

**BOARD OF EXAMINATION AND REGISTRATION OF ARCHITECTS
MINUTES OF MEETING OF THE BOARD**

DATE: September 21, 2005

**PLACE: Department of Administration
One Capitol Hill, Conference Room B
Providence, RI 02908**

MEMBERS PRESENT: Dana M. Newbrook, Joseph A. Cirillo, James R. Carlson, Barbara Feibelman and Wilbur E. Yoder

OTHERS PRESENT: Sean Fontes, Special Assistant Attorney General

**Peter N. Dennehy, Deputy Chief Legal Counsel, Dept. of Admin.
Dawne Broadfield, Board Executive**

CALLED TO ORDER: Chair Newbrook called the meeting to order at 3:34 pm. to commence Board business. Attorney Dennehy left at 5:12 p.m.

MINUTES OF THE MEETING OF THE BOARD

(1) Chair Newbrook asked for approval of the minutes of the August 17, 2005 meeting. Attorney Dennehy stated that in the interest of clarity, he proposed two amendments to the minutes under "legal services". Those corrections began on page 5. The first amendment

was that the minutes presently read “Attorney Dennehy indicated that he does not go to the State House.” Attorney Dennehy stated that he did not believe that he said that, and it was not true. Attorney Dennehy indicated that through the legislative session he goes to the State House on Tuesday, Wednesday and Thursday. Attorney Dennehy indicated that what he did say was that he did not necessarily testify on every bill with the Department of Administration at the State House, because the Department of Administration monitors approximately eight hundred bills. Attorney Dennehy stated that what he has done was set up a system to identify expert individuals in those areas and to train and work with them for testimony if necessary.

The second amendment that Attorney Dennehy made was in the second to the last paragraph with the section that reads “Attorney Dennehy indicated that is part of his job to receive, track and get bills to the Board for their position and decision and to convey that decision to the Chair of the appropriate committee. Attorney Dennehy stated where it says to the Chair of the appropriate committee that this is certainly one way of doing these things. Attorney Dennehy indicated that he deals with the House Speaker or the Senate President.

(2) Vice-Chair Cirillo moved to approve the open meeting minutes of August 17, 2005 as amended and noted above. Mr. Yoder seconded. Motion carried.

(3) Vice-Chair Cirillo moved to approve and seal the executive session meeting minutes of the August 17, 2005 as printed. Mr. Yoder seconded. Motion carried.

EXECUTIVE SESSION

(1) Secretary Carlson moved to convene into executive session at 3:45 p.m. pursuant to RI General Laws, § 42-46-5 (a)(2) for sessions or work sessions pertaining to collective bargaining or litigation and § 42-46-5 (a)(4) for investigative proceedings regarding allegations of civil or criminal misconduct. Ms. Feibelman seconded. Motion carried.

(2) Secretary Carlson moved to adjourn from executive session and to reconvene to an open meeting at 4:01 p.m. pursuant to R.I.G.L. §42-46-4. Mr. Yoder seconded. Motion carried.

(3) Secretary Carlson moved to seal the executive session and record the votes taken in executive session pursuant to RI General Laws §42-46-4 and §42-46-5. Mr. Yoder seconded. Motion carried.

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(4) Secretary Carlson moved to record the votes taken in executive session in accordance with Rhode Island General Law §42-46-4 as follows. Mr. Yoder seconded. Motion approved unanimously to close Hector Ivan Rios.

(5) Secretary Carlson moved pursuant to RI General Law §42-46-4 that the Board defer disclosure of all votes in executive session until such time as such disclosure would not jeopardize any strategy, negotiation, or investigation undertaken concerning RI General Law §42-46-5(a). Mr. Yoder seconded. Motion carried.

OLD BUSINESS

(1) Architectural Registration Examination (ARE) Candidates in danger of losing sections passed due to “rolling clock”.

(a) Michael Boettcher, 4:00 p.m.

Mr. Boettcher did not appear as scheduled.

(b) Discussion on whether or not all the architectural registration examination candidates should be included in the one-year Rolling Clock extension.

Secretary Carlson stated that in order to extend a candidate’s “rolling clock” by one year to come into compliance with the National Council of Architectural Registration Boards’ (NCARB) five-year “rolling clock”, the Board needs to amend their Rules of the Board, which requires a public meeting.

Ms. Feibelman questioned the difference between the time period of the four-year rolling clock and the two-year eligibility period. Ms. Feibelman felt the definition was very similar.

After discussion, the Board will inquire and clarify with NCARB what their position is on what a candidate's eligibility period should be and how long it took the average candidate to get through the nine sections of the ARE. The Board will also inquire with the other state Boards what they do pertaining to the eligibility period.

This subject will be made part of any changes that need to occur to the Rules of the Board. Each member of the Board will also review the Rules of the Board for any changes that may need to be made.

(2) Legal Services

Secretary Carlson asked Attorney Dennehy for clarification and if he misunderstood him when Attorney Dennehy stated that he does not generally go over to the State House and lobby and that was not something that he expected to do.

Attorney Dennehy stated he was proposing to set up a process for this Board similar to the one used at the Department of Administration (DOA) that seems to work. The process consists of several parts. The first part involves the drafting of legislation. Attorney Dennehy stated that it would be his responsibility to see that

legislation is written in the appropriate bill format and introduced. Attorney Dennehy would also speak to the Board as to who is interested in the area of the bill and what sponsors would sponsor the bill. Attorney Dennehy also suggested that any legislation that the Board planned on introducing for the upcoming session should be give to him in November or December.

The second part deals with legislative monitoring. Starting January 2nd, the legislators will be introducing a flock of legislation consisting of approximately 4,000 pieces between the period of January through May. Attorney Dennehy stated that what he does for the Department of Administration (DOA) is that he reviews every bill that is introduced, reads it and determines whether or not it has an effect on the DOA. If it does not have an effect on the DOA, he leaves it alone. This monitoring process will start in January. Attorney Dennehy indicated that he will review legislation with an eye to the Boards for Design Professionals and how it will effect the Boards. Attorney Dennehy stated that it is then his job to bring the bill to the Board's attention.

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Attorney Dennehy stated that in the DOA he takes the bills, sends them out to the interested parties with a request for a position to be returned within 5 days indicating what the bill is all about in two or three sentences and what their position is whether or not it is supported. If legislation is going to be introduced, Attorney Dennehy

stated that he will then work with the Board to try schedule meetings. These meetings are really not scheduled until March. Attorney Dennehy stated that the most important thing that he can do on behalf of his clients is to get a letter sent out to the Chair of the committee indicating that this bill has been introduced and the position of the client and request to be notified if a hearing is scheduled. If the bill has a lot of support, it continues on. At the DOA every Monday, Attorney Dennehy sends out a memo to all staff regarding all bills that the DOA is following and upcoming hearings and then decides what they are going to do, such as drop off a letter, do nothing, rely on other groups, etc. Attorney Dennehy stated that the important thing is to make sure that the Board's voice is heard early and clearly. Attorney Dennehy stated that he does feel that the process that he has at the DOA does work and that it can be passed on to the Boards. Attorney Dennehy suggested that the Board put this system into effect and see how it works.

Secretary Carlson asked Attorney Dennehy that one of the things that this Board asked him at the last meeting was what the process was going to be for a conflict of interest because generally there is less than a week to do something about it when it happens. The Board wanted to have something in place so that the Board knows that if Attorney Dennehy is supporting a DOA bill that the Board opposes, would a Board member know what to do?

Attorney Dennehy stated that as far as his part, he sees himself

stepping aside and if someone asks him what is the position, he would say the DOA has a problem with this bill. The Board of Examination and Registration of Architects supports it and there will be a hearing.

Chair Newbrook stated that last year the Board had a problem with the Interior Designer bill and the Board got a bill the day before the hearing, showed up at the hearing and testified before the committee on a bill that was changed in between. The bill got thrown out. The Board will begin working with the Interior Designers starting this month.

Attorney Dennehy stated that he has some background from reviewing the books and materials that were given to him and he has spoken to and will be speaking with Attorney Visconti to discuss some of these issues in depth. Attorney Dennehy stated that his only suggestion is to try it out and see where we go and as conflicts develop.

Attorney Dennehy was informed that this Board was going to need him, someone at DOA or a hired attorney and/or lobbyist to take an affirmative position on the Interior Designer legislation and not just to take no position or neutral position.

Secretary Carlson stated to Attorney Dennehy that this needs to be resolved before the event and that there needs to be a process that if

the Board has a problem they would call DOA legal services and that DOA legal services have an attorney that can represent the Board as a lobbyist. Attorney Dennehy said that he did not think that was going to happen because there are a lot of Boards throughout the state and he did not know how many Boards have attorneys lobbyist for them. Attorney Dennehy stated that this Board exercises a function which is in the public interest which is health, safety and welfare and Attorney Dennehy thought that there is a distinction between what this Board is doing as opposed to maybe a Board that their function is not as much.

Mr. Yoder stated that he is not sure that that even answers the question Secretary Carlson had. Mr. Yoder stated that he thought that what Secretary Carlson was asking if he understood what happens that if there was even the need for legal counsel where there is a conflict of interest how do we acquire that legal counsel and who has been assigned to this Board by DOA? Secretary Carlson replied that was the first question. Secretary Carlson stated that he can register as a lobbyist but will not have the same effect as the known lobbyists who are respected and listened to.

Attorney Dennehy made a suggestion he thought that the Board's points were well taken and he understood them. Attorney Dennehy thought that when this decision was made regarding this change it was felt that if this Board had legal issues, the legal issues could rest with the Division of Legal Services at DOA. If the Board needs

lobbying services, it could be different as to whether the funds are available so that the Boards can obtain

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a lobbyist as opposed to funds being available so that the Board can retain an attorney since legal services are readily available through the DOA, Division of Legal Services. Attorney Dennehy stated that the issue was how the Board wanted to do this and resolved now or see how it goes. Secretary Carlson stated that this Board cannot step back because the Board knows that there is going to be a new Interior Design bill introduced this coming year that the Board will have to take action on.

Attorney Fontes stated that there are two questions and he agreed with Attorney Dennehy there is a distinction between lobbying and legal representation. It has just been the tradition of this Board that its legal representation has been doing the lobbying also, but Attorney Fontes thinks that there are two questions. The first question was what happens if there is a conflict in the lobbying responsibility and the second question was what happens if there is a conflict in the legal representation area. Attorney Fontes stated that he thought that the second question has always been an ongoing question that this Board has not had to tackle, but he remembered at the end of Attorney Visconti's term that there was an issue and it had nothing to do with lobbying. There was an issue between two Boards. It died, but it could have developed into something more. That would have been a legal representation issue and a conflict of

interest issue. Attorney Fontes' stated that it was his understanding of the legal ethics that if there was an actual conflict of interest, the party is entitled to separate representation. Attorney Fontes stated that he thought two questions need to be posed and the question was would Attorney Dennehy pose those questions and get the answers or will the Board. What is most important is that the Board gets those answers.

Secretary Carlson moved that the Board send a letter to Marilyn Shannon McConaghy, Esq., Administrator of Legal Services at the DOA, and the Director of the Department of Administration, Beverly E. Najarian, that inquires about the two questions that Attorney Fontes outlined, what is the resolution when there is a legal problem and what is the resolution when there is a lobbying conflict and the one that will occur this legislative session is the lobbying issue for Interior Designers. Mr. Yoder seconded. Motion carried.

(3) Threesixty Architecture

Secretary Carlson was recused from this matter.

The Board received correspondence from Tom Waggoner, AIA, NCARB, Principal, Threesixty Architecture, informing the Board that his firm was currently pursuing work at the Dunkin' Donuts Center. There was an article in the Providence Journal stating that Threesixty Architecture did not get selected for the work and that the person that

did the work for the Dunkin' Donuts Center in the past was selected.

Mr. Yoder moved to close. Vice-Chair Cirillo seconded. Motion carried.

(4) AIA/IDP to Firm Founder Forum 2005 will be held on September 29, 2005. Who will be presenting the certificates?

Ms. Feibelman will be attending the forum and is also one of the scheduled panelists. Vice-Chair Cirillo and Ms. Feibelman volunteered to make the presentation of the Governor's citations to the newly registered architects.

BLUE BOOKS (RECIPROCITY)

(1) Secretary Carlson moved to approve the following Blue Books as submitted with an expiration date of December 31, 2007. Vice-Chair Cirillo seconded. Motion carried.

(1) COLTEN, Lewis (6) MILLER, Teryl K.

(2) FERACI, Jr., Salvador A. (7) REESE, James D.

(3) FISHER, Kenneth (8) ROBINSON, James Todd

(4) LOFT, James A. (9) SCHROEDER, William Reese

(5) MOYER, Gary

REQUESTS FOR EXTENSION OF ARCHITECTURAL REGISTRATION EXAMINATION ELIGIBILITY DATE PERIOD.

(1) Ortiz-Pena, Pablo– Secretary Carlson moved to extend the architectural registration examination eligibility period for two years to expire on September 21, 2007. Mr. Yoder seconded. Motion carried.

CERTIFICATES OF AUTHORIZATION APPLICATIONS (See Attached List)

(A) Ms. Feibelman moved to approve the application for Certificates of Authorization for the Sole Proprietorships for Jo Ann Bentley, Curtis Brown, Gerald W. Clark, Architect and Naomi Louis Neville d/b/a Neville Architecture as submitted. Mr. Yoder seconded. Motion carried.

(B) Ms. Feibelman moved to approve the applications for Certificates of Authorization for the Corporations for 360 Architecture – MO, P.C. and Nichols Brosch Wurst Wolfe & Associates as submitted. Mr. Yoder seconded. Motion carried.

(C) Ms. Feibelman moved to deny to the Corporation of Catlin Architecture for lack of submittal of the required Certificate of Good Standing from the Rhode Island Secretary of State's office.

Vice-Chair Cirillo seconded. Motion carried.

NEW BUSINESS

(1) Discussion on Email received from several people encouraging this State Board to allow interns to take the Architectural Registration Examination (ARE) concurrent with the Intern Development Program (IDP).

Chair Newbrook informed the Board that there has been emails being sent and that he also has a letter from the National Council of Architectural Registration Boards (NCARB) regarding those emails. Chair Newbrook read the letter to Board that read in part that “this is a result of an intern “newsletter” from ArchVoices, today broadcasting the e-addresses of all our member boards to their 15K e-mail list.” They have set up a system whereby anyone can log on to a page and put in their name and address and then send it to the Boards. Chair Newbrook stated that he ended up with approximately 15-20 emails. NCARB was asking for the Board’s help in keeping track of the emails and asked the Board to send the information back to the Board of Directors. The NCARB Board of Directors will be considering a position on this issue this year. NCARB asked to send them a count of how many emails the Board received and whether or not the emails were in favor.

Chair Newbrook stated that NCARB's biggest concern was taking the ARE right after a person graduates and that the school will start teaching people how to take the structural exam and pass the exam while the school is still teaching it. Secretary Carlson stated that the schools opposed it in the past because it was looked at as a way to grade the schools. Chair Newbrook agreed. Mr. Yoder, who is an educator, stated it is because the school has always maintained that the content of the ARE should review with the architectural practice rather than specifically educational. Secretary Carlson stated that the NCARB ARE Committee just spent the last two years trying to make the ARE more practice based and if the ARE is correct, no one should be able to come out of school and pass any section of the ARE.

Secretary Carlson stated that this started with the IDP Summit that was held in West Virginia two years ago. NCARB had an IDP Summit where they invited intern architects and schools. They came out with eight or nine recommendations that interns thought were important and one of them was to be able to take at least portions of the ARE after graduation. NCARB has been looking at all of those recommendations.

Secretary Carlson stated that this change would theoretically mean that the ARE would have to be reconstituted and reformatted into two sections somehow.

The Board will respond to NCARB with the number of emails received

and their position by October 1, 2005. This Board will not take any position until NCARB takes a position.

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(2) Board's Strategic Planning Meeting

Chair Newbrook presented the following items to be discussed at a future planning meeting.

(a) Chair Newbrook informed the Board that the State Building Code Commission issued the Board's joint handbook as a "Tech Note". Vice Chair Cirillo stated that one of the original intentions of the Board was that the Board hold a meeting with Daniel L. Beardsley, Jr., Executive Director of the Rhode Island League of Cities and Towns to let the League know what their responsibilities are towards the professions and their people issuing licenses. Vice Chair Cirillo would like the "Tech Note" sent to Mr. Beardsley from this Board and also to schedule a presentation by one of the members of this Board at one of Mr. Beardsley's meeting. This meeting can be coordinated with Mr. Daniel R. DeDentro, State Building Code Commissioner.

(b) Chair Newbrook indicated that in reviewing the "Blue Books" impediments, the National Council of Architectural Registration Boards (NCARB) was suggesting that this Board change their process from voting on a "Blue Book" at a Board meeting to allow the Board Executive to process the "Blue Book" immediately.

Secretary Carlson stated that the only issue that he had was if the applicant has had disciplinary action against them and NCARB will pass their application through. Mr. Yoder stated that it is not a difficult task of this Board, and he could not see that it is an impediment to applicants to wait one month and did not believe that it needed to be changed right now. Secretary Carlson felt that that was fair.

(c) There is Interior Designer legislation that this Board will be watching.

(d) Does the Board want to create another newsletter?

(e) Update the Rules and Regulations

(f) Intern Development Program (IDP)

Secretary Carlson stated that one of the areas of his responsibility was IDP and he continues to try to ask when he attends the National meetings what other states were doing relative to IDP. There was certainly a lot more going on than what exists in Rhode Island. Large firms were giving firm awards for IDP. Rhode Island does not have anything that size. Secretary Carlson stated that he did not know what else to do other than what this Board was trying to do. Secretary Carlson stated that the schools should be involved with IDP in trying to encourage their students in their fourth year to join IDP

and keep track of their time. Secretary Carlson did not feel that the two schools were going in that direction. Mr. Yoder stated that he knows that Jim Barnes at the Rhode Island School of Design (RISD) does this in the professional practice class and informs the students that it is available for those who would like to attend if they were going to be working in an architect's office.

Secretary Carlson stated that he was looking for ideas and support to try to educate the students as much as possible about the benefits of IDP. Mr. Yoder stated that he discussed it with Jim Barnes at RISD about two years ago, and Mr. Barnes stated that if he talked about IDP in professional practice, which is usually the fifth year, that did not give them the information that they needed. Mr. Barnes was now introducing IDP in the materials and methods class just as a way of making them aware that after the next year they would be eligible.

Secretary Carlson stated that the other item that he was talking to Jim Barnes about was the gap in a young person's life where he/she has no mentor as soon as he/she graduates. Mr. Barnes told Secretary Carlson then that RISD was not tracking any of their architect graduates and did not know what any of their architectural graduates were doing. Mr. Yoder stated that Mr. Barnes has sent out surveys and there were significant numbers from the surveys.

Secretary Carlson stated that once a person is in IDP the Board has been sending them letters. The Board can now track that person, but

if a person does not ever join IDP, then there is no way to track them.

Secretary Carlson stated that if there were anything more that the Board could do with the schools he would like to try to do it. Mr. Yoder thought it would be helpful for the schools to have a link to the National Council of Architectural Registration Boards (NCARB).

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(g) Update

Chair Newbrook will update the items of the “Strategic Plan” as a result of this discussion.

(3) 2007 Joint Spring Meeting New England Council of Architectural Registration Boards (NECARB)

Chair Newbrook informed the Board that Secretary Carlson has been looking for a place to hold this meeting. The Board members agreed to book the least expensive hotel assuming that the hotel can accommodate a group of 80 people with meeting rooms. Mr. Mark Saccoccio, Secretary/Treasurer, Region I, advised Secretary Carlson that it was his responsibility to do this. Secretary Carlson then stopped.

Secretary Carlson stated that if the Board was in concurrence he would start the process with Mr. Saccoccio and go to Newport, RI, to

look at the hotels. Vice-Chair Cirillo suggested that Secretary Carlson look at the Beach Club Hotel.

(4) National Council of Architectural Registration Boards (NCARB) - Monographs

Secretary Carlson stated that he is now on the committee that prepares the monographs for continuing education and the new method that the committee is trying to use now rather than hiring authors to write them from scratch is to find books that are suitable for monographs. The committee is looking for books on subjects that architects feel that there is a need for continuing education. Those books should be approximately two hundred pages in length and should take approximately six to twelve hours to read the book and take the test.

Secretary Carlson stated that he is tasked with trying to find a book on continuing education for historic preservation and is looking at historic preservation briefs. Secretary Carlson has asked several people and the members of this Board to look in their libraries and give him any information they find. The books need to be current or updated within the last two years, since it will take about one year to get the book into production. NCARB does not want the book to be outdated.

Vice-Chair Cirillo suggested that the Brick Institute of America (BIA)

has numerous "Tech Notes" that might be a source of information and are as current as the BIA can keep them. Vice-Chair Cirillo felt that the "Tech Notes" were a good valuable source of information that an architect should know.

Secretary Carlson stated that the first monograph is due to be released in November or December. NCARB will make a deal with the publisher and the author and will then take it and reformat it to NCARB's format. It will then look like an NCARB book that will fit in a three-ring binder. Doing it this way will be less expensive than hiring the author to write the monograph. NCARB's goal is to produce two of these books a year. Last year NCARB made \$980,000/gross but did not tell the committee what the cost was. The other question the committee asked was can it be done on-line without actually having any books change hands at all.

ADJOURNMENT

Chair Newbrook informed the Board that the next Board meeting is scheduled for October 19, 2005 at 3:30 p.m. at One Capitol Hill, Conference Room B, Providence, RI 02908. Secretary Carlson moved to adjourn the meeting at 6:20 p.m. Mr. Yoder seconded. Motion carried.

Respectfully submitted,

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

JRC/dmb

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C. O. A. APPLICATIONS

Board Meeting of 21 September 2005

SOLES

JO ANN BENTLEY - 0 - APPROVED – 09/21/05

CURTIS BOIVIN - 0 - APPROVED - 09/21/05

GERALD W. CLARK, ARCHITECT \$100. APPROVED – 09/21/05

NAOMI LOUISE NEVILLE d/b/a

NEVILLE ARCHITECTURE - 0 - APPROVED – 09/21/05

LIMITED LIABILITY COMPANIES

LIMITED LIABILITY PARTNERSHIPS

CORPORATIONS

360 ARCHITECTURE – MO, P.C. \$100. APPROVED – 09/21/05

**NICHOLS BROSCH WURST WOLFE & ASSOC. \$100. APPROVED –
09/21/05**

FOR DISCUSSION

FOR DENIAL

CATLIN ARCHITECTURE 1/19/05 - Approved

1/21/05 - Sent request for Cert. of Good Standing

3/23/05 - Sent final notice for Cert. of GS

4/28/05 - Granted 30-day extension for GS

6/17/05 - Granted 60-day extension for GS by Board

8/31/05 - Email sent to company stating that COA is up for denial

09/21/05 – DENIED.

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