

# **MINUTES**

## **UNIFIED BOARD OF DESIGN PROFESSIONALS DIVISION WITHIN THE DEPARTMENT OF BUSINESS REGULATION (DBR)**

**Initial Organizational Meeting**

**Public Meeting**

**January 23, 2008, 2:00 PM**

**Department of Administration Building**

**Conference Room C**

**Board Members present were:**

**Richard A. Bernardo, PE**

**L. Robert Smith, PE**

**Dana M. Newbrook, NCARB, AIA**

**Wilbur E. Yoder, AIA, PE, NCARB**

**James R. Carlson, NCARB, AIA**

**Joseph A. Cirillo, RA, AIA, NCARB**

**Richard S. Lipsitz, PLS**

**Thomas D. Drury, Jr., PLS**

**Alfred W. DiOrio, PLS**

**James J. Reddington, Jr., PLS**

**John C. Carter, LA**

**Sara Bradford, LA**

**Susan Votta, LA**

**Others present were:**

**A. Michael Marques, DBR Director**

**Brian J. Riggs, DBR Budget Administrator**

**Peter N. Dennehy, Department of Administration (DOA), Deputy Chief  
Legal Counsel**

**Adam J. Sholes, Special Assistant Attorney General**

**Dawne Broadfield, Recording Secretary**

**Lois Marshall, Administrative Assistant**

**Christina M. Styron, Administrative Assistant**

**Girard R. Visconti, Esq., Visconti & Boren, Ltd.**

**1. Called to Order – Mr. Marques**

- **The meeting was called to order at 2:05 p.m. on January 23, 2008 by  
Director Marques.**

## **2. Creation of the Unified Board.**

- **Hand-out – Letter of December 11, 2007**
- **Overview by A. Michael Marques, DBR Director**

**Director Marques corrected the references of the Boards as sub-committees in his December 11, 2007 correspondence. The former Boards are now referred to as Committees. Effective January 1, 2008, a new structure has to be developed for the Unified Board to move forward.**

## **3. Appointment by Governor Carcieri of Richard Bernardo to a five-year term as Chair of the Unified Board.**

**Director Marques announced the appointment of Richard A. Bernardo to a five-year term as Chair of the Unified Board expiring January 31, 2013.**

## **4. Creation of Committees and designation of voting Committee members**

- **Architects Committee**
- **Landscape Architects Committee**
- **Professional Engineers Committee**
- **Professional Land Surveyors Committee**

**The Committees consist of the existing Boards.**

**The designation of the voting members is as follows:**

**Richard A. Bernardo and L. Robert Smith have been appointed the two initial voting members for the Professional Engineers Committee.**

**James R. Carlson and Wilbur E. Yoder have been appointed the two initial voting members for the Architects Committee.**

**John C. Carter and Sara Bradford have been appointed the two initial voting members for the Landscape Architects Committee.**

**Richard S. Lipsitz and Thomas D. Drury, Jr. have been appointed the two initial voting members for the Land Surveyors Committee.**

**L. Robert Smith, PE, asked Director Marques whether or not the eight voting members included the Chair or was the Chair in addition to the eight voting members for a total of nine. Director Marques would request his legal counsel to review this.**

## **5. Discussion of duties of Committees**

- Fulfill all pre-existing statutory duties such as licensing and**

## **disciplinary issues**

- **Create organizational processes**
- **Hold monthly meetings, as warranted, prior to the Unified Board meeting.**

**It is Director Marques' view that the Committees should continue to meet with all of their pre-existing members. However, only the two voting members can vote at the Unified board meetings. Additionally, he plans to establish procedures and processes for the Committees by re-promulgating their rules and regulations and creating "Operational Regulations" or "By-Laws" that would be used to operate the Unified Board.**

**Mr. Bernardo questioned if each one of the Committees could operate under their existing rules and regulations and statutes on a monthly basis, submit their reports and minutes of meetings as the agenda for the Unified Board. The Unified Board could then meet on a monthly basis to accept those reports and minutes and that will meet the requirements of the law.**

## **6. Discussion of Unified Board duties**

- **Administrative Functions**
- **Adopt, reject or modify recommendations from Committees**
- **Pass along its recommendations to the DBR Director, who may adopt, reject or modify recommendations**

**Director Marques stated that he has a right to adopt, reject or modify recommendations for any divisions under DBR. Director Marques stated that he would verify whether or not the proper procedures were followed. Director Marques also indicated that there is an appeal process for decisions. That appeal can be made to him and/or to the Superior Court.**

**Mr. Carlson asked Director Marques if he would work with the Committees in correcting this legislation. Director Marques indicated that he would, once the Committees have tried to make the present legislation work. Director Marques has to show progress to the General Assembly. Then if it does not work, the reasons why it does not work then can be presented.**

**Once the Unified Board is constituted and voting members are established, Director Marques will turn the meetings over to the Chair. Director Marques intends only to be a guest at any future meetings and would only interject if there is not a working Board.**

## **7. Discussion and implementation of operating considerations**

- **Frequency and locale of meetings. - Mr. Carlson moved to meet on a monthly basis to affirm the monthly Committee meetings. Mr. Lipsitz seconded. Mr. Smith opposed. Motion carried. These meetings will be scheduled at the Department of Administration (DOA). Mr. Lipsitz moved to meet on the fourth Wednesday of the month at 3:00 p.m. Mr. Yoder seconded. Motion carried.**

- **Quorum requirements (5)**

- **Designation of recording secretary – has been assigned to Dawne Broadfield.**

- **Composition of Board members (voting: 2 per prior Boards – existing Chair and Vice-Chair, unless otherwise indicated). - As noted in Agenda Item #4.**

- **Discussion: Role of Board Counsel and Attorney General representative**

**Mr. Bernardo questioned the role of the Attorney General Representative, since there are still some ties to the Professional**

**Engineers Committee. Attorney Sholes stated that he was told to relay a message from his superior James Lee, Chief of the Civil Division, that the previous decision still stands and that an Attorney General Representative will not be attending the monthly meetings of the Committees and/or Unified Board. Attorney Dennehy will attend all of the Committee/Unified Board meetings during the transition period.**

#### **8. Report of Professional Engineers Committee meeting of January 16, 2008**

- Mr. Carlson moved to affirm the Professional Engineers Committee Meeting and the votes taken. Mr. Smith seconded. Motion carried.**
- Director Marques stated that when examination results are received, the examination results cannot be changed and are required by contract to be accepted as is. The individual Committee would need to accept the examination results without bringing those results back to the Unified Board.**

#### **9. Any other business**

**Director Marques announced that Attorney Girard R. Visconti was present and requested to address the Unified Board on his position on the legislation that formed the Division of Design Professionals on behalf of James R. Carlson, NCARB, AIA. Attorney Visconti gave his**

**opinion that this statute was poorly written. Attorney Visconti indicated that there was a major conflict between the 2007 legislation and the current four statutes, that there could be a conflict with voting issues, that there could be a deadlock on the eight votes and who breaks the deadlock and that there is nothing in the new statute which addresses appeals. Attorney Visconti also notified the Unified Board that he is going to voice his opinion to the legislators and ask the legislators to consider repealing this statute.**

#### **10. Adjourn to Executive Session, if necessary**

**No adjournment to Executive Session was necessary.**

#### **11. Adjourn**

**The next Unified Board meeting will be held on February 27, 2007 at 3:00 p.m. at the Department of Administration Building, Conference Room C, One Capitol Hill, 2nd Floor, Providence, RI 02908. With no further business coming before the board, Mr. Smith moved to adjourn the meeting at 3:21 p.m. Mr. Lipsitz seconded. Motion carried.**

**Respectfully submitted,**

**Richard A. Bernardo, P.E.**

**Chair**

**Prepared by: Dawne Broadfield, Recording Secretary**