

# **MINUTES**

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

**Unified Board Meeting**

**Public Meeting**

**April 23, 2008, 3:00 PM**

**Department of Administration Building**

**Conference Room C**

**Voting Board Members present were:**

**Richard A. Bernardo, PE**

**L. Robert Smith, PE**

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

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

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

**John C. Carter, LA**

**Sara Bradford, LA**

**Non-Voting Board Members present were:**

**None**

**Others present were:**

**Richard W. Bernstein, DBR Executive Counsel**

**Dawne Broadfield, Recording Secretary**

**1. Called to Order**

- **Chair Bernardo called the meeting to order on April 23, 2008 at 3:00 p.m.**

**2. Acceptance of the March 26, 2008 Meeting Minutes.**

- **Mr. Yoder moved to accept the March 26, 2008 meeting minutes. Mr. Smith seconded. Motion carried.**

**3. Discussion on the Preparation of “Operating Procedures and Guidelines” for the Unified Board**

- **At the last meeting it was agreed on that this item will remain on the agenda. This Board will not move forward with the development of its “Operating Procedures and Guidelines” until such time as the Committees have their amended “Rules and Regulations” in place. Therefore, this item has been continued.**

**4. Report of Architects Committee meeting of April 16, 2008**

- **Mr. Carlson moved to accept the Architects Committee Meeting**

**minutes of April 16, 2008. Mr. Yoder seconded. Motion carried.**

**4(a) Acceptance of the Architects Committee's Executive Session Summary of the April 16, 2008 Meeting.**

**• Mr. Carlson moved to accept the attached, Exhibit A, Architects Committee's Executive Session Summary of April 16, 2008. Mr. Yoder seconded. Motion carried.**

**5. Report of Professional Engineers Committee meeting of March 26, 2008**

**• Mr. Smith moved to accept the Professional Engineers Committee Meeting minutes of March 26, 2008. Mr. Yoder seconded. Motion carried.**

**5(a) Acceptance of the Professional Engineers Committee's Executive Session Summary of the March 26, 2008 Meeting.**

**• Mr. Smith moved to accept the attached, Exhibit B, Professional Engineers Committee's Executive Session Summary of March 26, 2008. Mr. Yoder seconded. Motion carried.**

**6. Legislation – Introduction of Bill #2008 – H 8076**

**• Bill #2008 – H 8076 was introduced by Representative Donald J.**

**Lally, Jr., House Deputy Majority Leader, and referred to the House Finance Committee. Mr. Joseph Cirillo, member of the Architects Committee, is working with his State Senator to introduce a companion Senate bill. Mr. Cirillo will notify the Architects Committee when the bill is introduced. Chair Bernardo will try to contact his State Representative to schedule a meeting with Representative Costantino. As the Chair of this Board, he will try to explain to him that there is an immediacy of giving the Committees their full Boards. All of the Architects Committee members' terms expire in April 2009. Mr. Louis Federici, former member of the Land Surveyors Committee, also offered to make contact with Representative Costantino. Attorney Berstein noted that, if necessary, he will testify in support of the bill on behalf of Director Marques.**

**7. Recommendation to Send a Letter to the Municipal Building Officials, the Rhode Island Interlocal Risk Management Trust and the Independent Insurance Agents of Rhode Island to remind them that Architects, Engineers, Landscape Architects and Land Surveyors must be registered to practice and also to provide them with a list of those listed in the "Yellow Pages" and "Yellow Book" that are not registered to practice. A sub-committee was formed to draft this letter.**

- A letter was drafted by Mr. Carlson and reviewed by Attorneys Berstein and Dennehy. Chair Bernardo agreed with the letter but**

recalled that a sub-committee was formed so that one letter could be sent by this Board for all of the design professionals and not just the architects. Mr. Carlson stated that recollection was entirely correct. Mr. Carlson indicated that he distributed the letter to the other sub-committee members and had no response.

Mr. Smith and Mr. Carter indicated that the letter did not address all of the professions. Mr. Carlson stated that he did not want to write the letter for the other professions. Mr. Carlson asked that the rest of the sub-committee members modify the letter for their professions.

Mr. Carlson stated that the goal is to arrive at a draft that is acceptable to all four Committees and that he started the draft. Attorney Bernstein indicated that this letter was a sample to use and then the letter will be customized into one letter for all of the four Committees.

Chair Bernardo stated that what Mr. Carter, Mr. Smith and Mr. Lipsitz need to do is to add onto this letter what they need for their Committees, give their comments back to Mrs. Broadfield, and she will thereafter try to incorporate the comments into one letter.

It was suggested that the first paragraph of the letter identify the Unified Board and the four Committees that are a part of it. Reference can then be noted as “design professionals” and also reference the website and Chapters of the law.

**Chair Bernardo will work with Mrs. Broadfield and have a draft to all members by the next meeting.**

#### **8. Record Retention Schedule Required.**

- Chair Bernardo indicated that this is an item that each Committee will have to address as being part of DBR and meeting the requirements of State law. Mrs. Marshall has been working on this with Mrs. Broadfield and Ms. Styron. Chair Bernardo indicated that as long as all of them are consistent with each Committee that should force the Unified Board to also be consistent with its Record Retention Schedule. This has to do with documents that the Committees can retain when they are relocated to DBR and what is going to be scanned and what is going to be kept in hard copy.**

**Attorney Berstein informed this Board that there is not enough space where DBR is relocating to. Therefore, DBR is going paperless which means that eventually all incomings paper will get scanned. DBR has to get permission from the Secretary of State's office before it can destroy any public records. These Committees will develop its record retention schedule, get it approved and begin the process of going paperless.**

**Attorney Berstein stated that by law, the Secretary of State's office is supposed to take Archives but they stated that they do not have the**

staff to retrieve the archives that are sent. Therefore, the Secretary of State advised not to send anything. Eventually, with a record retention schedule, after a certain number of years, the Committees will be able to destroy boxes that are at Capitol Records.

Mr. Smith commented that with records being stored at Capitol Records if there is something that is needed, it has to be retrieved for a charge and returned for a charge. The Committees are in their records constantly. Mr. Smith sees this as a waste of money. Mr. Smith stated that the issue is lack of space. Mr. Smith does not think that the House Finance Committee thought out how they were going to move these Committees.

- Mrs. Broadfield informed this Board that the issue that she is having along with Mrs. Marshall and Ms. Styron is that they have been working diligently boxing and preparing for the move. As they are doing this, work at their desks is piling up along with the phones not being answered. Chair Bernardo responded for the Engineers and suggested that Mrs. Broadfield and Ms. Styron ask for direction from their Chair. Chair Bernardo told Mrs. Marshall that if Engineers applications are not processed in a month right now, so be it. This is a volunteer Committee. The Committees are trying to accomplish a lot and are in the middle of a move.

## **9. Any other business**

## **(A) Statutory Clarification of the Attorney General's Office Representation**

**Chair Bernardo indicated that a matter came up with the Professional Engineers Committee that affects this Board as well. Chair Bernardo asked Attorneys Berstein and Dennehy to prepare a draft of a letter from the Unified Board under his signature to Attorney General Lynch directly instead of Mr. James Lee, Chief of the Civil Division, to find out why these Committees can not have the Attorney General's office fulfill the statutory requirement of dealing with cases of unregistered architects, engineers or landscape architects. The land surveyors do not have that statutory requirement. There are issues that the Attorney General's office needs to be addressing. Attorney Berstein will let Director Marques and the Governor's office know that this is being done.**

**Attorney Berstein stated that this Board is going to ask for statutory clarification because the problem is that DBR does not have the same kind of authority that the Attorney General's office has. Chair Bernardo indicated that the statutory requirements stay the same so the Attorney General's office should be representing the three Committees.**

**Chair Bernardo stated that if this Board sends a letter to Attorney General Lynch and his opinion indicates that this Board is under DBR, then this Board will have direction. Attorney Berstein can then enact DBR's procedures with regard to unregistered architects,**



**engineers and landscape architects.**

**(B) Landscape Architect Committee**

**Attorney Berstein indicated that the Landscape Architects Committee is dealing with reciprocity issues. Up to a couple of months ago, Massachusetts did not require Rhode Island registrants applying for reciprocity to take their State examination and now they are requiring it. Mr. Carter stated that the Landscape Architects have a National and Rhode Island examination. Attorney Berstein stated that now under statute, Rhode Island is going to require Massachusetts registrants to do the same. Attorney Berstein indicated that the statute states that if a fellow State does not give a person reciprocity then that State does not give reciprocity. Mr. Smith stated that a State will give comity but a person has to take the State examination and the Land Surveyors have been doing that for a very long time.**

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

- Chair Bernardo asked for a cause for this Board to go into Executive Session and heard none.**

**11. Adjourn**

- The next Unified Board meeting will be held on May 28, 2008 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 this board, Mr. Carlson moved to adjourn the meeting at 3:26 p.m. Mr. Yoder seconded. Motion carried.**

**Respectfully submitted,**

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

**Chair**

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

**EXHIBIT A**

**EXECUTIVE SESSION SUMMARY**

**April 16, 2008**

**ARCHITECTS COMMITTEE**

**OF THE UNIFIED BOARD OF THE**

**DIVISION OF DESIGN PROFESSIONALS WITHIN THE**

**DEPARTMENT OF BUSINESS REGULATION (DBR)**

**1. There are four (4) licensing-related matters pending.**

**EXHIBIT B**

**26 MARCH 2008**

**PROFESSIONAL ENGINEERS COMMITTEE OF THE UNIFIED BOARD  
OF THE DIVISION OF DESIGN PROFESSIONALS.**

**1 CAPITOL HILL 2ND. FLOOR**

**CONFERENCE ROOM B**

**Executive Summary:**

- A. Four (4) cases were closed**
- B. There are two (2) litigation cases pending**
- C. There are four (4) potential cases pending**
- D. There are five (5) monitoring cases**