients are a little leery of just hiring
11 anyone because it is such a long term relationship in
12 many cases.

13 Q. In my experience it was a much longer term
14 relationship than I expected and I paid a terrible price
15 for not heeding the advice.

16 I loved what I got, but I hated getting it. It's
17 not uncommon, is it?

18 A. No.

19 (Thereupon, a brief recess was taken.)

20 BY MR. NEILY:

21 Q. We're back on the record after a short break.
22 I appreciate that you are still under oath, correct?

23 A. Yes.

24 Q. Let me just ask you if you know a handful of
25 people who have some involvement with interior design

1 here in Florida. Do you know David Butler?

2 A. Yes.

3 Q. You tell me who he is. How do you know him?

4 A. David Butler had been an instructor, if he
5 still is. I think he retired. Florida State.

6 I think I knew him originally because he was also a
7 former ASID north president. So I think it was through
8 some of those associations that I first met David a
9 number of years ago.

10 Q. My understanding is that he is or at least
11 recently was in charge of reviewing applications of
12 people who wanted to become state licensed interior
13 designers in Florida. Do you know whether that is true?

14 A. Yes, it is.

15 Q. Is that sort of a new thing or does the board
16 sort of outsource that sort of activity in the past or
17 do you know?

18 Maybe a better way to ask you is what sort of
19 expertise does he bring to the table?

20 A. Because he had been administrator at a
21 college, you have to realize that people who are in that
22 position see transcripts of people coming in from all
23 over the country. So because of this, they are quite
24 knowledgeable what the requirements are because
25 sometimes it is difficult from school to school.

1 If someone said they had art history or something
2 like design and space planning, what exactly does that
3 mean? What was in the syllabus? So he then has already
4 studied all of the other college information as to what
5 is included in that.

6 So I would think that due to all this, that he
7 would be excellent. It really does take specialized
8 training simply because myself, even though I have
9 taught, there is no way that I have ever had the
10 experience to know whether or not what somebody is
11 offering as design is the same as another college. Are
12 they covering the same materials?

13 Q. Thank you. Speaking of your teaching
14 experience, that was something I meant to cover with
15 you. Let's just do that real quick.

16 You are or have been an instructor at the Fort
17 Lauderdale Art Institute. Do you still teach there?

18 A. No, I do not. I only taught on a part-time
19 basis. I taught a variety of subject matters.

20 Q. Like what?

21 A. Color and composition. I taught basic design.
22 I taught business, business practices. I taught art
23 history, history of furniture. Quite a few different
24 classes.

25 MS. CLARK: Would it be all right if I went

1 back and asked some clarifying questions about
2 Mr. Butler?

3 MR. NEILY: Sure, absolutely.

4 CROSS EXAMINATION

5 BY MS. CLARK:

6 Q. Miss Shore, you were offering some answers
7 regarding why the board might have asked Mr. Butler to
8 review applications. Were you involved in the selection
9 of Mr. Butler for that purpose?

10 A. No, I was not.

11 Q. Have you ever heard discussed at the board
12 level Mr. Butler's hiring for that purpose in terms of
13 when the board was making a decision to do so?

14 Let me ask you this. Was that decision made by the
15 executive director of the board?

16 A. It was made by the executive director of the
17 board.

18 Q. So the board did not make that decision
19 directly.

20 A. That is correct.

21 Q. So you personally never participated in that
22 decision.

23 A. That is correct.

24 MR. NEILY: Okay.

25 DIRECT EXAMINATION (continued)

1 BY MR. NEILY:

2 Q. How about Emory Johnson? Do you know him?

3 A. Yes.

4 Q. How do you know Mr. Johnson?

5 A. Again, through ASID. He was very involved in
6 the North Florida chapter of ASID. So that is
7 originally how I met him. From time to time they would
8 have joint conferences with members coming from all over
9 the state.

10 Q. How about Janice Young? Do you know Miss
11 Young?

12 A. I do know Miss Young.

13 Q. How do you know her?

14 A. Same way. Another professional member.

15 Q. Of ASID?

16 A. Yes, and IDA.

17 Q. I understand she's also the president of IDAF.
18 Do you know whether that is true?

19 A. No, she is not. She is now past president and
20 Douglas Feldman is now president.

21 Q. I will show you what is marked as Exhibit JS7.

22 (Thereupon, Plaintiff's Exhibit No. JS7 was marked
23 for identification.)

24 BY MR. NEILY:

25 Q. I represent to you this is an e-mail dated

1 July 14, 2009 from Teri D'Amico to a list of people
2 including some of the people we just discussed.
3 Including all the people we just discussed.

4 A couple questions about the e-mail. On the second
5 page Miss D'Amico says that she's spoken with Joyce
6 Shore, chair of BOAID.

7 "She's a former teacher of mine and a friend, and
8 the info she can speak about right now is limited
9 because of the lawsuit." Are you friends with Teri
10 D'Amico?

11 A. The strange thing is I only -- I'm a graduate
12 of Ohio State. I only met Teri this summer. It turned
13 out that she was also a graduate of Ohio State.

14 It was the Alumni Association. I was introduced to
15 her by a mutual friend. So I cannot say that I am a --
16 I think I talked to her maybe three times. So I
17 wouldn't say she's a close friend of mine.

18 Q. On the bottom of the first page, it says,
19 "Here is the invite from Voytek." They ask if Teri
20 would pass this along to all group members, I assume
21 this e-mail. Do you know what group they are referring
22 to?

23 A. I honestly do not.

24 Q. I also notice that your name appears twice in
25 the "to" field. One is Joyce Shore at AOL.com and two

1 lines down there is just plain Joyce Shore with no
2 e-mail address. I highlighted both of those. Do you
3 see that?

4 A. Yes.

5 Q. Normally what that means in my experience is
6 the person receiving that e-mail is receiving it at two
7 different e-mail addresses.

8 I'm just wondering, did you get this e-mail at two
9 different e-mail addresses or do you remember?

10 A. I only have one e-mail address and I think
11 what the difference is, is that Teri D'Amico is also an
12 AOL member and because she is an AOL member, she does
13 not have to put AOL after my name.

14 Q. Got you. On the second page it mentions that
15 they are having a meeting which apparently the subject
16 will be "Open forum meeting to discuss the recent
17 threats to licensing and our profession." Do you see
18 that?

19 A. I do.

20 Q. Do you know what she's referring to?

21 A. I was not at the meeting and I'm not sure then
22 that I can, since I was not a part of that meeting, can
23 answer you as to what they are referring to.

24 Q. Again, sort of putting the cards on the table,
25 I can only imagine it has to do with this lawsuit

1 because I have heard a lot of people complaining about
2 threats to the profession, and the only thing I ever
3 heard anybody mention in connection with threats to the
4 profession is this lawsuit.

5 Miss D'Amico also mentions she's spoken to you in
6 context that suggests that it's about the subject matter
7 of the e-mail. I was wondering if that helps refresh
8 your recollection whether you know what this e-mail is
9 about.

10 MR. GLOGAU: Objection. Speculation and asked
11 and answered.

12 Q. Does that help refresh your recollection at
13 all?

14 You can answer. When they object, it's to form.
15 If you are not supposed to answer, they will tell you.

16 A. Would you please repeat the question?

17 Q. There is this e-mail that says there will be a
18 big meeting to talk about recent threats to licensing
19 and the profession, and the sender of the e-mail says
20 she's spoken with you in the context that seems to
21 suggest what she's spoken to you about the subject
22 matter of the e-mail.

23 I'm just wondering if you know from your
24 recollection of your discussion with Miss D'Amico or
25 from the context of this e-mail what this e-mail was

1 about.

2 A. I would assume that you are correct.

3 Q. You assume. Why?

4 A. That the lawsuit would be one of the items
5 that they could be concerned about.

6 Q. If I understand your former testimony, it was
7 that you did not attend this particular meeting, is that
8 true?

9 A. That is true.

10 Q. Have you just sort of generally speaking ever
11 gone out to address interior designers about concerns
12 they might have about threats to the profession?

13 A. No, I have not. They certainly feel it would
14 not be in the best interest of the board, and I would
15 not consider doing something like that.

16 Q. Have you ever been on the IDAF website that
17 you can recall?

18 A. When I was president, we did not have a
19 website. So I do --

20 It's something new and I probably have been there
21 once, but it isn't someplace that I frequent. So I am
22 not that familiar with what is there.

23 Q. I won't go through this in any particular
24 detail, but there is actually quite a lot of material on
25 the IDAF website about the history, legislation and

1 history.

2 I want to ask you just about a couple of
3 representations they make to see if you know based on
4 your experience whether they are true and whether you
5 can shed any light.

6 There is a statement in here. It asks -- it's kind
7 of a question and answer format. Who wrote our bills?
8 Title Act and Practice Act.

9 Statement from IDAF is the language was first
10 crafted with assistance from Florida Attorney Paul
11 Lambert and ASID North and South for title act. The
12 Practice Act bill was crafted over time so we can see
13 what was going to be necessary.

14 Attorneys in Tallahassee including attorneys who
15 sued BOAID for ASID North were involved in the language.
16 And ASID north lead the way and paid the bill.

17 Do you have any knowledge about any of that?

18 A. The knowledge I have is limited because as I
19 mentioned previously, most of those things did happen in
20 North Florida and so I do feel that from my limited
21 knowledge I would say that is fairly accurate. But I
22 cannot say it's definitely. From what I understand it
23 would be fairly accurate.

24 Q. Where does that understanding come from?

25 A. Being involved with my association ASID.

1 Q. Being involved in what?

2 A. Just being involved in ASID. As you remember,
3 that was when I was -- about the time I was president.

4 Q. So were you sort of kept abreast of those
5 efforts by virtue of your role as president of ASID
6 South?

7 A. To a degree because it happened so very, very
8 rapidly. I don't think that we really knew too much
9 what was going on until almost after the fact.

10 Q. Do you know whether the national ASID provided
11 any financial support for that effort?

12 A. The best of my knowledge they did not.

13 Q. Do you have a sense of how that came about?

14 What was it that triggered this effort to expand
15 the Title Act into a full blown Practice Act if you
16 know?

17 A. If my recollection is correct, it was that
18 architects would control everything from specifying
19 carpeting and basically taking away most of the rights
20 that we had as interior designers to do anything. So
21 that put the action into motion.

22 Q. Some sort of push for regulation by
23 architects?

24 A. Yes.

25 Q. There is a statement on the IDAF website that

1 I just want to see if you can sort of illuminate for me.

2 A. All right.

3 Q. I will preface by representing to you there
4 are only three states in the country that regulate the
5 practice of interior design, which means that in 47
6 states anyone is free to perform any kind of interior
7 design service.

8 The statement I want to ask you about is on the web
9 page of IDAF entitled Design Community, second
10 paragraph.

11 It says without the interior design practice act,
12 the laws clearly indicate that commercial interiors can
13 only be completed by licensed architects, and projects
14 that currently allow some 2300 interior designers to
15 sign and seal drawings for building permits will be lost
16 forever.

17 Going back to the first part of that, without the
18 interior design practice act, the laws clearly indicate
19 that commercial interiors can only be completed by
20 licensed architects, are you aware of any such laws?
21 Because I haven't been able to find them.

22 MS. CLARK: May I clarify? Are you asking
23 about the historical perspective on the ASID
24 website and her knowledge, or are you asking for
25 her interpretation of the current laws today?

1 MR. NEILY: I'm asking her as a working
2 interior designer if the Practice Act were
3 eliminated from the books, which is what this
4 lawsuit is trying to do, is it your understanding
5 that you would be prevented from working for
6 example in commercial interiors, and if so why?

7 A. I would assume that what they are getting at,
8 and again, this is only my own personal assumption is
9 because as you asked before, how did the Practice Act
10 come into being?

11 Architects were going -- we would have had to work
12 directly under them. So they are probably referring to
13 what had happened before when we were a title act and
14 they were concerned that this could happen again.

15 I don't think that it is saying that it absolutely
16 would, but it could be a concern.

17 Q. Just to be clear, that effort by the
18 architects I will represent to you that Emory Johnson
19 testified yesterday in his deposition that effort was
20 unsuccessful and there is no such regulation presently
21 on the books. Is that your understanding as well?

22 A. That is my understanding.

23 Q. As a working interior designer and teacher of
24 interior design, Miss Shore, what is your understanding
25 of the term non-structural elements of the interior of a

1 building or structure?

2 A. Structural elements -- let's start there --
3 are the elements that support the building. So
4 non-structural elements is if you take them out, the
5 building will still stand. It's that simple.

6 Q. It is simple. I never thought of it that way.
7 Looking around the room we're sitting in here today, can
8 you point out some non-structural interior elements for
9 me?

10 A. The wall here, we know that it is
11 non-structural because you don't know -- you just can't
12 look at a room to determine whether or not it is a
13 structural support or not. We would need to see where
14 the roof plan is.

15 There is many other elements, but looking at it you
16 cannot tell.

17 MR. GLOGAU: Let the record reflect she's
18 pointing to a folding wall.

19 Q. I call your attention to Exhibit JS1. It says
20 "Our Services".

21 A. Yes.

22 Q. Underneath Areas of Design Expertise, would
23 art/antiques constitute a non-structural interior
24 element?

25 A. I guess they would, yes. I'm surprised though

1 because when you think of non-structural elements, I
2 generally think of antiques as accessories. Nothing to
3 do with the building structure.

4 Q. But the term is non-structural elements,
5 right?

6 A. Correct.

7 Q. So it could encompass art and antiques.

8 A. It could.

9 Q. What about furnishings, wall coverings, window
10 treatments, flooring?

11 A. They would be non-structural.

12 Q. Would they be non-structural interior
13 elements?

14 A. Yes.

15 Q. What about lighting?

16 A. Lighting is non-structural, but one does have
17 to be concerned about the structural as to their
18 placement.

19 Q. I have these lights that hang down from my
20 ceiling.

21 A. Pendant lights.

22 Q. Would those be within the definition of
23 non-structural interior elements?

24 A. Yes. Again, my definition of structural is
25 anything that supports the roof to make the building

1 stand up. So anything that does not allude to that,
2 have anything to do with supporting the building would
3 be non-structural.

4 Q. I was trying to get a better handle on the
5 word "elements".

6 Is that pretty much everything inside the four
7 walls that is not holding up the building?

8 A. I guess, yes.

9 Q. To use another example from my own history,
10 one of the things that happened on my project was the
11 exhaust hood above my cook top, somehow the apron or
12 skirt, the things that extends and catches the smoke
13 from the stove top -- in any event, it's incomplete.

14 I asked the expert witness that was deposed
15 yesterday who my side has retained how I might go about
16 fixing that problem.

17 I'm curious whether in your mind that would
18 constitute a consultation. Do you think that is enough
19 to be a consultation? I just asked her how could I fix
20 this situation I have.

21 MR. GLOGAU: Object to the extent it calls for
22 a legal opinion. If you are asking just in a
23 general concept the word consultation --

24 Q. Let's put it this way. You are a working
25 interior designer, correct?

1 A. Yes.

2 Q. You understand that one of the provisions of
3 the statute that you are responsible for adhering to
4 makes it a crime for you to aid or abet the unlicensed
5 practice of interior design. Do you understand that?

6 A. Yes.

7 Q. Let's say that you had recommended to me that
8 I go and ask an unlicensed person -- said I don't know
9 anything about vents or exhaust vents. I think you
10 should go ask Jerry Bowden about that.

11 Jerry Bowden is not licensed here in the State of
12 Florida, and I'm curious based on your experience and
13 understanding as a working interior designer who is
14 subject to the law in Florida, do you think that would
15 constitute a forbidden consultation such that you could
16 be guilty of aiding and abetting?

17 MR. GLOGAU: Objection.

18 Q. You are subject to this law as a working
19 interior designer. You recognize that, correct?

20 A. I feel that your interpretation is not -- I'm
21 not sure I'm quite understanding.

22 I don't think that your interpretation of the law
23 the way that I understand it is exactly --

24 Q. I'm off base?

25 A. You are.

1 MS. CLARK: First I would like to point out
2 and state an objection that the hypothetical that
3 you presented is the type of question that could
4 come before the board and would require her to act
5 in an adjudicatory function in answering that
6 question. As such, she's not able to discuss
7 anything that is or could come before the board.

8 MR. NEILY: As we discussed off the record
9 before the deposition, I respectfully disagree with
10 that position. Miss Shore wears more than one hat.
11 This was explained to the court already.

12 The court issued an order which I realize we
13 disagree about, but that I believe an aspect of
14 which we are permitted to ask Miss Shore about her
15 understanding of the law as it applies to her as a
16 working interior designer.

17 I described an aspect of the law that applies
18 to Miss Shore as a working interior designer and
19 I'm asking for her understanding of the law in that
20 context.

21 I don't believe that is covered by the order
22 which was an order denying the motion for
23 protective order.

24 What we're trying to do is just determine Miss
25 Shore's understanding of the law as it applies to

1 her as a working interior designer.

2 MS. CLARK: The order to which you refer says
3 you have agreed that you will not ask questions
4 about any specific adjudicative decision which she
5 may have made as chair.

6 I would argue that would extend to something
7 that she could be asked to give an adjudicative
8 decision. When you are asking her whether or not
9 it would constitute a violation of the law, that is
10 something that she is required to do as a member of
11 the board when those situations come before the
12 board.

13 MR. NEILY: That was past tense, the provision
14 you just read. I think that is an over read.

15 What I propose to do is we will keep a list of
16 things. If you instruct Miss Shore not to answer
17 the question, I would like you to do so on the
18 record. We will keep a list of the questions.

19 Would anybody like to instruct Miss Shore not
20 to answer that question?

21 MS. CLARK: Yes. I will instruct you not to
22 answer that question.

23 BY MR. NEILY:

24 Q. Let's get a clear record. The question I
25 asked is based on your experience as a state licensed

1 working interior designer, do you believe that if you
2 suggested that I go and ask a non-licensed person how to
3 solve a problem I have with my kitchen exhaust hood,
4 would that potentially constitute a violation of the
5 statute in that you were essentially aiding and abetting
6 the unlicensed practice of interior design by suggesting
7 that I go and talk to a non-licensee about an interior
8 design related problem that I was having? That is my
9 question.

10 MR. NEILY: Now I would like to have a clear
11 record. Are you instructing the witness not to
12 answer that question?

13 MS. CLARK: I am instructing her based on the
14 mental process privilege not to answer that
15 question.

16 MR. NEILY: I will designate that as question
17 one for the court so we can have an easier time
18 finding it in the record.

19 I will go right into the part of the
20 deposition where I will ask her some questions
21 about drawings. I suspect we will run into some
22 similar issues here.

23 (Thereupon, Plaintiff's Exhibit No. JS8 was marked
24 for identification.)

25 BY MR. NEILY:

1 Q. This is my only copy, so we will share. JS8,
2 I represent that is a rendering created by a gentleman
3 named Juan Montoya.

4 Juan Montoya was the subject of a disciplinary
5 action for unlicensed practice in Florida and that
6 proceeding has been terminated. I have one question
7 about Exhibit JS8.

8 Miss Shore, based on your experience as a working
9 interior designer and former teacher of interior design,
10 do you understand or do you have a belief about whether
11 the pictures depicted, the drawings depicted in Exhibit
12 JS8 would or would not be covered by Florida interior
13 design law?

14 MS. CLARK: Objection. Given you have
15 clarified that the picture shown to Miss Shore was
16 obtained as part of an unlicensed activity
17 disciplinary case and that is a matter that the
18 board has jurisdiction over, I will instruct Miss
19 Shore not to answer based on the mental process
20 privilege because that is a matter that either did
21 come before the board or could come before the
22 board under their jurisdiction.

23 MR. GLOGAU: I think that's pretty clear that
24 did come before the board. That was from the
25 enforcement action that you prefaced your question.

1 MR. NEILY: That's actually not correct. My
2 understanding of that file, these pictures were not
3 part of this disciplinary action. In fact, it was
4 the terminology that was used in the contract that
5 Mr. Montoya signed with the property developer.

6 So I don't believe this issue did come before
7 the board, but we can check that. Moreover, I
8 didn't ask Miss Shore based on her capacity as a
9 board member. I asked her in her capacity as an
10 experienced interior designer.

11 There is no point in arguing about each one
12 individually. I will designate that as question
13 two for the court.

14 (Thereupon, Plaintiff's Exhibit No. JS9 was marked
15 for identification.)

16 BY MR. NEILY:

17 Q. Miss Shore, I'm handing you what has been
18 marked Plaintiff's Exhibit JS9. It has another exhibit
19 sticker from a previous deposition that I crossed out.

20 I represent to you that Exhibit JS9 is a series of
21 drawings that was created by an individual who sells
22 retail display items. I believe these were drawings
23 related to a clothing store. I ask you the same
24 question I asked you before.

25 Based on your experience as an interior designer

1 and a former instructor of interior design, do you have
2 an understanding whether or not the drawings depicted in
3 Exhibit JS9 would or would not be covered by Florida's
4 interior design law?

5 MS. CLARK: Objection. Mental process
6 privilege. Miss Shore as a member of the board is
7 required to formulate interpretive answers given
8 that the board has jurisdiction over unlicensed
9 activity. Either this drawing or drawings of this
10 nature could come before her in an adjudicatory
11 fashion and require her legal opinion. I will
12 instruct you not to answer, miss Shore.

13 MR. NEILY: We will designate that as question
14 three for the court.

15 BY MR. NEILY:

16 Q. Miss Shore, I will hand you what has been
17 marked Plaintiff's Exhibit JS10.

18 (Thereupon, Plaintiff's Exhibit No. JS10 was marked
19 for identification.)

20 Q. I represent to you those are drawings that
21 were printed out from a website of a hotel giving
22 illustrations of what sort of hospitality furnishings
23 were.

24 I have the same question that I asked you before
25 with respect to the preceding exhibits.

1 Based on your experience as a working interior
2 designer and former instructor of interior design in
3 Florida, do you have an understanding if the drawings
4 depicted in JS10 would be covered by the Florida
5 interior design law?

6 MS. CLARK: Objection. Mental process
7 privilege. Miss Shore in her capacity as a member
8 of the Board of Architecture and Interior Design is
9 required to provided adjudicatory decisions over
10 unlicensed activity and what constitutes unlicensed
11 activity. As such, I will instruct her not to
12 answer that question.

13 MR. NEILY: I will designate that question as
14 question four for the court.

15 BY MR. NEILY:

16 Q. So changing from drawings, you are aware, Miss
17 Shore, are you not, that in January of 2009 the board
18 issued a declaratory order essentially offering, as I
19 interpret, what amounts to an interpretation of the
20 Florida interior design law as it applies to people who
21 sell particular kinds of furnishings.

22 The gist of it was office furnishings, but the
23 interpretive order goes further. Do you recall the
24 board issuing such a declaratory order?

25 A. I do.

1 Q. Were you involved in the petition for
2 clarification and formulation of the declaratory order
3 that was then issued?

4 MR. GLOGAU: I will object to the form of that
5 question.

6 Q. You can answer if you understand.

7 MS. CLARK: You asked if she was involved in
8 the petition. No, she wasn't.

9 Q. Let me put it this way. That declaratory
10 order was prompted by a document entitled Petition for
11 Declaratory Statement before the Florida Department of
12 Business and Professional Regulation, Board of
13 Architecture and Interior Design. And one of the
14 petition entities was IDAF we talked about before. You
15 understand that?

16 A. I do.

17 Q. My question is whether you participated in the
18 review of that petition and the sort of formulation of
19 policy that was then reflected in the final order dated
20 January 23rd, 2009?

21 MS. CLARK: I will object to the word
22 "policy".

23 MR. GLOGAU: Were you involved with that?

24 A. I was there the day that they voted on it,
25 yes.

1 Q. Without telling me what it was, did you cast a
2 vote?

3 A. I did not.

4 Q. Was there any particular reason why not?

5 A. Because I was chair.

6 Q. I see. You don't vote on those kind of things
7 if you are chair?

8 A. Correct.

9 Q. I will tell you that I discussed this at David
10 Minacci's deposition. I can't reconcile some of the
11 language in the final order with the text of the
12 statute, and I was wondering if you can help me with
13 that.

14 MS. CLARK: Objection.

15 MR. NEILY: Why? She just testified she
16 wasn't involved in the formulation of this final
17 order so it will not come before her.

18 MS. CLARK: Mr. Neily is asking a question
19 regarding an adjudication of the board and the
20 order --

21 The order the judge issued in this case
22 regarding this deposition specifically addresses
23 whether or not she would be asked any questions
24 regarding the adjudications of the board. The
25 reasoning of the order states that it's agreed

1 she's not to be asked these questions, and I would
2 instruct the witness not to answer based on mental
3 processes privilege.

4 MR. NEILY: For clarification, the witness
5 just testified that she was not involved in or did
6 not vote on the matters reflected in the final
7 order. I want to make that clear on the record.

8 I will also mark the final order as Exhibit
9 JS11.

10 (Thereupon, Plaintiff's Exhibit No. JS11 was marked
11 for identification.)

12 BY MR. NEILY:

13 Q. I crossed out a previous exhibit sticker.
14 Just so the record is clear, all I'm trying to do is to
15 see if, again, based on your experience as a working
16 interior designer, someone who is bound by Florida law,
17 specifically the interior design law, you are able to
18 explain to me the board's conclusion in Paragraph 12
19 where it says that no license is required under Chapter
20 481 for the sale of furnishings as defined below in the
21 next paragraph, whether or not offered for sale at
22 retail or offered for sale by retail establishments or
23 whether offered or sold for delivery based on a diagram
24 reflecting the placement of the furnishings.

25 So the record is clear, the problem that I have

1 with that text is that it appears to essentially bypass
2 the specific provisions of what we call the retail sales
3 exemption. This is something discussed at David
4 Minacci's deposition.

5 MR. NEILY: I would like to ask the witness
6 for clarification of that point. My understanding
7 is that counsel for the board is instructing the
8 witness not to answer those questions, is that
9 correct?

10 MS. CLARK: That's correct. And Mr. Neily,
11 while I appreciate your position that you are
12 asking for her experience as a licensed interior
13 designer and instructor, this decision occurred and
14 her participation in it and knowledge of it came
15 solely as a result of her membership on the board
16 and it cannot be separated because that is what her
17 experience with this is as a member of the board
18 who participated in the discussion that resulted in
19 an adjudication by the board in this matter on the
20 declaratory statement.

21 Q. One last question. Miss Shore, as you sit
22 here today are you aware of any evidence that the
23 Florida interior design law has promoted public health,
24 safety or welfare in any manner?

25 MS. CLARK: Objection. Mr. Neily, the board

1 is required to opine and interpret and enforce the
2 laws that currently exist in Florida that state as
3 their mission to protect the health, safety and
4 welfare of the citizens and that legislature has
5 declared that regulation of interior design is
6 necessary to do those matters.

7 I would state that you are asking for a mental
8 process interpretation from Miss Shore and that
9 she's not able to give that to you based on the
10 mental process privilege while she's a member of
11 the Board of Architect and Interior Design.

12 MR. NEILY: Miss Shore was a past president of
13 the Florida South chapter of the ASID. She's a
14 past president of the Interior Design Association
15 Foundation.

16 Both of those organizations were intimately
17 involved in the attempt to expand Florida's
18 interior design law from a Title Act to a Practice
19 Act.

20 Representations were made to the legislature
21 that a basis for doing so was to protect public
22 health, safety and welfare, and I'm asking Miss
23 Shore based on her experience in those leadership
24 positions and/or as an interior designer, if she's
25 aware of any evidence that the Florida interior

1 design law promotes public health, safety or
2 welfare in any way, and not in her capacity as
3 chair of the Florida State Board of Architecture
4 and Interior Design.

5 MS. CLARK: Mr. Neily, would you be willing to
6 clarify your question to ask her whether or not she
7 was aware of any evidence at the time that she was
8 serving in those capacities back in '94 and '95 as
9 opposed to now as she's a member and chair of the
10 board?

11 MR. NEILY: Sure. I will start with that. I
12 would like to get an answer to that question.

13 Q. At any time before you began your service with
14 the state board, were you aware of any evidence that
15 Florida's interior design law promoted public health,
16 safety or welfare in any way?

17 A. Aware is one of those words that is very hard
18 to describe. There are many ways of explaining it.

19 We were talking about a board member who is in a
20 wheelchair and I know that when there is an interior
21 that is not done correctly, that the carpet is too high
22 and it is difficult to wheel through.

23 I notice that there had been changes due to the ADA
24 Act with wider doors, things like that, rest rooms that
25 interior designers -- probably that was for the welfare.

1 I know things like mildew. You know there are
2 certain wall coverings that we as professionals will
3 specify that helps protect so that mildew -- put it on
4 exterior walls. I do feel it helps with the welfare and
5 the safety.

6 For instance, in this room it is all enclosed.
7 Carpet off gases, wallpaper off gases. There are fumes
8 when you install carpeting that can be harmful. I think
9 that would be another example as a professional we are
10 concerned about. It does affect your welfare. You are
11 still breathing in this room.

12 Q. People are still breathing in Virginia where
13 I'm from. There is no licensing in Virginia. The same
14 is true in Boston where my parents live, California
15 where my friends and cousins live.

16 My question is different. As I understand it, you
17 told me different ways in which you think it's important
18 for someone to be competent, correct?

19 A. Correct.

20 Q. What I'm asking for is slightly different.
21 Are you aware of any evidence that Florida licensing
22 requirements have in fact benefited the public with
23 respect to health, safety or welfare, not sort of
24 whether they could. That is an important distinction.

25 MR. GLOGAU: I also suggest that question has

1 been answered in interrogatories.

2 MR. NEILY: If the defendants want to stand on
3 their answers in the interrogatories, that is
4 satisfactory to me. Is that what the defendants
5 wish to do?

6 MR. GLOGAU: Yes.

7 MR. NEILY: With the exception of the six
8 questions in which the witness was instructed not
9 to answer, that concludes my list of questions
10 today.

11 I don't think it's necessary to involve the
12 court at this point. I think what would be better
13 is if counsel met and attempted to work through
14 some of these issues. And if that is unsuccessful,
15 we can decide whether to take this up with court at
16 a later time. Is that acceptable with opposing
17 counsel?

18 MR. GLOGAU: Yes.

19 A. May I make a comment?

20 Q. Of course.

21 A. I understand the point you are getting at, but
22 the problem is even if I were allowed to speak just
23 because you show me a rendering, sometimes anybody can
24 hire someone who does no more than a rendering.

25 Just by slowing a rendering would not mean whether

1 a person needed to be licensed or non-licensed. I think
2 that you need to be clear with how you are presenting
3 things.

4 Your situation with the hood, just calling a
5 consultant, what does this mean? What specifically
6 would you ask this consultant to do? I think you need
7 to work on your questions because I couldn't personally
8 answer either one of those. You look at these. Is this
9 to scale?

10 Q. You are holding JS10 in your hand.

11 A. Any of these. The problem is when it's not to
12 scale, as a licensed interior designer I look at things,
13 and sometimes even if the dimensions are not there, I
14 can tell just because I'm familiar.

15 Those are copies. So you really can't tell just by
16 looking at some like this.

17 I don't know what point you are getting to, but
18 most people could not answer those questions. If those
19 are going to be the questions, I think you need to
20 either rework these or give some indication as to where
21 you are going with it.

22 Q. So to summarize, you would need information
23 from me before you would even be able to answer the
24 questions?

25 A. Correct.

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CERTIFICATE OF OATH

STATE OF FLORIDA
COUNTY OF BROWARD

I, the undersigned authority, certify that the
aforementioned witness personally appeared before me
and was duly sworn.

WITNESS my hand and official seal this 28th day
of November, 2009.

Janet C. Marshall
Registered Professional Reporter
Notary Public-State of Florida
My Commission No. DD 438209
Expires: July 27, 2013

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C E R T I F I C A T E

STATE OF FLORIDA
COUNTY OF BROWARD

I hereby certify that I have read the foregoing deposition given by me, and that the statements contained therein are true and correct to the best of my knowledge and belief, with the exception of any corrections or notations made on the errata sheet, if one was executed.

Dated this _____ day of _____,
2009.

Joyce Shore

C E R T I F I C A T E

STATE OF FLORIDA
COUNTY OF BROWARD

I, JANET C. MARSHALL, Registered Professional Reporter, State of Florida at Large, do hereby certify that the aforementioned witness was by me first duly sworn to testify to the whole truth; that I was authorized to and did report said deposition in stenotype and that the transcript is a true and correct transcription of my shorthand notes of said deposition.

I further certify that said deposition was taken at the time and place hereinabove set forth and that the taking of said deposition was commenced and completed as hereinabove set out.

I further certify that I am not an attorney or counsel of any of the parties, nor am I a relative or employee of any attorney or counsel of any party connected with the action, nor am I financially interested in the action.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of November, 2009.

JANET C. MARSHALL
Registered Professional Reporter